



SEX OFFENDER SENTENCING IN WASHINGTON STATE: WHO PARTICIPATES IN THE PRISON TREATMENT PROGRAM?

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

The Washington State Department of Corrections (DOC) has operated a prison-based Sex Offender Treatment Program (SOTP) at the Twin Rivers Corrections Center since 1988. The program has undergone a series of changes since its inception. Since 1996, the program has used a combination of treatment techniques including group therapy, psycho-educational classes, behavioral treatment, and family involvement. The length of treatment has decreased from two years in 1996 to approximately one year currently. Since 2000, sex offenders assessed as having a high likelihood to reoffend, based on their criminal history, are prioritized for program entry.²

Offenders selected for the treatment program must meet the following five requirements:

- Sex offense conviction
- Voluntary participation
- Admission of guilt
- One year minimum remaining in prison
- Medium or lower custody classification

Because SOTP accepts only offenders who admit their guilt and voluntarily request treatment, significant differences may exist between those who participate in the program and those who do not. In addition, participation is dependent on the sex offender's custody level, which introduces additional systematic differences between participants and non-participants.

These differences can affect the ability to conduct an outcome evaluation of the program. A valid outcome evaluation must identify a comparison group of sex offenders similar to SOTP participants who did not participate in the program. Once this group is identified, we can examine whether the program reduces the recidivism rates of participants.

SUMMARY

The Washington State Department of Corrections (DOC) has operated a prison-based Sex Offender Treatment Program (SOTP) at the Twin Rivers Corrections Center since 1988.

This report examines trends in SOTP participation as a first step in identifying a valid comparison group to evaluate the impact of this program on participants' recidivism. We compare the characteristics of SOTP participants with sex offenders who did not participate in the program.

Since the program's content and format was significantly changed in 1996, we looked at sex offenders released from Washington prisons since that time. Decision patterns have changed in this 10-year period. Following are the key findings:

- Offenders who were unwilling to participate in SOTP differ significantly from those who volunteered to participate.
- The criminal histories, risk scores, and demographic characteristics are much higher for those who were unwilling to participate.

The Institute's next paper will analyze SOTP's effect on recidivism. The comparison group will include only sex offenders who indicated a willingness to participate in the program at some point, but did not.

This report examines trends in SOTP participation as a first step in identifying a valid comparison group needed to evaluate the impact of SOTP on recidivism.

The study sample consists of all sex offenders released from prison between 1996 and 2005 after serving at least one year.

¹ ESHB 2400, Chapter 176, Laws of 2004.

² The SOTP uses three risk for sexual reoffense assessments: MnSOST-R, RRASOR, and Static 99.

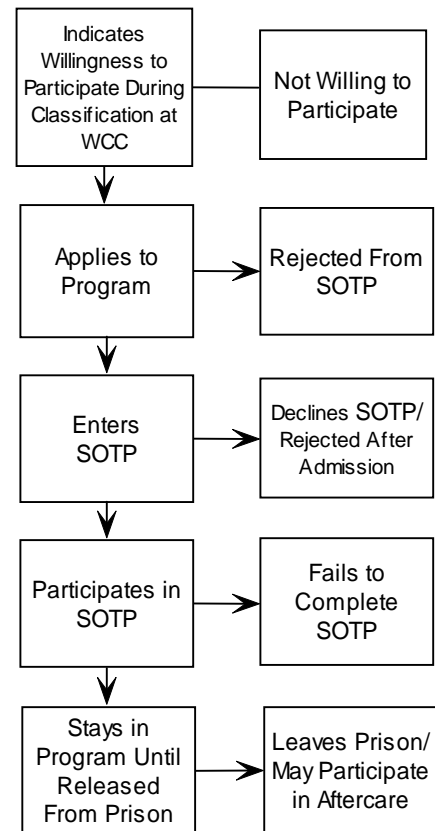
Exhibit 1 shows the process sex offenders follow to participate in SOTP.

- When sex offenders with sentences of less than five years are going through classification at the Washington Corrections Center (WCC), they are asked whether they are *willing* to participate in SOTP. (Offenders with sentences longer than five years may apply at a later date.)
- During the sex offender’s stay in prison, DOC records when the offender *applies* to participate in the program.
- SOTP may *reject* applicants because they are appealing a conviction or deny the offense.
- A sex offender can *decline* to participate in SOTP at any time.
- In this analysis, all sex offenders who enter SOTP are *participants* regardless of their program completion. Participants can be voluntarily or involuntarily terminated.
- After release from prison, participants can continue with DOC-sponsored treatment groups.

Since 2000, SOTP has prioritized volunteers based on their risk to reoffend with sex crimes.³

Exhibit 2 displays the last SOTP-related event for sex offenders released from prison since 1996 after serving at least one year.⁴ The number of sex offenders released from prison has grown from 445 in 1996 to 583 in

Exhibit 1
SOTP Participation Process



2005. The number of SOTP participants who stayed in the program and were released from prison peaked at 192 in 2000; 131 SOTP participants were released in 2005.

Exhibit 2
Last Recorded Event in SOTP Process for Sex Offenders Released From Prison Since 1996

Prison Release Year	Total Sex Offenders	Not Willing	Willing But Not SOTP Participant				SOTP Participant		
			Willing	Applied	Later Declined	Rejected	Terminated		Stayed in Program
							Involuntary	Voluntary	
1996	445	81	32	2	181	20	15	30	84
1997	470	70	39	3	172	34	7	15	130
1998	521	87	16	6	158	81	13	8	152
1999	537	102	22	3	149	65	8	11	177
2000	644	105	21	12	178	117	10	9	192
2001	557	108	18	22	113	149	8	4	135
2002	586	107	35	19	107	180	6	8	124
2003	606	140	25	24	108	183	6	5	115
2004	565	110	45	24	101	171	7	2	105
2005	583	125	20	6	116	174	7	4	131

³ The SOTP uses three risk for sexual reoffense assessments: MnSOST-R, RRASOR, and Static 99.

⁴ Data for this study are from DOC’s Offender Based Tracking System, which began tracking progression in the STOP process in 1993. Offenders in the “willing” and “applied” groups did not have subsequent records indicating whether they “declined” or were “rejected.”

Exhibit 3
Trends in SOTP Participation for Sex Offenders Released From Prison Since 1996

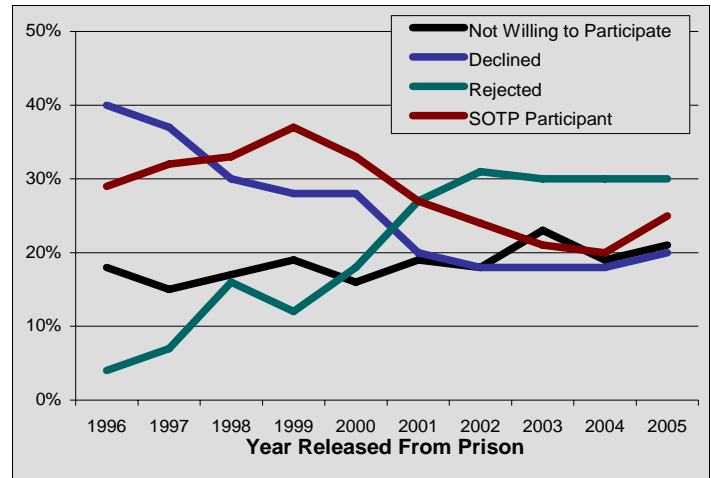


Exhibit 3 displays the percentage of sex offenders released each year by the following groups: (1) not willing to participate in SOTP, (2) declined to participate, (3) rejected by SOTP, and (4) SOTP participant.⁵ These percentages have changed considerably in 10 years.

- In 1996, 40 percent declined to participate, 30 percent participated, 18 percent were not willing to participate, and less than 5 percent were rejected.
- In 2005, 20 percent declined to participate, 25 percent participated, 20 percent were not willing, and 30 percent were rejected.

These participation patterns may be influenced by changes in laws and policies regarding sex offenders. For example, the full implementation of community notification laws (public release of information related to sex offenders leaving prison) may cause more sex offenders to seek treatment and, thus, potentially decrease their notification level. On the other hand, the law authorizing civil commitment of sexually violent offenders (RCW 79.09) could motivate some sex offenders to decline participation because revelations during their treatment about additional victims or violence could later be used as reasons for the state to file a Sexually Violent Predator petition.

We next examine whether the characteristics of the sex offenders in these groups have also changed over time.

Summary of Trends for Sex Offenders Released From Prison and SOTP Participation

- The number of sex offenders released from prison has grown from 445 in 1996 to 583 in 2005.
- The number of SOTP participants released from prison peaked at 192 in 2000; 131 SOTP participants were released in 2005.

⁵ The percentages for each year add to approximately 90 percent, not 100 percent, because approximately 10 percent of the offenders are in the “willing” and “applied” groups, which are excluded from the exhibit for simplicity.

Exhibit 4 displays trends in the characteristics of three groups of incarcerated sex offenders: those not willing to participate in SOTP, those willing but not participating,⁶ and those participating.

We first examine risk-for-reoffense scores. These scores measure an offender's propensity to recidivate with a felony or violent felony offense—a higher score indicates a greater likelihood of reoffending. The risk scores are calculated using an actuarially based static risk assessment tool being developed by the Institute for DOC.⁷

Felony and Violent Static Risk Scores. Those not willing to participate in SOTP consistently have higher felony and violent felony risk scores, and these scores have been increasing. The felony and violent felony risk scores for the other two groups are nearly identical and have not increased since 1996. That is, sex offenders who were willing but did not participate in SOTP have the same level of risk as those who participated in the program.

Exhibit 4
Trends in Static Risk Scores

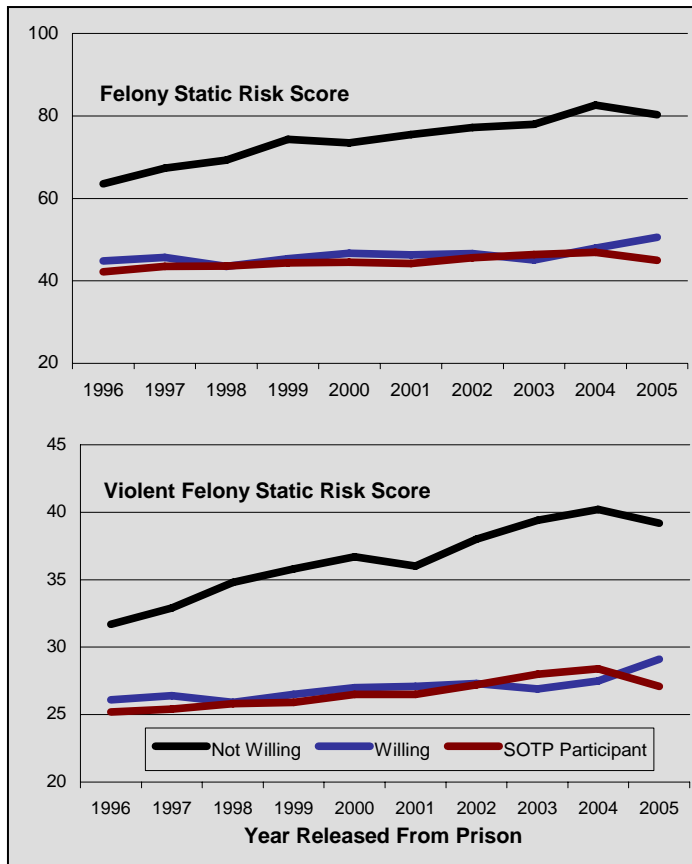


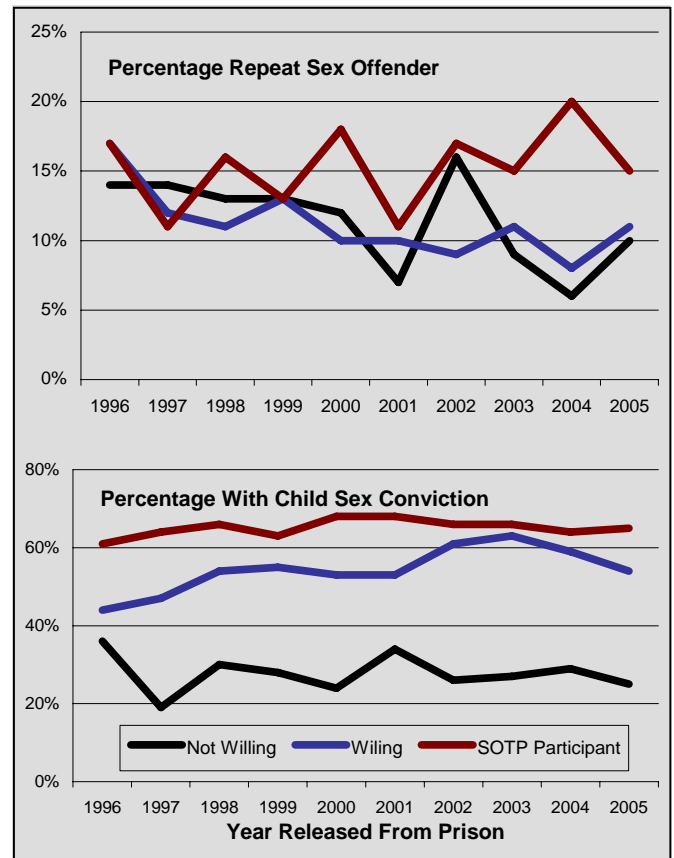
Exhibit 5 displays the trends for two key offender characteristics.

Repeat Sex Offenders. The SOTP group includes a higher percentage of sex offenders with more than one sentence involving a felony sex conviction, that is, repeat sex offenders. This pattern is especially true since 2000. Nearly 15 percent of SOTP participants released in 2005 are repeat sex offenders.

The percentage of repeat sex offenders in the other two groups has been gradually declining. About 10 percent of the offenders released in 2005 have a prior sex offense conviction.

Child Sex Conviction. SOTP participants consistently have the highest percentage of prior convictions for child sex offenses among the three groups throughout the 10-year period. Slightly more than 60 percent of SOTP participants have been convicted of a child sex offense. The percentages for those willing but not participating have increased from about 40 percent to as high as 60 percent. The percentage for those not willing to participate has remained near 25 percent.

Exhibit 5
Prior Sex Offense Convictions



⁶ This group includes all incarcerated sex offenders who indicated a willingness to participate but did not (willing, applied, declined, and rejected).

⁷ There is no static risk score for felony sexual reoffending because criminal history alone does not adequately predict sexual reoffending.

Exhibit 6 displays two additional trends: the average years sex offenders spend in prison and their average age at release.

Average Years in Prison. Compared to those not willing to participate, SOTP participants and those willing but not participating consistently served longer prison terms, and their average years in prison have been increasing. Those not willing to participate have the shortest prison stays; their years in prison are declining slightly.

Age at Release. Those willing but not participating are the same average age at release as SOTP participants. Those not willing to participate are the youngest group. On average, those not willing to participate are about two years younger than SOTP participants; however, their average age is increasing.

Exhibit 7 displays sex offender race and ethnicity characteristics between 1996 and 2005.

European-American. This chart simplifies the description of the ethnic/racial identity by displaying the percentage of European-American sex offenders.⁸ Approximately 90 percent of SOTP participants are European-American; slightly more than 80 percent of those willing but not participating in 2005 are European-American. About 60 percent of sex offenders not willing to participate are European-American.

Hispanic. Hispanics comprise only 5 percent of the participants, between 5 and 10 percent of those not willing to participate, and 15 percent of those willing but not participating in SOTP.

Exhibit 6
Trends in Sex Offender Characteristics

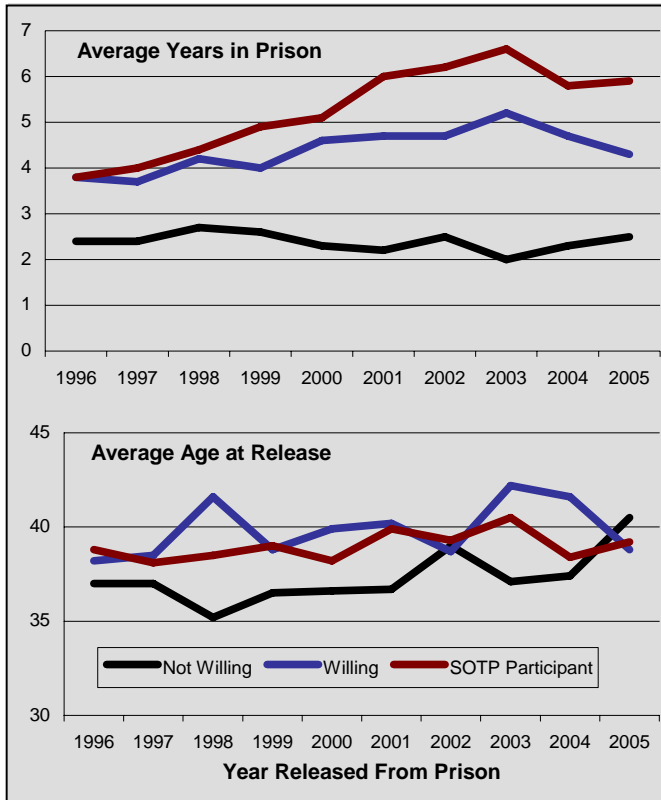
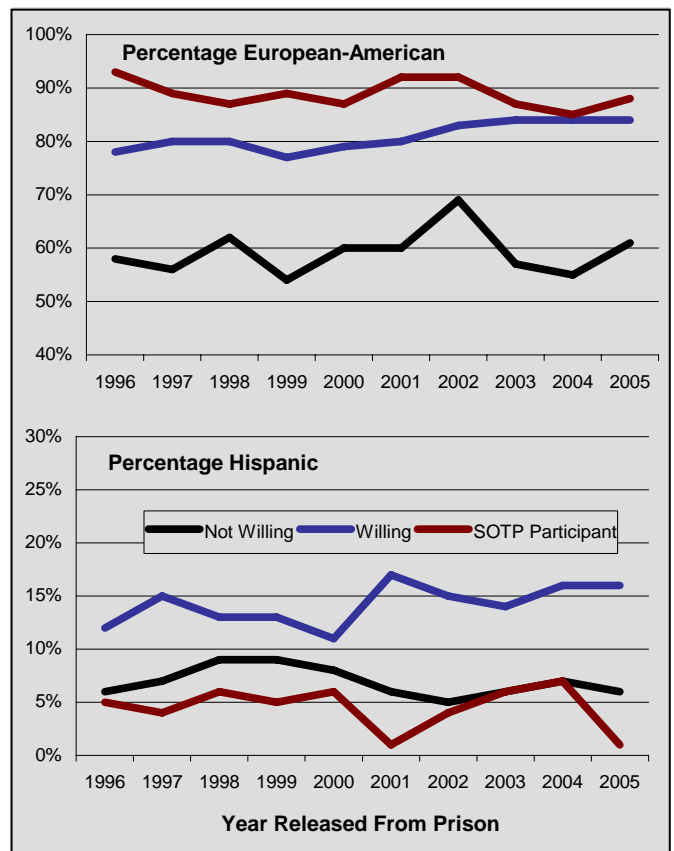


Exhibit 7
Trends in Race and Ethnicity Characteristics



Summary of Trends in Characteristics of the Three Groups of Sex Offenders

- The trends of those willing, but not participating in SOTP, are similar to the program’s participants.
- Those not willing to participate in SOTP are most dissimilar from the other groups: increasingly higher risk for reoffense, fewer child sex convictions, shorter prison terms, and fewer European-Americans.

⁸ The four ethnic groups recorded by DOC include European, African, Asian, and Native American.

Exhibit 8 summarizes the characteristics of the three groups of sex offenders released between 1996 and 1999. This time period was selected because it corresponds to the study period that will be used in the SOTP recidivism outcome evaluation. The exhibit supports the previous conclusion that those offenders not willing to participate are significantly different than those willing to participate in SOTP. Some of the largest differences are related to risk for reoffending. The five-year recidivism rates displayed in the next exhibit reinforce this perspective.

Exhibit 8
Characteristics of Sex Offenders
Released From Prison Between 1996 and 1999

Sex Offender Characteristic	Not Willing	Willing	SOTP
Percentage Distribution	17.0%	50.0%	33.0%
Average Felony Risk Score	69.0	44.8	43.5
Average Violent Felony Risk Score	33.9	26.2	25.6
Percentage With Two or More Felony Sex Sentences	13.2%	12.9%	14.0%
Percentage With Child Sex Conviction	28.5%	50.3%	63.8%
Average Years in Prison	2.5	3.9	4.3
Average Age at Release	38.4	40.5	39.6
Race/Ethnicity:			
European-American	57.4%	78.8%	89.2%
African-American	39.1%	13.8%	7.9%
Native-American	2.9%	3.4%	2.1%
Asian-American	0.3%	3.1%	0.8%
Hispanic Origin	7.9%	13.1%	5.0%

Exhibit 9 presents the five-year recidivism rates for the three groups of sex offenders released between 1996 and 1999. The 340 sex offenders not willing to participate in SOTP have much higher recidivism rates than those willing to participate: 63 percent recidivated with a felony offense, 30 percent with a violent felony, and almost 13 percent with a felony sex offense.

Exhibit 9
Five-Year Felony Recidivism Rates

SOTP Final Status	Number of Sex Offenders	Five-Year Recidivism		
		Any Felony	Violent Felony	Felony Sex
Not Willing	340	63.2%	30.0%	12.6%
Willing	984	15.3%	5.7%	0.6%
Participant	655	12.5%	6.0%	1.8%
Total	1,979	22.6%	10.0%	3.1%

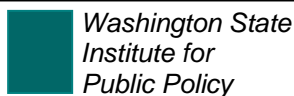
Conclusion

Based on the differences in offender characteristics and recidivism rates, the SOTP evaluation must exclude those offenders who were not willing to participate in the program. The comparison group will be derived from those with similar custody levels who were recorded as willing to participate in SOTP but never entered the program.

The Institute's next report will evaluate SOTP outcomes.

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