

## **SEX OFFENDER SENTENCING IN WASHINGTON STATE: COMPARING ARRESTS TO COURT FILINGS**

The 2004 Legislature directed the Washington State Institute for Public Policy (Institute) to conduct a comprehensive analysis and evaluation of the impact and effectiveness of current sex offender sentencing policies.<sup>1</sup> Because this is an extensive topic, we are publishing a series of reports.

**In a previous report, the Institute defined how recidivism is measured for this study.<sup>2</sup> This report examines the feasibility of using arrests recorded in the Washington State Patrol (WSP) database as a measure of sex offender recidivism.**

To set the stage for our analyses, we first summarize the criminal justice process from an arrest to the filing of a court case and identify associated databases. Law enforcement completes an arrest report after each arrest; it includes the charges for the arrest. Each law enforcement agency maintains its own database of its arrests. Recently, law enforcement agencies began assigning a unique Process Control Number (PCN) to track what happens to the arrest.

Law enforcement agencies are required to submit felony and gross misdemeanor arrest and disposition information to the WSP.<sup>3</sup> The WSP's Identification and Criminal History section is, by statute, the statewide repository for fingerprint-based Criminal History Record Information (CHRI).

### **SUMMARY**

**This report examines the feasibility of using arrests recorded in the Washington State Patrol database as a measure of sex offender recidivism.**

#### **Findings**

- **The fingerprint-based criminal history database maintained by the Washington State Patrol does not contain all the Washington State arrest data for felony sex offenses reported to the Washington Association of Sheriffs and Police Chiefs.**
- **Not all felony sex offense filings and convictions that are recorded in the Washington State Superior Court database can be located in the Washington State Patrol database by matching the court case number and the process control number.**

**Since the WSP arrest database appears to be incomplete, the decision to use convictions rather than arrests to measure recidivism in studies of Washington State sex offenses is justified.**

For an arrest to be entered in the CHRI, it must be accompanied by a fingerprint. The fingerprint is required to ensure that the offender is correctly identified so that the offender's criminal history can be tracked.

Law enforcement provides a copy of the offender's arrest report to the county prosecuting attorney's office. A prosecutor investigates the evidence concerning the arrest. If there is sufficient evidence that the defendant committed a felony, the prosecutor files a superior court case with the county clerk's office. The charges filed by the prosecutor may differ from those on the arrest report. There is no statewide prosecutor database.

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

<sup>2</sup> Robert Barnoski, 2005, *Sex Offender Sentencing in Washington State: Measuring Recidivism*, Olympia: Washington State Institute for Public Policy, Document No. 05-08-1202.

<sup>3</sup> RCW 43.43.740(1). *It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state to furnish within seventy-two hours from the time of arrest to the section the required sets of fingerprints together with other identifying data as may be prescribed by the chief, of any person lawfully arrested, fingerprinted, and photographed pursuant to RCW 43.43.735.*

The charges filed in the Superior Court Management Information System (SCOMIS) are the official record of the prosecutor's decision to file a case. However, there is no data in SCOMIS that indicates the prosecutor declined to file a case. The WSP database includes a code for recording that a case was not filed for an arrest.

The county clerk's office uses the SCOMIS database for superior court cases. SCOMIS is maintained by the Washington State Administrative Office of the Courts (AOC). Before a case is filed in SCOMIS, the county clerk's office must identify the defendant in the AOC database by using the defendant's name, date of birth, and driver's license number. The clerk either assigns the case to an existing AOC Person ID number or creates a new Person ID number. The clerk's office then records the prosecutor's charges and assigns a superior court case number, sometimes called a cause number.

The Washington Association of Sheriffs and Police Chiefs (WASPC) also maintains a database; however, WASPC's database contains arrest statistics. WASPC gathers and reports arrest statistics from law enforcement agencies throughout the state as part of the federal Uniform Crime Reporting system.

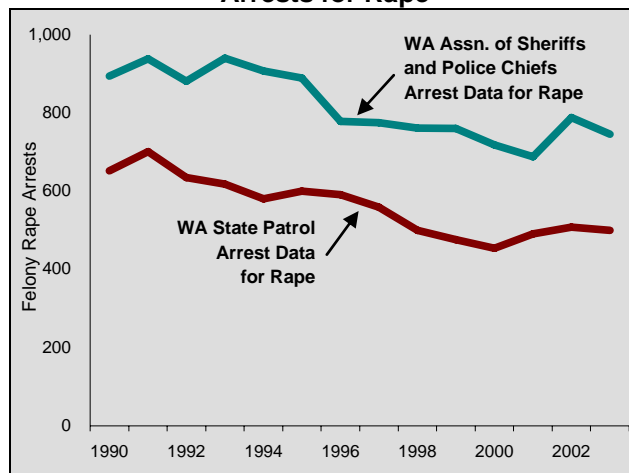
This report compares information regarding felony sex offenses in the following databases: felony arrest charges from the WSP, arrest counts from WASPC, and case filings from SCOMIS.

### COMPARISON OF ARRESTS FOR FELONY SEX OFFENSES: WASHINGTON STATE PATROL AND WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS

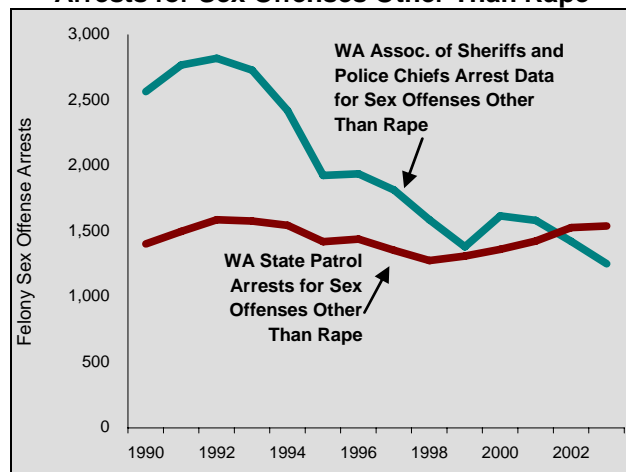
**Exhibit 1** compares the WSP and WASPC databases' arrest counts for rape. Ideally, the WSP arrest counts would equal the WASPC counts. Both counts follow a similar trend; however, on average, the WSP arrest count for rape is 70 percent of the WASPC count. If we assume that the WASPC counts are accurate, this would indicate that the WSP data is consistently missing approximately 30 percent of the arrests for rape.

**Exhibit 2** compares the arrest counts for sex offenses other than rape. Until 1997, the WASPC counts greatly exceed the WSP counts; since 2001 the WSP counts begin exceeding the WASPC counts. It is difficult to determine which database counts are accurate. The recent convergence of arrest counts from the WSP and WASPC is encouraging.

**Exhibit 1**  
Comparison of WASPC and WSP Arrests for Rape



**Exhibit 2**  
Comparison of WASPC and WSP Arrests for Sex Offenses Other Than Rape



Exhibits 1 and 2 present contradictory results. The exhibits call into question the completeness of the WSP arrest data for sex offenses.<sup>4</sup> That is, we cannot rely on the felony sex offense arrest data that is recorded in the WSP database.

<sup>4</sup> We find similar results for felony offenses other than sex offenses. The Institute will be conducting an in-depth study of the criminal justice data in Washington State within two years.

## COMPARISON OF WASHINGTON STATE PATROL ARRESTS AND SUPERIOR COURT MANAGEMENT INFORMATION SYSTEM FELONY SEX DATA

We now examine how often sex offense cases recorded in SCOMIS can be found in the WSP database. We first examine cases filed, and then cases with a conviction, in SCOMIS. Two identifiers are available to link the SCOMIS and WSP databases: the court case number and the PCN. The PCN is currently recorded in approximately 50 percent of the SCOMIS cases but in more than 95 percent of the WSP arrest cases.

**Exhibit 3** plots the percentage of SCOMIS cases involving rape that are recorded in the WSP's CHRI database. For approximately 70 to 80 percent of the rape cases filed in SCOMIS, a corresponding arrest is found in the WSP database.

A corresponding arrest is recorded in the WSP database for 80 to 90 percent of the rape convictions that are recorded in SCOMIS. There is no discernible trend over time in these percentages.

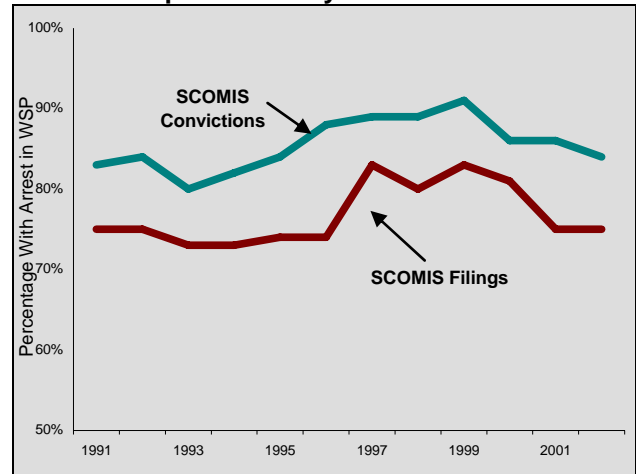
**Exhibit 4** plots the same information for sex felony offense cases other than rape, and the results are similar—not all cases recorded in SCOMIS can be located in the WSP arrest database.

Exhibits 3 and 4 indicate that a higher percentage of SCOMIS felony sex offense cases that result in a conviction can be matched to a WSP arrest record. However, it appears that the WSP arrest database does not include all arrests that resulted in a case being recorded in SCOMIS.

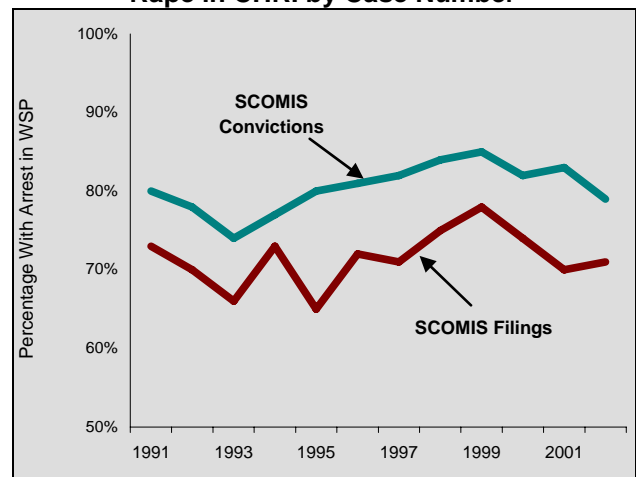
In conclusion, the WSP arrest database includes most but not all felony sex offense arrests and cannot be used to measure recidivism.

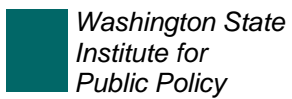
*If you have questions, please contact Robert Barnoski at (360) 586-2744 or [barney@wsipp.wa.gov](mailto:barney@wsipp.wa.gov).*

**Exhibit 3**  
Percentage of SCOMIS Cases Involving Rape in CHRI by Case Number



**Exhibit 4**  
Percentage of SCOMIS Cases Involving Sex Offenses Other Than Rape in CHRI by Case Number





The Washington Legislature created the Washington State Institute for Public Policy in 1983. A Board of Directors—representing the legislature, the governor, and public universities—governs the Institute and guides the development of all activities. The Institute's mission is to carry out practical research, at legislative direction, on issues of importance to Washington State.