

Five Year Recidivism Follow-Up Of Sex Offender Releases



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EXECUTIVE SUMMARY

- ▶ The **baseline recidivism rate of sex offenders** followed-up for **five years** after release from prison was **28.3 percent**, broken down as:

Recommitment for a New Crime		13.9%
Sex Offense	5.3%	
Non-Sex Offense	8.6%	
Recommitment for a Technical Violation		14.4%
Sex Offense	.8%	
Sex Lapse	1.5%	
Non-Sex Related	12.1%	

- ▶ The **total sex-related recidivism rate**, including technical violations of supervision conditions, was **7.6%** of the releases.

- ▶ Recidivism rates differed considerably based on a **victim typology**:

Rapists' (adult victims)	48.7%
Teen Victims (age 13-17)	31.1%
Child Victims (under age 13)	21.9%
All Incest Cases	8.6%

- ▶ Paroled Sex offenders completing **basic sex offender programming** (level 1) while incarcerated appeared to have a somewhat lower recidivism rate than those who did not have programming. This was true both for recidivism of any type (35.4% with programming recidivated compared with 48.1 percent without programming) and sex-related recidivism (6.3 percent with programming recidivated compared with 13.1 percent without programming).

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FIVE-YEAR RECIDIVISM FOLLOW-UP OF 1989 SEX OFFENDER RELEASES

INTRODUCTION

The purpose of this report is to determine baseline recidivism rates for sex offenders released from Ohio's prisons. This information is important in understanding the proportion of sex offenders who return to Ohio's prisons, as well as the nature of their recidivism crimes.

METHODOLOGY

The 1989 Ohio prison release population was identified in order to establish a five year follow up period. This included three different release type populations. The first group, expiration of definite sentence, or flat time offenders, were those who received a definite (flat) sentence for a third or fourth degree felony and were released without any further supervision once they had served their sentence. The second group of offenders released were parolees. These offenders had been given an indeterminate sentence, (i.e., 5 to 25 years) and were subsequently approved by the Parole Board to be released into the community with supervision before completing their maximum sentence. The last group of offenders was given a suspended sentence. These offenders had been placed in prison for a short time, and then granted shock probation by a judge. They also were placed under community supervision.

Of those released from Ohio's prisons in 1989, 848 were identified as sex offenders. For the purposes of this study, sex offenders were defined as those inmates whose commitment offense was any of the following offenses:

- Rape
- Sexual Battery
- Gross Sexual Imposition
- Felonious Sexual Penetration
- Corruption of a Minor
- Other Sex Offense
 - Pandering Obscene Materials
 - Promoting Prostitution
 - Compelling Prostitution
 - Disseminating Material Harmful to Juveniles
 - Illegal Use of a Minor in Nudity Oriented Material

The sex offense need not have been the most serious offense with which they were charged

or convicted; if any of the commitment offenses for which he or she was serving time were on this list, the offender was included in this study.

It is important to note that it was not possible to identify all sex offenders for this study. If an offender had committed a sexually motivated crime but was subsequently convicted solely of a non-sex related offense, (i.e., kidnaping, or assault) he or she would not be identified. Also, if an offender had committed a sex offense on a previous commitment, had been final released, and returned for a new, non-sex related offense, he or she would not have been identified. It is likely, then, that this study population does not constitute all of the sex offenders released from Ohio prisons in 1989. We can be confident in saying, however, that all of those included in this study were convicted of a sex offense.

Eleven offenders initially classified as sex offenders were removed from the study as their offenses were not considered true sex offenses. These offenses were mainly those in the 'OTHER' category, comprised of prostitution offenses. Descriptions of the offenses were reviewed, and it was determined that these crimes were of a different nature than the other sex offenses, (often these are included in the category of victimless crimes) and so were considered inappropriate for this study.

Another eleven inmates had been incarcerated out of state during their five-year follow-up period. These inmates posed a problem for this study. For the vast majority of those in the study, there is no practical way of determining whether offenders have been incarcerated out of state in their five-year follow-up period. Those who served a determinate sentence have no further supervision, and thus if another state imprisoned them, the state would have no reason to notify the state of Ohio. States who incarcerate one of Ohio's parolees, however, do have an obligation under the *Interstate Compact for the Supervision of Parolees and Probationers* to inform Ohio. While these offenders clearly represent a 'failure,' or recidivist, in our study, it is not appropriate to include them with the remainder of our sample, who are perhaps equally as likely to have been incarcerated out of state during this time-frame. These eleven releases were therefore excluded from the study, making a total of twenty-two offenders excluded, yielding a total size of 826 sex offenders.

The criminal justice status of those remaining in the study was examined for five years after their release in order to determine if they had recidivated. Recidivism was defined as an offender's return to the Ohio prison system. This could occur in three different ways; an unsupervised offender committed a new crime; a supervised offender, while on parole or suspended sentence, committed a new crime and thus was revoked (Parole Violator Re commissioned or Suspended Sentence Reactivated); or a supervised offender violated the conditions of his release, and was recommitted on a technical violation (Technical Parole Violator/Suspended Sentence Violator). Any offender who, at some point during the five years after release in 1989, was returned for one of these reasons was considered a recidivist. Those who had no re-incarceration in five years were considered 'successes.' In addition, the reason for the return to prison was examined to determine if the recidivism was sex related.

It should be noted that the operational definition of recidivism used in this study has certain limitations. In defining recidivism as 'return to an Ohio prison' we are excluding other potential

forms of 'failure.' If an offender were released after the expiration of definite sentence, or an offender was final released from parole, and subsequently incarcerated in another state during the five years after his release, that information would not be available to this Department, and thus the offender would NOT be considered a failure. Similarly, if an offender were incarcerated in a federal institution or a local jail he would not be considered a recidivist. Any arrests or convictions that did not result in imprisonment in an Ohio prison are also not considered. Finally, because the period established for this study is five years, any recidivism that occurred after five years was not considered.

OFFENDER CHARACTERISTICS

There were 826 inmates identified as sex offenders. Table 1 shows that while there was a variety of age at release, about 60% of the offenders were over thirty years old when released. Sex offenders released in 1989 were almost entirely male, with only nine female offenders. The racial composition of sex offenders was one third Black, and two-thirds White.

TABLE 1. Age, Gender and Race Distributions

<u>Age at Release</u>	<u>Count</u>	<u>%</u>
Below 21	34	4.1
21-25	110	13.3
26-30	202	24.5
31-35	159	19.2
36-40	133	16.1
Over 40	188	22.8
<hr/>		
<u>Gender</u>		
Male	817	98.9
Female	9	1.1
<hr/>		
<u>Race</u>		
Black	272	32.9
White	554	67.1

Table 2 reveals that about 15% of the study population had previously been incarcerated in an Ohio prison and about 1% had been previously incarcerated in Ohio for a sex offense. Table 3

indicates that most of the sex offenders released in 1989 had been incarcerated for either rape (20.2%), sexual battery (23.1%), or gross sexual imposition (37.7%). The remaining 12% of the offenders had been committed for other types of sex offenses. While this table can give us a general idea of the types of crimes committed by the offenders in the study, this can be misleading, as sex offenses are commonly plea bargained (See Table 30).

TABLE 2. Prior Ohio Incarcerations

Prior Ohio incarcerations for any offense	Count	%
No priors	702	85.0%
1 prior	99	12.0%
2 priors	23	2.8%
3 priors	2	.2%
Total	826	100%
Prior Ohio incarcerations for a sex offense		
No prior sex offense incarcerations (Ohio)	813	98.4%
1 prior sex offense incarceration (Ohio)	13	1.6%
Total	826	100%

TABLE 3. Sex Offense of Conviction

	Sex Offense	
	Count	%
Rape	167	20.2%
Attempted Rape	65	7.9%
Sexual Battery	191	23.1%
Attempted Sexual Battery	4	.5%
Gross Sexual Imposition	311	37.7%
Attempted Gross Sexual Imposition	20	2.4%
Corrupting a Minor	60	7.3%
Attempted Corrupting a Minor	5	.6%
Disseminating Material Harmful to Juveniles	1	.1%
Pandering	1	.1%
Illegal Use of Minor in Nudity Oriented Material	1	.1%
Total	826	100%

Table 4 gives the distribution of the sample regarding the types of release represented. About 45% of the sex offenders released in 1989 had served a flat sentence. Almost 40% had an indeterminate sentence and were released on parole, and the remaining 16% were given a suspended sentence(through shock probation). Table 5 displays the felony level for the most serious offense of those sex offenders released in 1989. About two-thirds of the sample were offenders who had been incarcerated for third or fourth degree offenses. The remaining third comprised the three most serious degree categories.

TABLE 4. Type of Release from Prison

	Release	
	Count	%
Expiration of definite sentence ¹	374	45.3%
Parole	316	38.2%
Shock Probation	136	16.5%
Total	826	100%

TABLE 5. Felony Level of Most Serious Offense of Conviction

	Felony Level	
	Count	%
Unclassified - LIFE	4	.5%
Felony 1	178	21.5%
Felony 2	81	9.8%
Felony 3	390	47.2%
Felony 4	173	21.0%
Total	826	100%

VICTIM CHARACTERISTICS

¹Six offenders classified as 'expiration of definite sentence' actually received an indeterminate sentence, however they served their entire sentence in prison and so were released into the community without supervision.

In order to better identify and categorize sex offenders, it is useful to collect information on victims. This was done by reviewing microfiche files in the Records Management Bureau of the Department of Rehabilitation and Correction's Central Office. Pre-sentence investigations were reviewed, when available, to obtain a description of the offense and victim characteristics.

Table 6 shows that the victims of sex offenses for these 1989 releases were predominantly young children, under the age of 13. Almost half were in that category, with another 23% falling between the ages of 13 to 17. Thus, about one fourth of the offenses involved only adult victims. Offenders who victimized only females comprised about 87% of the offenders in this study.

The relationship of the offender to the victim is an important characteristic in understanding sex offenders. This information is helpful in classifying different types of offenders. The relationships were separated as follows; Stranger, Acquaintance, Family-domestic (non-relatives living with family, i.e., live-in boyfriend, tenant, friend of family, etc.) Family-blood, and Stepchild. In combining the two family categories with the stepchildren it is apparent that about 38% of the offenders sexually abused someone they knew well. Another 38% abused acquaintances, and 3.6% had multiple types of relationships with their victims. Thus, 80% of the offenders in this population were convicted of victimizing individuals they knew.

TABLE 6. Victim Age, Gender and Relationship Distributions

<u>Victim Age</u>	Count	%
child under 13 yrs.	365	47.3
age 13-17	182	23.6
adult	201	26.0
multiple ages	24	3.1
<hr/>		
<u>Victim Gender</u>		
male	75	9.5
female	686	87.3
victimized both genders	25	3.2
<hr/>		
<u>Offender/Victim Relationship</u>		
stranger	155	20.0
acquaintance	299	38.5
family-domestic	75	9.7
family-blood	129	16.6
stepchild	90	11.6
multiple relationships	28	3.6

Distribution Totals are not equal to 826 due to missing data

SEX OFFENDER TYPOLOGY

Categorizing sex offenders by conviction crime is limited in its usefulness, since conviction crime often has little to do with the offense. However, if we use the victim information to categorize offenders, we can develop a more helpful classification (Table 7). Offenders with adult victims are placed in a category of 'RAPIST' (although not all offenders with adult victims were actually convicted of rape), while the different age categories for underage victims allow us to separate

offenders into TEEN and CHILD MOLESTERS. Finally, INCEST PERPETRATORS² are also separated. (Those offenders whose victims were of multiple age groups were excluded, with the exception of multiple age group incest victims). Sex offender literature suggests that there are important differences in these categories. Tables 8, 9 and 10 examine some of these differences.

TABLE 7. Sex Offender Typology

	Sex Offender Typology	
	Count	%
'Rapists'	194	25.8%
Teen Molesters (age 13-17)	157	20.8%
Child Molesters (under age 13)	273	36.3%
Incest Perpetrators	129	17.1%
Total	753	100%

53 cases with missing information

20 offenders of multiple age groups were excluded

If we look at the racial composition of this group of sex offenders (Table 8) we find an important difference. Of the 'rapists' in this study, 61.9% were Black, compared to 38.1% White 'rapists.' The racial balance is reversed, however, for the remainder of the categories. Molesters of teenagers were predominantly White, (69.4%) as were child molesters (78.4%). Incest perpetrators, too, were overwhelmingly White, at 82.9%.

By categorizing sex offenders according to victim characteristics, we see a large difference in offender type between those originally committed from the six large urban counties, (Cuyahoga, Franklin, Hamilton, Lucas, Montgomery and Summit) and those from all other counties (Table 9). 'Rapists' in this study were more likely to be committed in a large urban county (72.2%). A larger percentage of teen and child molesters were committed from smaller counties, (47.1% and 57.9% respectively). Incest perpetrators were the most likely to be committed from a small county (62%).

Table 10 is a crosstabulation of offender type by victim/offender relationship. (For this table the victim relationship variable was recoded to combine the categories of family-domestic, family-blood, and stepchild into one variable labeled FAMILY). 'Rapists' were most likely to victimize strangers (57.7%), and the younger the victims, the more likely they were known by the offender, or were family members.

²For the purposes of this study, those who victimized adult family members were classified as incest offenders. Those who victimized their step children were not considered incest perpetrators, but were categorized as teen or child molesters. However, an alternative typology placing step child abusers with incest perpetrators (not shown here) was developed, and the corresponding cross tabulations were similar to those reported above.

TABLE 8. Sex Offender Type by Offender Race

	Black		White	
	count	%	count	%
'Rapists'	120	61.9%	74	38.1%
Teen molesters (13-17 yrs.)	48	30.6%	109	69.4%
Child molesters (<13 yrs.)	59	21.6%	214	78.4%
Incest perpetrators	22	17.1%	107	82.9%

Row totals = 100%

53 cases with missing information

20 offenders of multiple age groups were excluded

TABLE 9. Sex Offender Type by Commitment County

	Large Urban Counties		All Other Counties	
	Count	%	Count	%
'Rapists'	140	72.2%	54	27.8%
Teen molesters (13 - 17 yrs.)	83	52.9%	74	47.1%
Child molesters (<13 yrs.)	115	42.1%	158	57.9%
Incest perpetrators	49	38.0%	80	62.0%

Row totals = 100%

53 cases with missing information

20 offenders of multiple age groups were excluded

TABLE 10. Sex Offender Type by Victim/Offender Relationship

	Stranger		Acquaintance		Family	
	count	%	count	%	count	%
'Rapists'	109	57.7%	75	39.7%	5	2.6%
Teen molesters (13-17 yrs.)	23	15.3%	88	58.7%	39	26.0%
Child molesters (<13 yrs.)	18	7.2%	117	47.0%	114	45.8%
Incest perpetrators					129	100%

Row totals=100%

78 cases with missing relationship information

31 cases with missing sex offender type information

RECIDIVISM

The key element in most recidivism studies is the total number of offenders that returned to prison. Table 11 shows the total recidivism rate for all sex offenders in this study. As seen here, 71.7% of sex offenders did not return to prison in Ohio for any offense in the five years after their release. Table 12 classifies the recidivism levels by release type. Parolees had the highest recidivism rate at 46%, whereas 22% of the shock probationers returned to prison. For parolees and shock probationers, recidivism includes return to prison for both new crimes and for technical violations of supervision conditions.

Flat sentence releases had the lowest recidivism rate of 15.5%. This is not surprising, as determinate sentence releases are unsupervised, and thus not vulnerable to technical revocation. They are also free to leave the state, where any subsequent criminal activity or reincarceration would not qualify for recidivism in this study.

TABLE 11. Total Population Recidivism Levels

	Recidivism	
	Count	%
No Recidivism	592	71.7%
Recidivism	234	28.3%
Total	826	100%

TABLE 12. Recidivism by Release Type

Release Type	Non-recidivists		Recidivists	
	count	%	count	%
EDS	316	84.5%	58	15.5%
Parole	170	53.8%	146	46.2%
Shock Probation	106	77.9%	30	22.1%

Row totals = 100%

Table 13 displays the recidivism outcome by the type of release. Those offenders who were definite sentence releases (EDS), were under no supervision, and thus the only way to return to prison was to be convicted and sentenced for a new crime. The recidivism rate for EDS releases was 15.5 %.

However, those offenders who had either been granted parole or shock probation were under community supervision, and thus had certain guidelines to follow. Violation of these guidelines could be enough to be returned to prison as a Technical Parole Violator (TPV), or a Suspended Sentence Violator (SSV). If, while under supervision, an offender is convicted of a new crime, his or her parole or probation will be revoked and the offender will be returned to prison and assigned a new institutional number as a Parole Violator Recommissioned (PVR). In these instances, the old sentences are aggregated with the sentences for the new crimes, and the offender must serve time remaining for the original offenses as well as for the new crimes.

An offender who fails to report to his or her parole supervisor and has absconded can be declared a Parole Violator at Large (PVAL).

Those granted parole or shock probation who successfully complete their required time of community supervision but subsequently commit a new crime are also considered recidivists.

For parolees, 16.1% were returned for a new crime (PVRs plus new crimes) and 29.7% were returned for technical violations (TPV), yielding a recidivism rate of 45.8 percent. For shock probationers, 4.5% were returned for a new crime and 17.6% were returned for technical violations, resulting in a recidivism rate of 22.1%.

In Tables 13 and 14, if an offender had more than one type of return in the five year follow up period, we used the first return type that resulted in his return to prison. For example, if an offender was released on parole, was declared a technical parole violator, released again, and later recommitted on a new number, he or she would be considered a technical parole violator (TPV). The exception to this is a PVAL. Those offenders who were first declared Parole Violators at Large were assigned to the recidivism type that occurred after they had been found and returned to prison. There was one case where an offender was still missing after the five-year follow-up period; her return type remains as PVAL. Although not really meeting our definition of recidivism, this offender is included in the 'recidivism' category in the remaining analysis.

TABLE 13. Outcome after Release by Release Type

Release Type	RECIDIVISM TYPE				
	NONE	TPV/SSV	PVR	NEW CRIME	PVAL
EDS	316 (84.5%)			58 (15.5%)	
Parole	170 (53.8%)	94 (29.7%)	39 (12.3%)	12 (3.8%)	1 (.4%)
Shock Probation	106 (77.9%)	24* (17.6%)	1** (.7%)	5 (3.8%)	

*Shock Probationers who violate conditions of their probation are Suspended Sentence violators.

** This offender is a Suspended Sentence Reactivated (recommitted for a new crime).

Table 14 portrays the length of time (in months) from release to first reincarceration for non-successful releases (n=234). About half of the first technical violations and reactivated suspended sentences occur within the first year after release. About one half of the parole violations involving new felony convictions (PVR) happened within 1 ½ years of release. The New Crime category consists of offenders who served a flat sentence and later were convicted of a new crime, or parolees who finished their period of community supervision successfully and subsequently were convicted of a new crime. Offenders in this category thus took longer to return to prison; however, nearly half of the recidivists had been returned to prison within two years of release.

TABLE 14. Time to First Non-Success by Type of Non-Successful Outcome

Time in Months	NEW CRIME		PVR		TPV/SSV		PVAL		TOTAL	
	n	cum.%	n	cum.%	n	cum.%	n	cum.%	n	cum.%
< 6 mon	4	5.3%	1	2.5%	23	19.5%			28	12.0%
6 to 12	13	22.6%	9	25%	36	50%			58	36.8%
13 to 18	8	33.3%	11	52.5%	17	64.4%			36	52.1%
19 to 24	10	46.6%	8	72.5%	15	77.1%	1	100%	34	66.7%
25 to 30	5	53.3%	5	85%	13	88.1%			23	76.5%
31 to 36	11	68%	3	92.5%	8	94.9%			22	85.9%
37 to 42	10	81.3%	1	95%	5	99.1%			16	92.7%
43 to 48	6	89.3%							6	95.2%
49 to 54	3	93.3%	1	97.5%					4	97.0%
55 to 60	5	100%	1	100%	1	100%			7	100.0%

In Table 15 we can see the rate at which offenders with previous Ohio prison sentences returned to prison. Those offenders who had no previous commitment returned at a rate of 25%. Offenders with one previous commitment returned at a rate of 42%. Offenders with two previous Ohio incarcerations reoffended at a 52% rate. The two offenders with three previous Ohio commitments did not return within five years of their release.

TABLE 15. Number of Prior Ohio Incarcerations by Recidivism

Number of Prior Ohio incarcerations	Non-recidivists		Recidivists	
	count	%	count	%
None	522	74.4%	180	25.6%
One	57	57.6%	42	42.4%
Two	11	47.8%	12	52.2%
Three	2	100%		

Row totals = 100%

When the recidivism rates of the different sex offender types are compared (Table 16), one finds that those convicted of rape were the most likely to recidivate, with 43% of those released returning to prison within five years of release. Those convicted of sexual battery or gross sexual imposition had half of that recidivism rate, with 20.5% and 21.1% respectively. The offenders in the category of 'other sex offenses' returned to prison about one third of the time. Again, it is important to note that these figures do not accurately categorize offenders by crime type. For example, the nature of the offense may have been a rape, however the offender may have pleaded guilty to sexual battery or gross sexual imposition. What this does address is a possible difference in those convicted of rape. Their recidivism rates are substantially higher than the remaining conviction crime categories.

TABLE 16. Sex Offense Type by Recidivism

Sex offense conviction*	Non-recidivists		Recidivists	
	count	%	count	%
Rape	131	56.5%	101	43.5%
Sexual Battery	155	79.5%	40	20.5%
Gross Sexual Imposition	261	78.9%	70	21.1%
Corruption of a Minor	43	66.2%	22	33.8%
Other sex offenses	2	66.7%	1	33.3%

Row totals = 100%

*These categories include attempted crimes, i.e., attempted rape was included with rape, etc.

The next table addresses recidivism by the type of offender using offender/victim relationship information (Table 17). It is apparent that those offenders who knew their victims well were the least likely to reoffend (11.2%). Offenders who victimized acquaintances returned at a rate of 32%, and those offenders whose victims were strangers had the highest return rate (51.6%).

TABLE 17. Offender / Victim Relationship by Recidivism

	Non-Recidivists		Recidivists	
	Count	%	Count	%
Stranger	75	48.4	80	51.6
Acquaintance	203	67.9	96	32.1
Family	261	88.8	33	11.2

Row totals = 100%

78 cases with missing relationship information

Table 18 examines the offender’s sexual orientation by recidivism. In this study ‘rapists’ with adult victims have the highest recidivism rates. Those who abused 13 to 17 year-olds had a lower recidivism rate, as did offenders who victimized young children. Sex offenders who abused their blood relatives, incest perpetrators, had the lowest rate of recidivism (8.6%). Comparisons between homosexual and heterosexual offenders show a slightly smaller rate of reoffending for homosexual child molesters, and a higher recidivism rate for homosexual ‘rapists,’ however the number of male ‘rape’ victims is rather small, making it difficult to draw any strong conclusions from these data. The nine female sex offenders in this study were excluded from this table in order to separate out sexual orientation.

TABLE 18. Offender Sexual Orientation by Recidivism

	Non-Recidivists		Recidivists	
	Count	%	Count	%
HETEROSEXUAL 'RAPISTS' Adult victim - female	96	51.6%	90	48.4%
HOMOSEXUAL 'RAPISTS' Adult victim - male	2	40.0%	3	60.0%
HETEROSEXUAL TEEN MOLESTERS Child age 13-17 female	90	68.2%	42	31.8%
HOMOSEXUAL TEEN MOLESTERS Child age 13-17 male	14	73.7%	5	26.3%
HETEROSEXUAL CHILD MOLESTERS Child under age 13 female	172	77.8%	49	22.2%
HOMOSEXUAL CHILD MOLESTERS Child under age 13 male	28	80.0%	7	20.0%
INCEST PERPETRATORS	117	91.4%	11	8.6%

Row totals = 100%

9 female offenders were excluded from this table

91 cases with missing data

REPEAT SEX OFFENSE RECIDIVISM

If we narrow the focus to those sex offenders who were imprisoned for a new sex offense in the five years after their release (Table 19), the numbers show that fewer than 8% of those released in 1989 for a sex offense were returned for any type of sex offense within five years. All returns to Ohio prison within five years of the offender's release in 1989 were examined to determine the nature of the behavior that resulted in the return. As Table 19 shows, returns for conviction of a new sex offense far outnumbered technical returns.

A new sex offense was defined as a new incarceration for a conviction of any of the sex offenses previously listed (Rape, Sexual Battery, Gross Sexual Imposition, Corruption of a Minor). A TPV sex offense occurred when an offender violated the technical conditions of his or her parole by committing a new sex offense, however he or she was not officially adjudicated. A sex lapse occurred when an offenders' technical violation of parole was not criminal, however his or her behavior indicated a possible return to sexual offending (i.e., associating with small children, possession of pornography, contact with victim, etc.).

TABLE 19. Sex Offense Recidivism

	Recidivism	
	Count	%
No new sex offense*	763	92.4%
New sex offense	44	5.3%
TPV sex offense	7	.8%
TPV sex lapse	12	1.5%
Total	826	100%

*But may have a new offense that is not sex-related.

In Table 20 we can see the rate at which offenders with previous Ohio prison sentences returned to prison for a sex offense. Those offenders who had one previous commitment returned at a higher rate than of those with no prior commitments. However, none of the offenders who had more than two previous commitments returned to prison for a sex offense.

TABLE 20. Number of Prior Ohio incarcerations by Sex Offense Recidivism

Number of prior Ohio incarcerations	No new sex off		New sex crime		TPV sex crime		TPV sex lapse	
	Count	%	Count	%	Count	%	Count	%
None	648	92.3%	38	5.4%	6	.9%	10	1.4%
One	89	89.9%	6	6.1%	1	1.0%	3	3.0%
Two	23	100%						
Three	2	100%						

Row Totals = 100%

Tables 21, 22 and 23 detail the amount of new sexual offending by category of offender. Table 21 examines recidivism by type of conviction. Those convicted of rape were the most likely to be re-committed for a sex crime or technical parole violation that was sex-related. The other categories all had less than a 7% sex offense recidivism rate.

Table 22 looks at the offender/victim relationship with respect to new sexual offenses. The results are similar to reoffending for any crime. Offenders who knew their victims well (family members) were the least likely to be recommitted for a new sex offense, those whose victims were strangers had the highest rate of sexual reoffending.

Table 23 separates offenders by victim age and offender sexual orientation. Heterosexual 'rapists' had the highest percentage of new sexual offending (13%), while homosexual 'rapists' had

the lowest, with none recidivating. The remainder of the categories had about a 5% recidivism rate with the exception of homosexual child molesters of young children, who had a recidivism rate of 8.6%. Again, nine female sex offenders were excluded from Table 19 to determine the sexual orientation of male offenders.

TABLE 21. Sex Offense Conviction by New Sex Offense

Sex offense conviction*	No new sex off		New sex crime		TPV sex crime		TPV sex lapse	
	Count	%	Count	%	Count	%	Count	%
Rape	203	87.5%	16	6.9%	6	2.6%	7	3.0%
Sexual battery	185	94.9%	10	5.1%				
Gross Sex Imp	309	93.4%	15	4.5%	1	.3%	6	1.8%
Corr. minor	62	95.4%	3	4.6%				
Other sex offenses	3	100%						

Row Totals = 100%

*These categories include attempted crimes, i.e., attempted rape was included with rape, etc..

TABLE 22. Offender / Victim Relationship by New Sex Offense

Offender / victim relationship	No new sex off		New sex crime		TPV sex crime		TPV sex lapse	
	Count	%	Count	%	Count	%	Count	%
Stranger	132	85.2%	14	9.0%	5	3.2%	4	2.6%
Acquaintance	275	92.0%	18	6.0%	1	.3%	5	1.7%
Family	282	95.9%	8	2.7%			4	1.4%

Row Totals = 100%

78 cases with missing relationship information

TABLE 23. Offender Sexual Orientation by New Sex Offense

	No New Sex Offense		New Sex Offense		TPV Sex Offense		TPV Sex Lapse	
	N	%	N	%	N	%	N	%
HETEROSEXUAL 'RAPIST' Adult Victim Female	161	86.6%	17	9.1%	5	2.7%	3	1.6%
HOMOSEXUAL 'RAPIST' Adult Victim Male	5	100%						
HETEROSEXUAL TEEN MOLEST Age 13-17 Female	126	95.4%	5	3.8%			1	.8%
HOMOSEXUAL TEEN MOLEST Age 13-17 Male	18	94.7%	1	5.3%				
HETEROSEXUAL CHILD MOLEST Child < 13 Female	208	94.1%	10	4.5%	1	.5%	2	.9%
HOMOSEXUAL CHILD MOLEST Child < 13 Male	32	91.4%					3	8.6%
INCEST PERPETRATOR	122	95.3%	4	3.1%			2	1.6%

Row totals = 100%

9 female offenders were excluded from this table

91 cases with missing data

SEX OFFENDER PROGRAMMING

Of particular interest concerning this cohort is the question of whether offenders had received sex offender programming while incarcerated and before their release in 1989. During this time period, fewer programs for sex offenders were operational in Ohio's prisons than today. Lists of all offenders who had been given sex offender programming were gathered from every prison in Ohio, and cross-checked with the release cohort in this study to identify any who had been treated. Sixty-six of the sex offenders released in 1989 had some form of sex offender programming before release. Table 24 lists the institutions where programming was provided for these offenders.

TABLE 24. Sex Offender Program Institution

Institution	count
*Madison Correctional Institution	31
Southeastern Correctional Institution	17
*Chillicothe Correctional Institution	12
Ross Correctional Institution	1
Pickaway Correctional Institution	3
London Correctional Institution	1
Warren Correctional Institution	1
Total	66

*Residential treatment programs

Sex offender programming in the Department of Rehabilitation and Correction is separated into three levels. Level 1 is the basic educational treatment program for sex offenders. Offenders who complete this level can continue on in level 2 and 3 programming, which involves more intensive therapy. Of those sex offenders who were released in 1989 only 66 had completed at least the first level of programming. This number is small, however there were fewer sex offender programs in operation prior to 1989. Also, while indeterminate sentence sex offenders are encouraged to attend sex offender programming as evidence for the Parole Board of their readiness for release, those offenders who receive a determinate sentence are not required to attend sex offender programming. In recent years, sentencing policies have shifted toward an emphasis on flat-time sentences, thus almost half of the sex offenders in this study had less incentive to attend treatment programs.

The results of Table 25 demonstrate that, over all, offenders who were given programming were slightly more likely to recidivate than those sex offenders who did not receive programming. However when controlling for release type the results are quite different (Table 26). Those treated offenders who were released after the expiration of a definite sentence had a slightly lower recidivism rate (13.3%) than those untreated (15.6%). Parolees who received sex offender programming were also less likely to recidivate, with a rate of 35.4%, compared with those parolees without programming, who recidivated at a 48.1% rate. Only shock probationers who received programming fared worse than their non-treated counterparts, with 33.3% recidivating, compared with non-treated offenders who recidivated at a 21.8% rate. The number of shock probationers who received programming is quite low, however, and should be considered when interpreting these percentages.

TABLE 25. Sex Offender Programming by Recidivism

	Non-recidivists		Recidivists	
	count	%	count	%
No Sex Offender Programming	546	71.8%	214	28.2%
Completed Level 1 Programming	46	69.7%	20	30.3%

Row totals=100%

TABLE 26. Sex Offender Programming by Recidivism Controlling for Release Type

	Non-recidivists		Recidivists	
	count	%	count	%
FLAT SENTENCE (EDS)				
No sex offender programming	303	84.4%	56	15.6%
Completed Level 1 programming	13	86.7%	2	13.3%
PAROLE				
No sex offender programming	139	51.9%	129	48.1%
Completed Level 1 programming	31	64.6%	17	35.4%
SHOCK PROBATION				
No sex offender programming	104	78.2%	29	21.8%
Completed Level 1 programming	2	66.7%	1	33.3%

Row totals=100%

Table 27 shows that of the 66 sex offenders who completed at least Level 1 programming, 93.9% were not reincarcerated for a sex offense in Ohio within five years after release, while 92.1% of those untreated were successful. Again, one must take care in interpreting these results, since the number of treated offenders is small.

TABLE 27. New Sex Offense

	No new sex off		New sex offense		TPV sex offense		TPV sex lapse	
	count	%	count	%	count	%	count	%
No sex Programming	700	92.1%	42	5.5%	6	.8%	12	1.6%
Level 1 Programming	62	94.0%	2	3.0%	1	1.5%	1	1.5%

Row totals = 100%

Sex offender programming in the Department takes place in two different settings: residential and outpatient. Residential treatment programs, of which there are two, consist of a separate environment in the prison where sex offenders are housed and treated. Outpatient treatment programs are more common and consist of a psychology services unit that does not segregate sex offenders from the general prison population, but treats offenders on a weekly basis. The research question arises as to the possible differences in the two programming settings. Table 28 and Table 29 view the different types of programming by recidivism. The first table examines recidivism rates by programming setting when controlling for release type. While determinate sentence releases and shock probationers had very few treated offenders to make adequate comparisons, the rates for parolees are notable. Of the parolees given programming in an outpatient setting, 45.0% recidivated - a slightly better performance than those who did not receive programming at all. However, parolees who received residential sex offender programming had a lower recidivism rate, at 28.6%.

Regarding sex offense recidivism (Table 29), 92.1% of the untreated sex offenders were not re-convicted of a new sex offense within the five-year follow-up period. None of the out-patient sex offenders recommitted a sex related offense, while about 10% of the residential program sex offenders recommitted a sex related offense. As noted earlier, in both Tables 28 and 29, one should be cautious in data interpretation with such a small number of treated offenders.

TABLE 28. Programming Type by Recidivism Controlling for Release Type

	Non-recidivists		Recidivists	
	count	%	count	%
FLAT SENTENCE (EDS)				
No sex offender programming	303	84.5%	56	15.6%
Out-patient			1	100%
Residential	13	92.9%	1	7.1%
PAROLEES				
No sex offender programming	139	51.9%	129	48.1%
Out-patient	11	55.0%	9	45.0%
Residential	20	71.4%	8	28.6%
SHOCK PROBATIONERS				
No sex offender programming	104	78.2%	29	21.8%
Out-patient	1	50.0%	1	50.0%
Residential	1	100%		

Row totals =100%

TABLE 29. Programming Type by New Sex Offense

	No new sex off		New sex offense		TPV sex offense		TPV sex lapse	
	count	%	count	%	count	%	count	%
No programming	700	92.1%	42	5.5%	6	.8%	12	1.6%
Out-patient	23	100%						
Residential	39	90.7%	2	4.7%	1	2.3%	1	2.3%

Row totals = 100%

PLEA BARGAINING

Table 30 illustrates the extent to which sex offenders plea bargain their cases. Of the 826 sex offenders in this study, 457 had originally been indicted for the offense of rape. However, about 65% were able to reduce the charge and were subsequently convicted of a lesser offense. This is not to say that all 457 offenders were actually guilty of rape, and managed to "beat the system." Prosecutors commonly overcharge, hoping to negotiate a plea close to the actual offense, and so it is difficult to tell the extent to which actual conviction reflects the actual crime committed. However this demonstrates how common it is to plea bargain in sex offense cases.

TABLE 30. Actual Conviction for Those with Rape Indictment

	Plea Bargained charge	
	Count	%
Rape	163	35.7%
Sexual Battery	128	28.0%
Gross Sexual Imposition	102	22.3%
Corrupt Minor	14	3.1%
Attempted Rape	45	9.8%
Attempted GSI	5	1.1%
Total	457	100%

SUMMARY

The key findings of this study include:

Offender Characteristics

- ▶ This study identified 826 sex offenders from the 1989 Ohio prison release population.
 - 45% had served a flat sentence and were released without supervision.
 - 38% were released on parole.
 - 16% received a suspended sentence.

- ▶ The sex offenders released in 1989 had served time for:

Gross Sexual Imposition and attempts	40%
Rape and attempts	28%
Sexual Battery and attempts	23%
Other Sex offenses	9%

- ▶ 70.9% victimized children 17 years old and younger; 87.3% victimized females only; 20% victimized strangers only.

- ▶ The following typology of offenders (based on victim/offender relationship and victim age) was developed:

Rapists' (adult victims)	25.8%
Teen Molesters (victims age 13-17)	20.8%
Child Molesters (victims under age 13)	36.3%
Incest Perpetrators (victims family members)	17.1%

***'Rapists'** were more likely to be Black, their victims were more likely to be strangers and their commitment county was more likely to be from a large urban area. They also were more likely to recidivate within five years of release, for any crime, as well as a new sex offense.*

***Molesters of both teens and children under age 13** were more likely to be White, their victims were more likely to be acquaintances or known well by the offender, and their commitment county was less likely to be a large urban area. They were less likely to recidivate than rapists, for all crimes including sex offenses.*

***Incest perpetrators** were overwhelmingly White and most likely to have been committed from a smaller county. They were the least likely of all sex offenders to return to prison in five years, for a reconviction for a sex crime or any other offense.*

Recidivism

▶ Five year recidivism rate:	<u>Total</u>	<u>New crime only</u>
	<u>Recidivism</u>	<u>Recidivism</u> ^(excludes technical violations)
All sex offenders	28.3%	13.9%
Flat sentence releases	15.5%	15.5%
Parole releases	46.2%	16.1%
Suspended sentence	22.1%	4.4%

▶ **New sex offense recidivism rate:**

New crime sex offense	5.3%
Technical Parole Violation sex offense	.8%
Technical Parole Violation sex lapse	<u>1.5%</u>
Total	7.6%

▶ **Recidivism rates based on offender typology were:**

	<u>Total</u>	<u>Sex</u>
	<u>Recidivism</u>	<u>Recidivism*</u>
Rapists'	48.7%	13.1%
Teen Molesters	31.1%	4.6%
Child Molesters	21.9%	6.3%
Incest Perpetrators	8.6%	4.7%

(includes male offenders only)

Effect of Programming

- ▶ Sixty-six of the 826 sex offenders released in 1989 had completed level one of sex offender programming. The majority (77 %) of these offenders received indeterminate sentences and were paroled. A comparison of these paroled offenders with parolees that did not receive programming reveals:

Parole releases	<u>Total</u>	<u>Sex</u>
	<u>Recidivism</u>	<u>Recidivism*</u>
Without programming	48.1%	13.1%
With programming - any	35.4%	6.3%
With programming - out-patient	45.0%	0%
With programming - residential	28.6%	10.7%

* 'Sex recidivism' includes both new sex offense commitments and sex related technical parole violations.

DISCUSSION

In 1989 a five-year recidivism study of sex offenders was completed by the Bureau of Planning and Research. The recidivism findings of that report were similar to those in the current study. The 1989 study reported that sex offenders released in 1983 had a total recidivism rate of 32%. The findings of this report demonstrate a recidivism rate of 28.3%. New sex crime recidivism in the 1989 study was 7.0%, compared to a finding of 5.3% in this study.

Despite these similarities, much has changed since that earlier study was issued. Sentencing policies have shifted our prison population toward even greater numbers of flat-time offenders. In 1983, released sex offenders were most likely to be placed on parole (78%), with only 2.8% of those released on expiration of sentence. In 1989, 38% of sex offenders released were parolees, and 45% were released on expiration of sentence. With Ohio Senate Bill 2 becoming effective in July of 1996, this trend will continue as almost all offenders will serve definite sentences, with most offenders then required to spend an additional period of time under post-release control.

What do these baseline data tell us about sex offender recidivism?

Sex offenders released from Ohio prisons in 1989 returned to the prison system within five years at a rate of 28.3%. The percentage of sex offenders who returned for a new crime only (technical violations excluded) was 13.9%. Only 5.3% of the offenders returned to prison for a new sex offense. These findings contradict popular perceptions about sex offender recidivism. Despite media portrayals of sex offenders repeatedly returning to prison for more sex crimes, in this population a sex offender recidivating for a new sex offense within five years was a rather rare occurrence.

What do these baseline data tell us about sex offender programming?

There are several reasons why strong conclusions should not be drawn from the data on sex offender programming. First, the data were only available on those offenders who had completed level 1 programming, the education component. This is a very basic level of programming, and does not include therapy groups, or more advanced programming. One might anticipate that offenders who completed all levels of programming may have fared better with respect to recidivism, however, not all of these offenders could be readily identified.

Second, because of the limited data, only 66 offenders who completed level one programming were identified. This small number suggests that caution should be exercised when interpreting these data.

Third, these data lack a method of measuring an offender's potential risk of reoffending. A risk score would allow us to determine if offenders who received programming had a similar risk to those who did not receive treatment. This is important, in that offenders who get programming may be higher recidivism risks, and thus would be expected to return at a higher rate, even with the benefits of programming.

Finally, because this cohort consists of offenders released in 1989, those who received programming would have done so in 1988 or earlier, at least six to seven years prior to the completion of this report. In that timespan, sex offender programming in the Department has undergone significant changes.

With these caveats in mind, the following conclusions emerged from these data. In general, sex offenders who completed level one programming had a lower recidivism rate than those who did not receive programming. Primarily parolees participated in programming, and they had a recidivism rate almost 13 percentage points lower than those parolees with no programming.

In general, sex offenders who completed level one programming had a lower sex offense recidivism rate. Paroled sex offenders who participated in level one programming had a sex offense recidivism rate almost seven percentage points lower than those with no programming.

The two methods of sex offender programming produced differing results with respect to recidivism. While out-patient programs demonstrated a slight reduction in the total recidivism rate for parolees, residential programs showed a substantial reduction in the recidivism rate, from 48.1% (no programming) to 28.6% (with programming). Concerning sex offense recidivism, the results were different. Those parolees with no programming had a new sex offense recidivism rate of 13.1%, residential programming had a 10.7% return rate, and out-patient programs had none of their level one completers return for a new sex offense, within five years.