



SEX OFFENDER SENTENCING IN WASHINGTON STATE: INTRODUCING THE STUDY SERIES

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.¹

(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.

The Sentencing Reform Act of 1981 (SRA) established a determinate sentencing system in Washington State.² As a result, an offender's sentence is primarily determined by the offense seriousness level and the offender scores which measure criminal history. The sentencing system includes two types of sentences: (1) jail and/or community supervision, and (2) prison. In addition, the Special Sex Offender Sentencing Alternative (SSOSA) may be used in lieu of a prison sentence.

After a sex offender is sentenced, additional correctional and treatment decisions are made. Exhibit 1 illustrates these major decision points and possible outcomes. For each decision, we will analyze how cases with different decision outcomes differ by the characteristics of the case. For example, at the initial sentencing, the characteristics of offenders sentenced to jail/community supervision will be compared with those sentenced to prison. The characteristics examined will include demographic, current sentencing, and prior record information.

Some decisions take into account the individual's potential for reoffending, particularly violent or sexual reoffending. We will also analyze the validity of these assessments.

Exhibit 1
Decision Points

| Decision | Possible Outcomes |
|---|--|
| Initial Sentencing | <ul style="list-style-type: none"> • Jail/Community Supervision • Special Sex Offender Sentencing Alternative (SSOSA) • Prison • Length of Prison Sentence |
| SSOSA Revocation | <ul style="list-style-type: none"> • SSOSA Sentence Maintained/Adjusted • Return to Prison on Revocation |
| Sex Offender Treatment Program in Prison (SOTP) | <ul style="list-style-type: none"> • Volunteer • Accepted Into Program • Termination/Completion |
| End of Sentence Review Committee* | <ul style="list-style-type: none"> • Community Notification Level • Referral for Sexually Violent Predator (SVP) Petition |
| Sexually Violent Predator* | <ul style="list-style-type: none"> • Committed to Program • Released to Community |

*Includes a risk for reoffense

The study legislation requires a comprehensive analysis of different sex offender populations across the full spectrum of decision points.

Because the topic is extensive, we are publishing a series of reports. This introduction describes the topics in the forthcoming reports.

¹ ESHB 2400, Chapter 176, Laws of 2004.

² The SRA was implemented in 1984.

STUDY QUESTIONS

Measuring Recidivism

- How do we measure recidivism for sex offenders?
- Why use convictions rather than arrests?
- How does plea bargaining influence the crime of conviction?

Initial Sentencing Decision

- How do sex offenders differ by age, gender, and criminal history from other felony offenders?
- How do sex offenders sentenced to prison, jail/community supervision, and SSOSA differ by age, gender, nature of crime, criminal history, and risk level?
- How well can we account for the type of sentence a sex offender will receive?

Special Sex Offender Sentencing Alternative

- How well can we predict who will be revoked from SSOSA?
- Based on recidivism, is SSOSA potentially appropriate for additional types of sex offenders?

Sex Offender Treatment Program in Prison (SOTP)

- How do sex offenders in the treatment program differ from those who are not in the program?
- Does the SOTP reduce recidivism—compared with similar offenders who did not enter the program?
- How do the length of treatment and other treatment variables affect recidivism?

Recidivism

- When and how often do sex offenders recidivate? How do age, nature of sex offenses committed, and juvenile record affect recidivism?
- How well can we predict the recidivism rates of offenders? How well can criminal history predict, at sentencing, which sex offenders will recidivate?

End of Sentence Review (ESR)

- How valid are the DOC's risk assessment instruments: Level of Service Inventory Revised (LSI-R), Sex Offender Screening Tool (SOST), Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR), etc.?

- How do the community notification levels (I, II, III based on danger) relate to recidivism?
- Can risk prediction be improved?
- Are the highest-risk offenders recommended for the civil commitment process?
- How do those recommended for civil commitment differ from those not recommended for civil commitment?

DATA SOURCES

The data used for this study are from the Institute's criminal justice database. This database was created by merging the Washington State Administrative Office of the Courts' and Department of Corrections' databases.

The Institute's criminal justice database provides demographic (age, gender, and ethnicity) as well as adult and juvenile Washington State criminal history data for all offenders in the study. In addition, the study uses data from the LSI-R assessment, which was implemented by the DOC in 1999. The data are restricted to Washington State convictions and do not include out-of-state convictions.

The following data supplement the administrative databases for the specific sex offender samples:

- SOTP Participants: A database identifies all offenders who participate in the SOTP.
- End of Sentence Review Releases: For those offenders sentenced to prison, the End of Sentence Review Committee (ESRC) 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.³ The validity of the LSI-R will be examined for those sex offenders assessed with this instrument.

If you have questions, please contact Robert Barnoski at (360) 586-2744 or barney@wsipp.wa.gov.

³The ESRC began using the SOST after the passage of sex offender registration legislation in 1997. The ESRC information packet was revised in 1998.