

## The Special Sex Offender Sentencing Alternative: A Study of Decision-Making and Recidivism

### EXECUTIVE SUMMARY

This study identified demographic, offense, and criminal justice system factors that contribute to the decision to grant Washington State's Special Sex Offender Sentencing Alternative (SSOSA) to certain eligible sex offenders and not to others who are eligible.<sup>1</sup> Comparative rates of recidivism (rearrest and reconviction) for those who did and did not receive this sentence option were also analyzed.

The study is based on data collected on 646 felony sex offenders convicted between January 1985 and July 1986, and survey responses of 52 treatment providers, 137 community corrections officers, and 80 superior court judges in Washington State. The research was mandated as part of the Community Protection Act of 1990. Harborview Sexual Assault Center and Urban Policy Research conducted the study under the direction of the Washington State Institute for Public Policy.

#### MAJOR FINDINGS:

##### Recidivism:

- **Reconviction rates for sex offenses were low for both SSOSA and non-SSOSA offenders: 5 percent for each group.** However when time at-risk in the community is considered, rearrest rates for sex offenses were significantly lower for SSOSA offenders than for non-SSOSA offenders during the first two years at-risk to reoffend. After the first two years, the reoffense rates were so low that no differences in recidivism were seen. No significant differences were found with regard to reconviction rates for the two groups.
- **Rearrest and reconviction rates for all other types of crimes were lower for those who received SSOSA.** Higher reconviction rates were found among offenders who were: 1) young (18-30), 2) unmarried, and 3) unemployed; with 4) a history of violence, and 5) prior adult and juvenile convictions. Ethnicity, education, history of substance abuse or substance use during the offense, admission of the offense, seriousness of the offense, and type of legal representation were *not* associated with recidivism.

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<sup>1</sup> SSOSA is a sentencing alternative for sex offenders convicted for the first time of a felony sex offense other than Rape in the First or Second Degree, and whose sentence does not exceed seven and one-half years. Under SSOSA, offenders are almost always required to undergo treatment. Other crime-related prohibitions, such as restricted contact with minors, may be ordered. In addition, the judge may order up to six months in jail. If an offender does not comply with SSOSA conditions, or is not making adequate progress in treatment, then the alternative sentence may be revoked and a determinate sentence imposed. SSOSA has been available since 1984.

### **Sentencing Decision:**

- **Offenders who received SSOSA differed from their non-SSOSA counterparts.** Of the many differences, the five most important characteristics associated with getting SSOSA were, in order of importance: 1) fully admitting the offense, 2) no prior adult convictions, 3) ethnicity (white), 4) having a private attorney, and 5) being married and living with the spouse at the time of the offense.

### **Professional Perceptions:**

- **Professionals involved generally agreed on the relative importance of victim, offense, offender, and system variables in the SSOSA decision.** A majority believe SSOSA is granted at the appropriate rate.

### **CONCLUSIONS:**

#### **Effectiveness:**

Current sentencing practices accurately select sex offenders who, with supervision and treatment, will reoffend at lower rates.

#### **Community Safety:**

The Special Sex Offender Sentencing Alternative does not increase the risk to the community.