

**IMPACT AND EFFECTIVENESS OF WASHINGTON STATE’S CURRENT  
SEX OFFENDER SENTENCING POLICIES: RESEARCH DESIGN**

The 2004 Washington State Legislature directed the Washington State Institute for Public Policy to conduct a comprehensive analysis and evaluation of the impact and effectiveness of current sex offender sentencing policies.<sup>1</sup>

*(1) The institute shall analyze and evaluate the effectiveness of sex offender policies and programs, including the special sex offender sentencing alternative, the department of corrections' treatment program for offenders in prison, and the validity of the risk assessment conducted by the end of sentence review committee prior to release from prison. Using detailed information from offender files and court records, and research conducted in Washington state and other states and nations, the analysis shall examine whether changes to sentencing policies and sex offender programming can increase public safety.*

*(2) Using the research results and other available data, the analysis of the special sex offender sentencing alternative shall specifically evaluate the impact of the sentencing alternative on protection of children from sexual victimization, reporting of sex offenses against children, prosecution of sex offenses against children, and child sex offense recidivism rates.*

Exhibit 1 illustrates the major decision points in sentencing, correctional, and treatment options:

**Exhibit 1  
Decision Points**

Decision	Potential Outcomes
Sentencing	<ul style="list-style-type: none"> <li>Jail/Community Supervision</li> <li>SSOSA<sup>2</sup></li> <li>Prison</li> <li>Length of Prison Sentence</li> </ul>
Revocation for SSOSA	<ul style="list-style-type: none"> <li>SSOSA Sentence Maintained/Adjusted</li> <li>Return to Prison on Revocation</li> </ul>
Sex Offender Treatment Program in Prison (SOTP)	<ul style="list-style-type: none"> <li>Volunteer</li> <li>Accepted into Program</li> <li>Termination/Completion</li> </ul>
End of Sentence Review Committee	<ul style="list-style-type: none"> <li>Community Notification Level (I, II, III)</li> <li>Referral for SVP<sup>3</sup> Petition</li> </ul>
Sexually Violent Predator	<ul style="list-style-type: none"> <li>Committed to Program</li> <li>Release to Community</li> </ul>

At each decision point, the study will analyze characteristics of offenders that laws and decision-makers sort into categories. The decision point sometimes includes an assessment of the risk for re-offense, particularly violent or sexual re-offending. The study analyzes the validity of the various available risk instruments.

Since recidivism is a key outcome of interest, recidivism patterns will be a major part of the study. To measure recidivism for sex offenders requires a longer follow-up period than used in other Institute studies of sentencing policy (five years as opposed to three years). A five-year follow-up period captures 75 percent of those offenders who recidivate within a 10-year period.

<sup>1</sup> ESHB 2400 Chapter 176, Laws of 2004.

<sup>2</sup> Special Sex Offender Sentencing Alternative

<sup>3</sup> Sexually Violent Predator

Questions to be addressed by the study include:

#### *Sentencing Decision*

- (1) How do sex offenders sentenced to prison, jail/community supervision, and SSOSA differ by age, gender, nature of crime, criminal history, and risk level?
- (2) How well can we predict who will be revoked from SSOSA?
- (3) How well can we predict which jail/community supervision offenders will recidivate?

#### *Sex Offender Treatment in Prison (SOTP)*

- (4) How do sex offenders who go into the treatment program differ from those who do not?
- (5) Does the SOTP reduce recidivism—compared to similar offenders who do not enter the program?
- (6) How do treatment duration and other treatment variables affect recidivism?

#### *End of Sentence Review*

- (7) How valid are the risk assessment instruments: LSI-R, SOST, VRAG, etc.?
- (8) How valid are the community notification levels?
- (9) Can risk prediction be improved?
- (10) Are the highest-risk offenders recommended for the civil commitment process?
- (11) How do those recommended to civil commitment differ from those not recommended?

#### *Recidivism*

- (12) When and how often do sex offenders recidivate? Are they still under supervision? How do age, nature of sex offenses committed, and juvenile record affect recidivism?

## **Study Samples**

Addressing these questions requires examining four groups of sex offenders, those:

- (1) sentenced to jail/community supervision;
- (2) participating in SSOSA;
- (3) sentenced to prison; and
- (4) participating in the SOTP.

To study the initial sentencing decision and SOTP participation, a sample of recently sentenced offenders gives us information on the most recent sentencing decisions and prison treatment participants. This study sample consists of all sex offenders sentenced between January 1, 2000, and December 31, 2003.

To study revocations of SSOSA offenders requires a sample of offenders placed on SSOSA for a sufficient time for a revocation to occur. Of all SSOSA offenders whose sentences were revoked, 86 percent were revoked within three years of being placed in the community on a SSOSA. Therefore, the sample for studying SSOSA revocations consists of offenders placed in the community before June 30, 2001.<sup>4</sup>

To study five-year recidivism requires a sample placed at risk in the community before June 30, 1999.<sup>5</sup> This recidivism sample involves all sex offenders placed at risk in the community during the four-year period between July 1, 1996, and June 30, 1999. This sample includes 1,913 sex offenders released from prison and the 1,728 offenders given a jail/community supervision sentence including SSOSA.

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<sup>4</sup> (a) The court shall place the offender on community custody for the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.712, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under RCW 9.94A.720.

<sup>5</sup> To obtain a five-year recidivism rate requires a five-year follow-up period plus one year for offenses to be adjudicated. Data are available up to June 30, 2004.

**Exhibit 2**  
**Sex Offenders Sentenced by Year**

Fiscal Year	Total	Jail/Community Supervision	Prison
1996	933	481	451
1997	876	407	469
1998	908	411	495
1999	928	429	498
Total	3,645	1,728	1,913

Following are types of data available for the sex offender samples:

**All Sex Offenders**

Administrative data recorded in statewide databases by the courts and the DOC are available for all offenders in the study. These data include demographics (age, gender, and ethnicity), and adult and juvenile Washington State criminal history.

**Jail/Community Supervision Offenders**

DOC personnel indicated that there is very little consistent detailed data in their files for sex offenders sentenced to jail/community supervision. More detailed data are available in the files for offenders evaluated for SSOSA.

**SOTP Participants**

A database identifies all offenders who participate in the SOTP and their completion/termination.

**Prison Releases**

For those offenders sentenced to prison, the End of Sentence Review Committee collects packets of information for the committee's review. These packets include the SOST and any other sex offender assessments, as well as the sex offender notification and civil commitment decisions. The validity of the LSI-R will be examined for those sex offenders assessed with this instrument.

**Timeline**

Data collection begins in August 2004, and a preliminary report will be available in December 2004.

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