

**Comments on November 2003 Department of Justice, BJS, Report:
"Recidivism of Sex Offenders Released from Prison in 1994"**

by Tom Watson - 2004

In November of 2003, the U.S. Department of Justice, Bureau of Justice Statistics, released a report, "Recidivism of Sex Offenders Released from Prison in 1994," NCJ 198281 (hereinafter "DOJ Report"), a 40 page document filled with statistics, graphs, demographics, etc., and explanations. It was prepared by statisticians from the Bureau of Justice Statistics, Patrick A. Langan, Ph.D., Erica L. Schmitt, and Matthew R. Durose.

The DOJ Report utilized data from 15 states (See FN. 1), with a combined total of 271,111 prisoners who were released in 1994, and subsequently tracked for three full years. It is explained that the actual total number of prisoners released was 302,309, but due to criteria such as using males only, eliminating those sent to other jurisdictions, deaths, etc., only 272,111 were used for the study. Among the 272,111 were 9,691 men whose crime was a sex offence, 3.6% of the total release.

Of the 9,691 sex offenders selected for the study, 3,395 of them were from California, by far the largest number of participants of any state (34%), making the study highly significant in California. This becomes a data base largely derived from the very same population group to which the California Department of Mental Health ("DMH") now applies data bases obtained from the Canadian Government via Dr. R. Karl Hanson, developer of 'RAASOR' and "Static 99" actuarial instruments presently relied upon by DMH. It has been long argued that foreign data bases do not accurately reflect behavior of U.S. populations, and actuarial predictions derived therefrom, cannot be applied to U.S. Citizens with any reasonable accuracy when used for predictions of recidivism. This new DOJ Report study proves that argument.

The DOJ Report also shows that released sex offenders are the least dangerous of all released prisoners--by far! The data shows that released non-sex offenders committed most of the new sex offenses (See DOJ Report pg. 24), this is due to their large overall number (262,420) compared to sex offenders (9,691). While individually sex offenders are four times more likely to commit a sex offense than are non-sex offenders, the sheer magnitude of the number of non-sex offenders makes them the most dangerous group for new sex offenses and all other crimes.

A great deal of money and effort is being spent on attempting to keep sex offenders incarcerated for long prison sentences, and even beyond their release dates through civil commitment laws. With the non-sex offenders actually committing most of the new sex crimes, the laws of diminishing returns will quickly come into the equation through runaway costs for little return. Thus, the data derived from the last group of sex offenders released in California (1994) prior to the implementation of the "get tough" laws, does not support the costs, or the political and emotional rhetoric that fuels the public outcry.

Non-sex offenders released in 1994 (See DOJ Report pg. 24.) were rearrested for 3,328 new sex crimes, while released sex offenders were rearrested for 517 new sex crimes.

"The combined total number of sex crimes is 3, 845 (517 + 3328 = 3, 845). Released sex offenders accounted for 13% and released non-sex offenders accounted for 87% of the 3, 845 sex crimes committed by all the prisoners released in 1994." (Ibid.)

The data shows that 87% of all new sex crimes committed by released prisoners of all types were committed by those who were not in prison for a sex offense. Yet all the rhetoric, anger, and expense, is being directed toward those who have served a prison term for a sex offense, but are only responsible for 13% of the sex crimes committed by released prisoners. History has shown us that, psychologically, people or societies always need some group to consider inferior to themselves. A target for their scorn, e.g., the Nazis hated Jews, homosexuals, and handicapped. This makes one question the true motives behind registration and other laws that only target sub-classes of citizens, and their effectiveness in light of this data. Also the costs emotionally and financially for registration and other costs, such as the SVPA programs which cost the tax payers at least \$145,000 per year per inmate for incarcerating people based on DMH psychological "Experts" making predictions of recidivism risk that simply are not supported by the hard facts contained in this new DOJ Report.

This study dispels the previous DMH "Expert" opinion predictions of high sex offender recidivism rates with hard facts; data which shows just the opposite from the foreign data bases presently being used to derive base rates and predictions. Now, a comprehensive American study and data base shows sex offenders have very low recidivism rates, particularly older sex offenders who statistically commit very few new sex offenses. The study data did have some other surprises in addition to the low sex offender recidivism rates, e.g., in overall crime recidivism (non-sex offenses) age made little difference:

"Recidivism studies typically find that, the older the prisoner when released, the lower the rate of recidivism. Results reported here on released sex offenders did not follow the familiar pattern. While the lowest rate of rearrest for a sex crime (3.3%) did belong to the oldest sex offenders (those 45 or older), other comparisons between older and younger prisoners did not consistently show older prisoners having the lower arrest rate." (DOJ Report p.p. 1, 25)

This non-sex offense discrepancy from previous norms is likely caused by punitive prison attitudes; those which result in poor to no rehabilitation programs. This coupled with poor parole or release system support programs that often result in prisoners being released who are ill equipped to successfully reintegrate into society, an age neutral problem. These new crimes are often technical parole violations, traffic infractions, property offenses, etc. (See DOJ Report, pg. 34)

The age versus sex crime reoffense data in the DOJ Report appears to be consistent with the report from the Department of the Solicitor General of Canada prepared by Dr. R. Karl Hanson, entitled, "Age and Sexual Recidivism: A Comparison of Rapist and Child Molesters," 2001-01. Where on page 9 of 18 pages it states, "There were very few recidivist among the sexual offenders released after age 60 (5/131 or 3.8%)." This is very comparable to the 3.3% found by the DOJ Report. It must be noted, the 3.3% recidivism

rate for older offenders is for rearrest only. The reconviction rate for older offenders was not found in the DOJ Report, but would be significantly lower than the rearrest percentage if the same pattern is followed in this category as was followed in all categories where this data is provided.

Sex offenders had the lowest recidivism rates in all categories according to the DOJ Report data. The total recidivism from the 9,691 sex offenders was 517 (5.3%) for new sex crimes (DOJ Report, pg. 1). To put this in perspective, one must compare sex offense recidivism to non-sex offense recidivism, and to all other offenders and offenses. This data is found throughout the DOJ Report. The following rearrest data is found at page 2 of the DOJ Report:

Compared to non-sex offenders released from State prison, sex offenders had a lower overall rearrest rate. When rearrests for any type of crime (not just sex crimes) were counted, the study found that 43% (4,163 of 9,691) of the 9,691 released sex offenders were rearrested. The overall rearrest rate for the 262,420 released non-sex offenders was higher 68% (171,391 of 262,420)." (Ibid.)

It should be noted that the above data is for rearrest only. One must be careful not to mix apples and oranges, so to speak, as the DOJ Report jumps between rearrest data and reconviction data. The reconviction rate percentage data is given in several places in the DOJ Report, e.g., pages 2, 14, 24, 30, 34, 37, and is always much lower than the rearrest rate percentage. The reconviction rate for any new crime for the 9,691 released sex offenders is 24% or 2,362, compared to 47.8% or 125,437 of the non-sex offenders. (DOJ Report, p.p. 2, 14). Non-sex offenders have double the recidivism rate for all crimes compared to sex offenders.

Some of the rearrest data is considered skewed because of parole violations (See DOJ Report pg. 2), where 38.6% (3,741 of the 9,691) released sex offenders were returned to prison because: Of a new sentence; being arrested for another crime, but not necessarily convicted; or a technical parole violation, e.g., missing an appointment or failing a drug test, etc. See page 34 of the DOJ Report, "Just over 1 in 5 sex offenders (2,045 out of 9,691) were rearrested for a public-order offense, such as a parole violation or traffic offense." Of the 9,691 released men, only 396 (4.1%) were rearrested for sexual assault, the category which includes child molesters." (Ibid.)

The 38.6% recidivism rate (DOJ Report pg. 2) is very close to the national average of 35% reported by California's Little Hoover Commission Report released on November 13, 2003, which also complained that California's rate of 67% was double the national average. "This means that California's parole system is a billion dollar failure," stated Nancy Lyons, the Deputy Director of the Commission. Similarly, when California is excluded, the DOJ Report at page 13 states, the 38.6% recidivism rate falls to a 27.9% average for the other states. California excluded data is given in a few places in the DOJ Report to show the States negative influence.

Of the 6,567 sexual assaulters, "(4.7% or 308 of the 6,567) were charged with committing

the same type of crime for which they had just served time in prison." (DOJ Report pg. 34)

The DMH psychologists, "Experts," will continue to argue that these rates are much higher for child molesters than for other sex offenders. Their position is untenable in light of this new study (See DOJ Report pg 24), as nearly half the sex offenders in the study data base were child molesters (4,295), and 3,115 were rapists. The child molesters, leaving a difference of 2,281 (6,576 - 4,295 = 2, 281) who have committed some other type of sexual assault such as statutory rape. Rapists themselves are in a category of their own and not a part of the "sexual assaulters" group.

The recidivism rate of the 4,295 child molesters rearrested for any type of crime (not necessarily a sex crime) was 39.4%. However, when California is excluded this becomes 23.4% for the other states. Of the 39.4% arrested, only approximately half, or 20.4%, were reconvicted. An even smaller number, 9.1%, were returned to prison with a new sentence for a new crime (DOJ Report pg. 15), indicating most of these arrests or convictions were for minor public offenses. This conclusion is further reinforced by the only 3.5% reconviction rate for a new sex offense by child molesters. (DOJ Report pg. 24). All other groups of sex offenders being reconvicted for a new sex offense is similarly low.--

SUMMARY

- * •The recidivism differences between the different categories of sex offenders is insignificant.

- * •Sex offenders all have significantly lower recidivism rates than all other classes of criminals.

- * •Percent rearrested for any new crime within three years: non-sex offenders--68%' sex offenders--43%.

- * •Percent reconvicted for any new crime within three years: non-sex offenders --47.8%; sex offenders --24%.

- * •Percent of sex offenders rearrested within three years for any new sex crime, by type of offender: All --5.3%; Rapist --5.0%; sexual assaulters (all)--5.5%; child molesters --5.1%; statutory rapists --5.0%.

- * •Percent of sex offenders reconvicted within three years for any new sex crime, by type of offender: All --3.5%; Rapists --3.2%; Sexual assaulters (all)--3.75; child molesters --3.5%; statutory rapists --3.6%.

- * •Released prisoners who did not serve time for sex offenses (non-sex offenders) committed 87% of the new sex offenses.

FOOTNOTES

FN. 1 Arizona (122), California (3,395), Delaware (45), Florida (965), Illinois (710), Maryland (243), Michigan (444), Minnesota (239), New Jersey (429), New York (692), North Carolina (441), Ohio (606), Oregon (408), Texas (692), Virginia (260), Total (9,691) sex offenders.