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**COMMUNITY-BASED  
SEX OFFENDER  
PROGRAM EVALUATION PROJECT**

**1999 Report to the Legislature**

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## Executive Summary

### Introduction

The Community-Based Sex Offender Program Evaluation Project (CBSOPEP) was created in 1993 by M.S. 241.67, subd. 8. Among other requirements, this statute directs the commissioner of corrections to develop a long-term project that will "provide the necessary data to form the basis to recommend a fiscally sound plan to provide a coordinated statewide system of effective sex offender treatment programming" (M.S. 241.67, subd. 8(3)).

In the following report we address the following questions:

- Who are the offenders who are placed on probation for sex offenses? What are their demographic characteristics? What is the nature of their offense behavior, and what is known about the victims of their offenses? What is the role of alcohol/drugs in the offense behavior and lives of the offenders?
- How are these offenders convicted and sentenced? What are the conditions associated with being placed on probation? How many are assessed for and ordered into sex offender treatment?
- What are the outcomes of the criminal justice interventions? How many offenders violate the conditions of probation and how many have their probation revoked? How many offenders are rearrested for new sex offenses? How many are rearrested for other offenses, or have their probation revoked and are subsequently incarcerated?
- How many offenders complete sex offender treatment? Does completion of treatment reduce the likelihood that an offender will commit a new sex offense?

### Research Design

The final sample includes all adult offenders sentenced to probation in Minnesota in 1987, 1989, or 1992 for a felony sex offense for whom data were available. Research staff reviewed the probation files of these 1,407 sex offenders and collected data on more than 2,500 items of information per offender. Further information was received from the agencies that provided sex offender treatment for these offenders. Finally, reoffense data were collected from the Bureau of Criminal Apprehension (BCA) and the Federal Bureau of Investigation (FBI) databases.

### Offender and Offense Characteristics

The offenders in the study are overwhelmingly male (97%), white (83%), and were under the age of 35 at the time they were sentenced (61%). Almost two-thirds were single at the time the offense was committed, and half had one or more dependent children. Half of the offenders in the sample also had children living with them at the time of the offense. Of those living with children, most had three or fewer in the home.

Most of the offenders in the sample had no more than a high school education or an equivalent degree. Almost half were unemployed or engaged in part-time, seasonal, or sporadic work at the time the offense was committed. Just over half of the offenders had a history of unstable or no employment.



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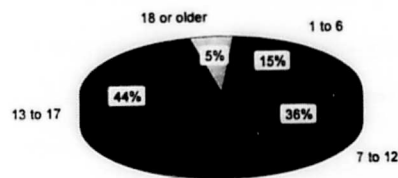
Forty-seven percent of the offenders were sentenced in one of the seven counties comprising the Minneapolis-St. Paul metropolitan area, with about one-third of all offenders in the sample being sentenced in either Hennepin or Ramsey County.

**Alcohol and Drug Use**

Data collected on the alcohol and drug use among the sample show that many of the offenders have a history of chemical use or dependency. Thirty-five percent of the offenders exhibited heavy or addictive use of alcohol around the time the offense was committed, and 12% showed signs of heavy or addictive use of drugs. The data also suggest the coincidence of alcohol use and the criminal behavior of many of the offenders in this

sample: Thirty-two percent of the offenders were under the influence of alcohol at the time of the offense, and 38% were under the influence of both alcohol and drugs. Overall, 40% of the offenders were under the influence of alcohol or drugs at the time of the offense.

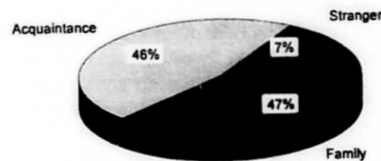
**Age of Victim**



**Victim Characteristics**

Data were collected on 2,508 victims for the 1,407 offenders in the sample. Most of the victims were female (84%) and under the age of 18 (95%). Most of the victims were acquaintances of the offender or related to the offender; in other words, the victim almost always knew the person who victimized him or her. Nearly 40% of the victims lived with the offender at the time of the offense.

**Relationship of Victim to Offender**



**Offense Characteristics and Offender Behavior**

Most of the identifiable behaviors exhibited by the offender prior to the commission of the offense involved deception or efforts to lure the victim. Fifteen percent of the offenders "groomed" the victim prior to the offense, ten percent enticed the victim verbally, and seven percent deceived the victim in some other way.

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**Methods Most Frequently Employed by the Offender to Ensure Victim Compliance**

	Frequency	Percent
Implicit coercion	600	42.6%
Physical force	376	26.7%
Intimidation	370	26.3%
Victim asleep	226	16.1%
Threat of harm to victim	128	9.1%
Use of a weapon	20	1.4%

Victim compliance<sup>1</sup> was achieved in numerous ways, the majority of which did not involve the use of force or infliction of physical injury. Physical force was used by 27% of the offenders to achieve victim compliance, and only nine percent threatened the victim with harm. Less than two percent of the offenders used a weapon in the commission of their offense (see table below).

The most common injuries sustained by the victims were emotional injury (59%) and severe mental anguish (28%). Three percent required emergency medical treatment. Two percent of the victims became pregnant as a result of the offense, and two percent attempted suicide following the offense.

Most of the offenses (65%) involved sexual penetration of a victim. Roughly half of the offenders in the sample committed the offense over a period of time, assaulting one or more victims on one or more occasions.

**Sex Offender Typology**

A research-based typology was employed to categorize the entire sample of sex offenders into smaller subgroups. This typology resulted in the following classification scheme:

**Sex Offender Type**

	Frequency	Percent
Rapist	291	21.7%
Child Molester	468	34.8%
Child Incest	486	36.2%
Adult Molester	64	4.8%
Adult Incest	6	0.4%
Multiple Types	29	2.2%
Total	1344	100.0%

Note: Sixty-three offenders could not be classified.

**Adjudication of Offenders**

**Method of Obtaining Conviction**

Most offenders were found guilty of the present offense through plea bargaining. Only three percent were found guilty in a trial proceeding. Sixty-four percent of the offenders plead guilty after negotiating reduced charges or stayed sentences, while 28% entered a straight plea of guilty to the offense for which they were charged. Finally, five percent entered Alford or Norgaard pleas.

**Probation Sentence Pronounced**

Most of the offenders in the sample received the presumptive sentence for the most serious conviction offense. Twenty-two percent of the sample received a dispositional departure, and only eight percent received a durational departure. The average probation term among the offenders in the sample was 10.3 years. It was noted that offenders sentenced in 1992 received longer terms of probation than offenders sentenced in 1987 or 1989.

<sup>1</sup> More than one method was coded per offender if necessary. Thus, the percentages in the table will not sum to 100%.

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***Other Sanctions Pronounced***

Approximately 87% of the sample were sentenced to jail as a condition of the stayed sentence for the most serious convicted offense. The average jail sentence imposed was 187 days.

About half of the offenders in the sample were ordered to pay a fine. The average fine imposed was just over \$575. Eighteen percent of the offenders were ordered to pay restitution or other treatment-related costs accrued by the victim as a result of the offense. The average amount ordered was \$1,237. One-fourth of the sample was ordered to abstain from alcohol use by the sentencing judge.

Sixty percent of the offenders were ordered to have no contact with the victim, while 21% were ordered not to have contact with minors.

Nearly 90% of the sample were sentenced to some type of treatment for the present offense. Probation files indicated that 904 offenders (64%) were ordered to complete sex offender treatment as a condition of their probation. Nineteen percent of the sample were ordered to attend treatment for chemical dependency. Three percent of the sample were ordered to attend mental health treatment. Nineteen percent of the offenders had other treatment-related sanctions imposed by the judge (e.g., an order to attend domestic abuse counseling or treatment for gambling).

**Outcomes of Criminal Justice Interventions**

***Sanctions Completed***

Fifty-five percent of the offenders given fines paid their fines in full, and partial payments were received from an additional 30% of the offenders. The average amount collected was \$538. Just over half of those with restitution orders had completed payments, and payments were still being sought for 15% of the offenders. The average amount collected among those who had made payments was approximately \$1,500.

***Probation Violations***

Approximately 41% of the offenders in the sample had at least one technical violation while they were on probation and 20% had two violations filed. Sex and race do not have an effect on the violation rate. However, child incest offenders, married offenders, stable and full-time employees, older offenders, those with more education, those without a history of alcohol abuse and offenders completing treatment were less likely to have technical violations while on probation.

The most common reasons for violation were the offender's failure to meet conditions of his or her probation, followed by failure to complete a treatment program, failure to keep appointments with probation officers, and use of drugs or alcohol.

***Probation Revocations***

Most offenders adjusted successfully to probation. One hundred fourteen offenders (eight percent of the total sample) were incarcerated after their probation was revoked due to violations of their probation conditions. Additionally, 196 offenders (14%) were convicted of new felonies that resulted in incarceration.

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### Reoffense

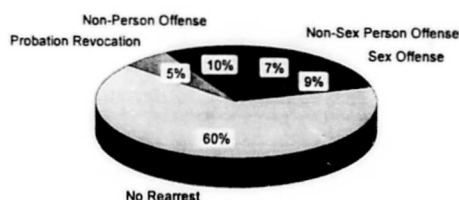
Reoffense data were collected for each offender in the sample for a time period of 6.3 years. Approximately nine percent were arrested for new sex offenses, and seven percent were arrested for a non-sex person offense.

Approximately 26% of all new arrests occurred within the first year and almost half occurred within the first two years following sentencing.

The rate of rearrest then appears to level off until the four-year mark, when there is a slight increase.

There are significant associations between rearrest and several demographic and background variables. Specifically, child incest offenders, those employed full-time when the original offense was committed, offenders with stable employment at the time of the original offense, older offenders, married offenders, those receiving treatment, and those not using alcohol or chemicals during the initial offense are less likely to be rearrested. Additionally, offenders with a history of alcohol abuse and those sentenced in 1987 or 1989 are significantly more likely to be rearrested three or more times within the 6.3 year follow-up period. For those rearrested, the average time until first new arrest was 2.3 years. Full-time employees and offenders with stable employment were less likely to be rearrested within 2.3 years.

### Type of Most Serious Rearrest



### Sex Offender Treatment

Half of the offenders who entered sex offender treatment successfully completed the program. The single most common reason cited for those who failed to complete treatment was termination due to lack of progress (i.e., the offender did not satisfy the requirements of the program). Treatment outcome was not known for nearly five percent of those who entered treatment.

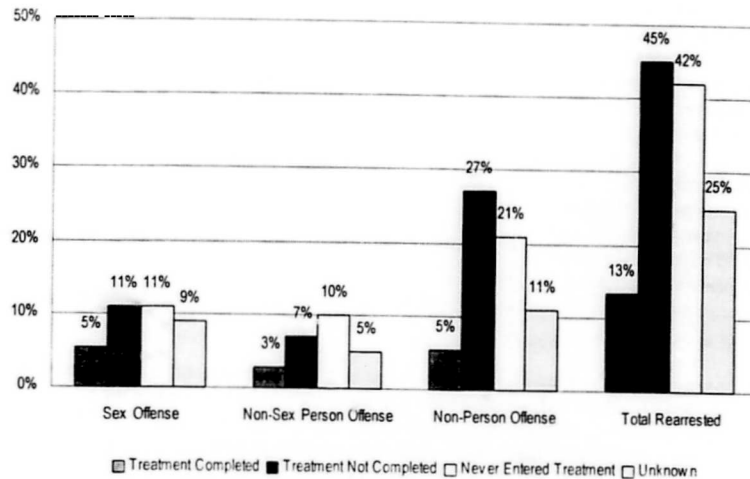
### Sex Offender Treatment Outcomes

	Frequency	Percent
Successful completion	247	50.2%
Unsuccessful discharge	222	45.1%
Outcome unknown	23	4.7%
Total	492	100.0%

Offenders who completed sex offender treatment were significantly less likely to be rearrested for a new sex offense.

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**Percent Rearrested by Type of Rearrest and Sex Offender Treatment Outcome**



***Discussion and Implications for the Evaluation Phase***

- Relatively few offenders in the sample were arrested for a new offense, and only a small proportion of the sample was arrested for a new sex offense. Informal social controls (i.e., attachment to work and the family) appear to be the factors most closely associated with lower reoffense rates compared to other offender characteristics.
- Completion of a sex offender treatment program is one of the factors associated with a lower risk of reoffense. Many offenders sentenced to probation are ordered to sex offender treatment, and many enter a community-based treatment program. However, only half of those who enter a sex offender treatment program successfully complete it.
- The sentences imposed seem to be in accordance with sentencing guidelines, although the range of sanctions imposed appears to have become greater and perhaps more restrictive during the time period studied. The effect of these sentencing changes on recidivism rates of sex offenders is not clear. Reoffense rates did not decline over the time period studied. However, those sentenced in 1992 were more likely to have their probation sentence revoked and less likely to be chronic reoffenders when compared to those sentenced in earlier years. Together, these findings suggest that the more restrictive sanctions in recent years have decreased the seriousness and frequency of the reoffending behavior. Additional research is necessary to confirm this hypothesis.
- Substance use and abuse appear to be related to the risk of reoffense: 45% of those with a history of heavy or addictive alcohol use committed a new offense compared to 23% of those without such a history.

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- Community supervision appears to be an appropriate sanction for many of the offenders in the sample. For the most part, the offenders in the sample are first-time felons who did not use physical force to achieve victim compliance. Moreover, many were not rearrested for any new offense during the 6.3 year follow-up and 91% were not arrested for a new sex offense.
- This sample of offenders sentenced to probation is quite different from samples of offenders sentenced to prison. Studies reveal that sex offenders admitted to Minnesota prisons are much more likely to have victimized an adult (34% compared with 5% for the CBSOPEP sample) or a stranger (17.5% vs. 7.4% for the CBSOPEP sample). Sex offenders sentenced to prison are five times more likely to have used a weapon and four times more likely to have inflicted injury resulting in a need for emergency medical treatment.
- Recidivism among sex offenders released from prison shows a pattern similar to that of the offenders placed on probation, though the overall recidivism rate is somewhat higher (See Appendix B). Overall, 18.3% of sex offenders released from prison in 1992 were rearrested for a new sex offense within six years of release. Offenders who completed sex offender treatment in prison were less likely to be rearrested for a new sex offense than were offenders who never entered treatment, or those who entered but did not complete treatment.

### **Recommendations**

- **There is a need for increased treatment funding for sex offenders placed on probation.**

The present study suggests an association between completion of sex offender treatment and reduced recidivism rates. Only 5% of the offenders who completed sex offender treatment were arrested for a new sex offense compared to 11% of those who failed treatment or never entered treatment and 9% of those whose treatment status was unknown. The analysis conducted does not allow the inference of a causal relationship between treatment and a lowered risk of reoffense. If such a relationship was established, the 50% decrease in the rate of arrest for a new sex offense would be considered sizable and would represent the prevention of future sexual assaults.

The authors of this report were unable to address questions related to funding for the offenders in this study, as the available data regarding treatment were limited to treatment attendance, discharge status, and reason for discharge. However, in March 1999 the Minnesota Department of Corrections (DOC) conducted a Request for Proposals (RFP) designed to award grant funding to agencies that provide sex offender treatment to adults or juveniles placed on probation. The DOC received requests totaling almost \$4,000,000 but could award only \$1,500,000. This funding will be used to provide treatment for approximately 1,200 offenders over the next two years, at an average cost per offender of \$1,250 per year. This is far less than the average cost of outpatient sex offender treatment reported in the 1994 Legislative Auditor's Report on Sex Offender Treatment Programs.

- **Alcohol and other drug (AOD) evaluations should be ordered by the court for any sex offender known or suspected to be chemically dependent or abusive of alcohol or drugs. If indicated by the evaluation, AOD treatment should be ordered as a condition of probation. Finally, these offenders should be subject to frequent monitoring to ensure that they are complying with probation conditions prohibiting use of alcohol or drugs.**

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The connection between chemical dependency and reoffense is well established, both by this study and several others. AOD treatment is available throughout the state. There are a number of sophisticated technologies (e.g., breathalyzers, urinalysis, hair analysis, etc.) increasingly available and affordable to monitor use of alcohol or other drugs. These strategies should be employed.

- **Based on the results of the next phase of the CBSOPEP, and the DOC experience with promulgating and enforcing rules for residential sex offender treatment programs, the Legislature should consider requiring the DOC in collaboration with the Department of Human Services (DHS) to promulgate rules for outpatient sex offender treatment.**

The current study and the next phase of the CBSOPEP will provide additional information about what components of sex offender treatment are particularly effective at reducing sex offender recidivism. The DOC, in collaboration with the DHS and with the input of several sex offender treatment programs, promulgated rules for residential sex offender programs and has now begun to certify programs under those rules. This experience would assist greatly in promulgation of rules for outpatient programs. However, this experience does not enable us to estimate whether promulgated rules would affect the cost of outpatient sex offender treatment programs since the rules for residential programs are in the beginning stages of implementation. The promulgation of rules is done in collaboration with an advisory group that includes treatment providers and, therefore, the issue of costs would be addressed throughout the promulgation process.

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## Introduction

The Community-Based Sex Offender Program Evaluation Project (CBSOPEP) was created in 1993 by M.S. 241.67, subd. 8. Among other requirements, this statute directs the commissioner of corrections to develop a long-term project that will "provide the necessary data to form the basis to recommend a fiscally sound plan to provide a coordinated statewide system of effective sex offender treatment programming" (M.S. 241.67, subd. 8(3)). The legislature, in using this language, clearly recognized that creating a statewide system of sex offender treatment programming first requires knowledge of which treatment programs are effective and why.

The pages that follow comprise the final report of the retrospective probation study. In these pages, the reader will find in-depth information about sex offenders sentenced to probation – their crimes, their victims, their sanctions and treatment, and the outcomes of these criminal justice and therapeutic interventions.

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The final design of the Community-Based Sex Offender Program Evaluation Project calls for two phases of long-term research: a retrospective probation study that provides a baseline of data necessary for an informed evaluation project, followed by an evaluation component that examines in-depth the delivery of community-based sex offender treatment in Minnesota.

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## Background

By statute, the commissioner of corrections is directed to develop a long-term project that will "provide the necessary data to form the basis to recommend a fiscally sound plan to provide a coordinated statewide system of effective, sex offender treatment programming" (M.S. 241.67, subd. 8(3)). The Sex Offender/Chemical Dependency Services Unit (SO/CD Unit) at the Minnesota Department of Corrections (DOC) assembled a staff of researchers and an Advisory Task Force to fulfill this legislative mandate. Within the first few meetings of this group in 1994, a strong consensus emerged: There was, at that time, no good information available about community-based sex offender treatment programs and their clientele in this state.<sup>1</sup>

Research staff and Advisory Task Force members concluded that a baseline of data pertaining to community-based sex offender treatment and the supervision of sex offenders was needed before an evaluation of these programs was possible. Generally, descriptive data on the population to be studied and the treatment to be evaluated are helpful as researchers decide which factors and outcomes to examine as part of an evaluation. In the present evaluation, availability of such baseline data is imperative given that an experimental design likely is not possible. The ideal evaluation of sex offender treatment programming would use an experimental design that randomly assigns individuals to the "experimental group" (those who receive treatment) and the

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<sup>1</sup> Appendix A presents the full statute.

<sup>2</sup> The Legislative Auditor's 1994 report, *Sex Offender Treatment Programs*, was the first attempt to gather detailed information about statewide community-based sex offender treatment programs. The authors of this report noted the many difficulties encountered in assembling basic descriptive data about these programs, and they argued for a more in-depth examination of these programs than they were able to accomplish within their limited objectives.



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"control group" (those who do not receive treatment). The use of random assignment allows researchers to assume that the two groups are determined solely by chance and therefore will differ from each other by chance. Using tests of significance, researchers can determine the probability that differences in the outcomes of the two groups (e.g., recidivism rates) are due to chance rather than the treatment.

Employing a non-experimental design requires researchers to measure and control for the extraneous factors other than involvement in sex offender treatment that might influence outcome measures such as recidivism rates. The scarcity of adequate research examining the effectiveness of sex offender treatment, coupled with the lack of descriptive information on the sex offender population on probation in Minnesota, gave research staff little insight into which factors should be included in the evaluation phase of the project. Subsequently, research staff and the Advisory Task Force sought baseline data describing this population and the programs that treat them.

To this end, the Retrospective Study employs a voluminous data collection instrument that allows researchers to retrieve information about the characteristics of sex offenders and their victims, the criminal justice and treatment interventions employed for these offenders, and subsequent probation and treatment outcomes. The results of this study will direct the design of the next phase of this project, which is the evaluation of community-based sex offender treatment programs in Minnesota.

### **Research Design**

Research staff determined that a retrospective study was the design best suited to establish a baseline of data.<sup>4</sup> Staff also decided that a review of the offenders' probation files would yield the most data about these offenders, since probation files contain much of the information collected by criminal justice system staff from the offender's arrest through the discharge of his or her sentence. Probation files typically include the following documents:

- criminal complaints
- pre-sentence investigation reports
- sentencing transcripts
- Minnesota Sentencing Guidelines Worksheets
- sex offender, chemical dependency, and psychological assessments
- the probation agreement (which spells out the conditions of the offender's probation)
- progress reports and discharge summaries for offenders in sex offender and/or chemical dependency treatment
- fiscal documents relating to fines, restitution, and other financial sanctions paid by the offender
- for active cases, a log of the offender's contacts with his/her agent and a summary of those interactions (i.e., "chronos")
- violation reports for those offenders who had violated probation
- revocation reports and summaries for those offenders whose probation had been revoked as a result of a violation

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<sup>4</sup> A prospective study was (and at this time still is) untenable, because there is no statewide system that immediately identifies these offenders as they are sentenced to probation.

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These documents provide extensive information about the offender's social history, the offense(s) for which he or she was sentenced to probation, the sanctions ordered at sentencing, the offender's compliance with conditions of probation, and his or her overall adjustment to supervision.

### **The Sample**

#### **Sample Design**

The original design of the retrospective probation study called for a sample of felony sex offenders who had been sentenced to probation in 1987, 1989, or 1992. The initial plan was to gather information on all the offenders sentenced in 1992, and a sample of offenders from both 1987 and 1989. The sample of offenders from the earlier years was to be selected from a database compiled for two studies previously completed by the Minnesota Sentencing Guidelines Commission (MSGC).

Once data collection was underway, however, it became apparent that collecting the entire population of offenders in all three years (as opposed to utilizing samples drawn for purposes other than the present study) would yield much higher quality and more representative data. In addition, this would allow for comparison of the 1987 and 1989 offenders with the 1992 offenders. Researchers were able to obtain from the MSGC a list of the entire population of offenders sentenced in 1987<sup>5</sup>, 1989, or 1992 for a felony criminal sexual conduct offense and placed on probation. This list became the basis for the probation study sample.<sup>6</sup>

#### **Final Sample**

The final sample includes all adult offenders sentenced to probation in Minnesota in 1987, 1989, or 1992 for a felony sex offense.<sup>7</sup> Misdemeanor sex offenders were excluded because of the difficulty in identifying these offenders using existing information systems. The following groups are therefore excluded from the present study:

- Juvenile offenders
- Offenders sentenced to prison
- Offenders under probation supervision in Minnesota through an interstate agreement for an offense committed in another state
- Offenders sentenced in other years
- Sex offenders not convicted of a felony sex offense (i.e., 5<sup>th</sup> degree criminal sexual conduct, sex-related burglary, sex-related kidnapping, and other sex-related convictions without an accompanying felony criminal sexual conduct conviction)

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<sup>5</sup> The actual dates for inclusion in the 1987 population are November 1, 1986, through October 31, 1987. These were the parameters for the MSGC study of 1987 offenders.

<sup>6</sup> This list did not exist when the project was in its planning stages, which in part was why the initial design called for using samples already defined in other research.

<sup>7</sup> Felony sex offenses include 1<sup>st</sup> through 4<sup>th</sup> degree criminal sexual conduct (see M.S. 609.342 - 609.345).

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***Primary Data Collection***

Beginning in February of 1994, research staff contacted the county probation offices in which the offenders in the final sample were sentenced and arranged for access to the offenders' probation files. Staff then traveled to most of these offices to gather the data. For 21 counties with fewer than 4 offenders in the study, research staff requested that these probation offices mail copies of the offenders' files to DOC Central Office. This was done because it did not seem cost-efficient to send researchers to remote regions of the state to code only a handful of files. However, the inclusion of these files in the study was important, given that the CBSOPEP legislation requires that the DOC target unserved and under-served areas. Nearly every office complied with this request.

CBSOPEP research staff developed a comprehensive data collection instrument for gathering information about the offenders in the study. This form allowed for the collection of detailed information about:

- **Offender characteristics:** Information about offender demographics, including social and family history
- **Alcohol and drug use:** Data on the offender's past and present use of alcohol and drugs
- **Victim(s)' characteristics:** Victim demographics, offense impact on victim, offender relationship to victim
- **Offense characteristics and offender behavior:** Details of the offender's behavior before, during, and after the offense; method of obtaining victim compliance; method of gaining access to victim
- **Adjudication of offenders:** Sentencing recommendations, length of presumptive sentence, method of obtaining conviction
- **Criminal justice sanctions:** Length of probation, conditions of probation (jail time, restitution, treatment, no contact orders)
- **Assessments and treatment interventions:** Sex offender, chemical dependency, and mental health treatment ordered and completed
- **Probation violations:** Number of probation violations, reason(s) for violations, additional sanctions imposed, revocations

Data collection for all probation files was completed in September of 1996. In all, information was coded on 1,407 (95%) of the 1,477 offender identified by the MSGC and meeting the criteria for inclusion in the study. The response rate was highest for 1992 offenders and lowest for 1987 offenders; data also were more complete for those sentenced in 1992. This is because some probation offices destroy files for offenders upon discharge from probation, and offenders sentenced in earlier years of the study were more likely than those sentenced in later years to have been discharged at the time data were collected.

It should be noted that probation offices were, for the most part, eager to cooperate in our research. Research staff consistently reported positively on the level of cooperation they received in this data collection effort, regardless of whether the probation office was a DOC probation office, a county probation office that contracted with the DOC, or a community corrections act county office.

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**Additional Data Collection**

**Reoffense Data**

Once the initial data collection was complete, research staff conducted criminal history checks using the Bureau of Criminal Apprehension's (BCA's) and the Federal Bureau of Investigation's (FBI's) databases. The researchers had hoped to obtain both criminal history and reoffense data from these searches. However, the criminal histories of these offenders were unreliable, since the BCA's database was inconsistent in its ability to provide information about offenses occurring prior to the database's coming online in 1990. Therefore, researchers focused their efforts on obtaining and reporting on the arrests and convictions occurring after an offender's sentence date. The results of these analyses are reported later in this report.

**Prison Data**

In addition to the BCA and FBI criminal history checks, research staff examined the department's database to determine which offenders had been incarcerated following the probation sentence that resulted in their inclusion in the study. This examination identified those offenders who had reoffended and were incarcerated for a new offense, as well as those offenders whose probation had been revoked because of failure to abide by conditions imposed at sentencing. These offenders represent approximately 22% of the offenders in the sample (n=306).

Research staff gathered additional information about this group of offenders from their prison files in an attempt to determine the factors that led to their ultimate incarceration. These data will be analyzed at a later date and should provide useful information about the factors associated with the optimal supervision of sex offenders on probation.

**Jail Data**

The researchers discovered that information regarding the amount of jail time ordered and served and the amount of jail credit received was particularly difficult to obtain from the probation files. Researchers attempted to gather this information directly from jail administrators and county sheriffs, but again met with limited success. Much of the data was inaccessible to jail administrators because it was maintained at other sites, while other information was not easily retrieved from existing electronic databases. The inaccessibility of these data highlights a larger problem regarding criminal justice information systems.

**Treatment Data**

Research staff rarely found treatment completion information in the probation files examined. In fact, it was often difficult to determine what program an offender had entered. Research staff attempted another data collection effort, contacting staff of the treatment programs to augment the information gathered initially. In this second data collection effort, research staff asked for some very basic information on the offenders in the sample: the date the offender entered the program, the date the offender completed the program, and why the offender left the program (i.e., successful completion, termination, etc.). The response rate to this initial data collection effort was unimpressive. Many providers refused to supply the DOC with the requested information, citing concerns with data privacy requirements.

In an attempt to address their concerns, the DOC asked the Legislature to modify M.S. 241.67. The Legislature responded in 1998 by adding subd. 9(a), which states:

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"All sex offender treatment facilities that provide treatment to sex offenders who begin treatment as a condition of probation shall provide the commissioner relevant information on the treatment of those offenders as the commissioner requests for the purpose of this evaluation. The information disclosed to the commissioner shall only be reported in aggregate and that information must not be used to designate additional sanctions for any individual offender."

With this protection from liability for providers, research staff again sought to collect treatment completion information from providers for the offenders in the study. However, treatment data for some offenders who entered treatment still could not be obtained. Some treatment programs no longer existed at the time the data were requested. Other providers had purged the files of the offenders in the sample if they had been discharged from the program years ago. Researchers also did not seek information on the offenders who received individual psychotherapy since the cost associated with contacting each of these therapists was considered too great. Nonetheless, this final data collection effort improved the original response rate, with virtually every treatment program cooperating with this request. The findings for this information are reported in subsequent pages of this report.

## **Findings**

The quantity of data collected for this study prevents the reporting of all findings in this report. Selected descriptive findings are presented below, followed by an analysis of the reoffense data obtained from the BCA and the FBI.

### ***Offender and Offense Characteristics***

#### **Offender Characteristics**

The offenders in the study are overwhelmingly male (97%), white (83%), and were under the age of 35 at the time they were sentenced (61%). Almost two-thirds were single at the time the offense was committed, and half had one or more dependent children. Half of the offenders in the sample also had children living with them at the time of the offense. Of those living with children, most had three or fewer in the home (Table 1).

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**Table 1: Selected Offender Characteristics**

<b>RACE</b>	<b>Frequency</b>	<b>Percent</b>	<b>AGE GROUP</b>	<b>Frequency</b>	<b>Percent</b>
White	1158	83.0%	20 or under	207	14.7%
African American	111	8.0%	21 to 24	211	15.0%
American Indian	49	3.5%	25 to 29	228	16.2%
Chicano/Latino	42	3.0%	30 to 34	211	15.0%
Asian/Pacific Islander	22	1.6%	35 to 39	167	11.9%
Multi-racial/other	13	0.9%	40 to 49	207	14.7%
Total	1395	100.0%	50 to 59	77	5.5%
			60 or over	99	7.0%
			Total	1407	100.0%

<b>MARITAL STATUS AT OFFENSE</b>	<b>Frequency</b>	<b>Percent</b>	<b>NUMBER OF DEPENDENT CHILDREN</b>	<b>Frequency</b>	<b>Percent</b>
Single	664	47.2%	None	697	50.7%
Married	514	37.6%	One	182	13.2%
Separated	55	4.0%	Two	223	16.2%
Divorced	134	9.8%	Three or more	272	19.8%
Total	1367	100.0%	Total	1374	100.0%

<b>EDUCATION LEVEL</b>	<b>Frequency</b>	<b>Percent</b>	<b>NUMBER OF CHILDREN LIVING WITH OFFENDER</b>	<b>Frequency</b>	<b>Percent</b>
Less than high school	838	62.4%	None	651	46.3%
High school grad/GED	313	23.3%	One	210	14.9%
Some college	126	9.4%	Two	225	16.0%
College/graduate degree	67	5.0%	Three or more	321	22.8%
Total	1344	100.0%	Total	1407	100.0%

<b>EMPLOYMENT STATUS AT SENTENCING</b>	<b>Frequency</b>	<b>Percent</b>	<b>EMPLOYMENT STABILITY AT SENTENCING</b>	<b>Frequency</b>	<b>Percent</b>
Not employed	374	28.5%	No occupation	302	22.5%
Sporadic employment	84	6.4%	Not stable	381	28.5%
Part-time or seasonal	142	10.8%	Stable	656	49.0%
Full-time or equivalent	712	54.3%	Total	1339	100.0%
Total	1312	100.0%			

Note: The totals in the tables above may not equal 1,407 due to missing information on some offenders.

Most of the offenders in the sample had no more than a high school education or an equivalent degree. Almost half were unemployed or engaged in part-time, seasonal, or sporadic work at the time the offense was committed. Just over half of the offenders had a history of unstable or no employment.

Forty-seven percent of the offenders were sentenced in one of the seven counties comprising the Minneapolis-St. Paul metropolitan area,<sup>8</sup> with about one-third of all offenders in the sample being sentenced in either Hennepin or Ramsey County. The top five sentencing counties are listed in Table 2.

<sup>8</sup> The seven counties comprising the Minneapolis-St. Paul metropolitan area are Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

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**Table 2: Top Five Sentencing Counties**

	Frequency	Percent
Hennepin	290	20.6%
Ramsey	145	10.3%
Anoka	99	7.0%
St. Louis	74	5.3%
Dakota	60	4.3%

Offenders sentenced in 1992 account for a slightly greater percentage of the sample (40%) than those sentenced in 1987 or 1989 (32% and 29% respectively). As noted previously, offenders sentenced in 1992 were somewhat more likely to be included in the study than those sentenced in earlier years as a smaller proportion would have had their probation file purged or destroyed following discharge. In addition, the greater number of offenders in 1992 appears to be part of a

larger trend: Between 1987 and 1992, the number of offenders sentenced to probation for 1<sup>st</sup> through 4<sup>th</sup> degree criminal sexual conduct in Minnesota increased by nearly 25%. During the same time period, the number of offenders sentenced to prison for the same offenses increased by 32%. Convictions for 1<sup>st</sup> through 4<sup>th</sup> degree criminal sexual conduct continued to increase, reaching a high of 885 in 1994, but have declined considerably since that time (Table 3).

#### **Alcohol and Drug Use**

Data collected on the alcohol and drug use among the sample show that many of the offenders have a history of chemical use or dependency. Thirty-five percent of the offenders exhibited heavy or addictive use of alcohol around the time the offense was committed, and twelve percent showed signs of heavy or addictive use of drugs. The data also suggest the coincidence of alcohol use and the criminal behavior of many of the offenders in this sample: Thirty-two percent of the offenders were under the influence of alcohol at the time of the offense, and 38% were under the influence of both alcohol and drugs. Overall, 40% of the offenders were under the influence of alcohol or drugs at the time of the offense.

**Table 3: Number of Sex Offenders Sentenced to Probation versus Prison, 1987 to 1997**

Year	Prison	Probation	Total
1987	182	449	631
1988	180	493	673
1989	218	467	685
1990	231	537	768
1991	227	497	724
1992	241	559	800
1993	245	585	829
1994	283	602	885
1995	253	522	775
1996	236	396	632
1997	204	435	639

#### **Victim Characteristics**

The data collection instrument allowed researchers to gather information on as many as six victims for up to three arrests for each offender in the sample. Data on multiple arrests were collected only if each resulted in the offender being sentenced to the term of probation examined in this study (i.e., data on victimizations for which the offender was previously on probation or never arrested were not collected). In this manner, data were collected on a total of 2,508 victims for the 1,407 offenders in the sample.

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Most of the victims were female (84%) and under the age of 18 (95%). As shown in Table 4, most of the victims were acquaintances of the offender or related to the offender; in other words, the victim almost always knew the person who victimized him or her. Nearly 40% of the victims lived with the offender at the time of the offense. The victim's ethnicity was rarely indicated in

the probation files examined in this study as criminal complaints and presentence investigation reports often omit such details in order to protect the identity of victims.

**Table 4: Selected Victim Characteristics**

Age Group	Frequency	Percent
1 to 6	341	15.4%
7 to 12	793	35.9%
13 to 17	967	43.7%
18 or older	110	5.0%
Total	2211	100.0%
<b>Relationship to Offender</b>		
Family	1046	46.2%
Acquaintance	1050	46.4%
Stranger	168	7.4%
Total	2264	100.0%
<b>Was the Victim Living with the Offender at the Time of the Offense?</b>		
Yes	865	38.3%
No	1396	61.7%
Total	2261	100.0%

There is little variation in victim characteristics across the years of the study. Slight changes occurred in the percentage of female victims, increasing slightly from 80% in 1987 to 85% in 1992, and the proportion of victims 18 or older, which increased from three percent to seven percent. In addition, a slightly smaller percentage of the victims in 1992 were strangers to the offender, decreasing from 37% in 1987 to 34% in 1992. These differences do not appear to be significant.

Small variations also were observed in the characteristics of victims among offenders of different racial and ethnic backgrounds.

Minority offenders in the sample more often

victimized adults when compared to Caucasian offenders, and Caucasian offenders more often victimized children under the age of seven. Caucasian offenders were considerably more likely than minority offenders to victimize family members, while minority offenders were more likely to victimize a stranger.

#### **Offense Characteristics and Offender Behavior**

Research staff collected data on the characteristics of the offense committed and the offender's behavior prior to and during the commission of the offense. Data were collected on up to three offenses for each offender. If more than three offenses occurred, researchers collected data on only the most serious of the offenses. Data on acts preceding the commission of the offense, the methods the offender employed to gain access to the victim, the ways in which victim compliance was achieved, and injuries to the victim resulting from the offense were recorded for each of the victims. Multiple responses to each of the variables were possible.

Most of the identifiable behaviors exhibited by the offender prior to the commission of the offense involved deception or efforts to lure the victim. Fifteen percent of the offenders "groomed" the victim prior to the offense, ten percent enticed the victim verbally, and seven percent deceived the victim in some other way.



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Victim compliance<sup>9</sup> was achieved in numerous ways, the majority of which did not involve the use of force or infliction of physical injury. Physical force was used by 27% of the offenders to achieve victim compliance, and only nine percent threatened the victim with harm. Less than two percent of the offenders used a weapon in the commission of their offense (Table 5).

The most common injuries sustained by the victims were emotional injury (59%) and severe mental anguish (28%). Only three percent required emergency medical treatment. Two percent of the victims became pregnant as a result of the offense, and two percent attempted suicide following the offense. Two victims committed suicide as a result of the offense.

Most of the offenses (65%) involved sexual penetration of a victim. Roughly half of the offenders in the sample committed the offense over a period of time, assaulting one or more victims on one or more occasions.

### **Sex Offender Typology**

Research staff thought it helpful to classify offenders in some manner to assist in the interpretation of the data gathered in this project. A review of the existing sex offender research revealed that most, if not all, of the existing sex offender typologies and taxonomies are based on clinical assessment or judgment. It was not possible to classify the offenders in this sample in this manner, since the research staff had neither the training nor the experience to make clinical

**Table 5: Methods Most Frequently  
Employed by the Offender to Ensure Victim  
Compliance**

	Frequency	Percent
Implicit coercion	600	42.6%
Physical force	376	26.7%
Intimidation	370	26.3%
Victim asleep	226	16.1%
Threat of harm to victim	128	9.1%
Weapon present	20	1.4%

assessments. Furthermore, the empirical support for existing typologies and taxonomies is problematic. Many are based on small sample sizes, or have been developed for a particular type of offender (e.g., child molesters). (See, for example, Knight and Prentky 1990.) Finally, CBSOPEP researchers found it problematic that many typologies classify offenders based on characteristics of the victim or the victim-offender relationship and consider the acts committed and behavior demonstrated by the offender during the offense only secondarily, if at all. For example, an adult who forcibly penetrates an acquaintance who is under the

age of 18 often is classified as a child molester because the victim was a child and the victim and the offender were not related. If the victim and the offender are related, the offender is classified as an incest offender. Either classification ignores two very important aspects of the offense: the penetration of the victim and the use of force. We argue that the occurrence of these two behaviors supercedes all other characteristics of the offense, because it clearly indicates the occurrence of a rape.

CBSOSPEP researchers recognized that an offense-based typology would result in the categorization of a larger proportion of the sample as rapists when compared to traditional

<sup>9</sup> More than one method was coded per offender if necessary. Thus, the percentages in the table will not sum to 100%.

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typologies described above. Thus, research staff conducted an analysis to determine what proportion of the sample would have been classified as rapists if the age of the victim and the offender-victim relationship had taken precedence over the use of force and penetration. The results of this analysis revealed that only five percent of the sample would have been classified as rapists. Most of the sample would have been classified as child molesters (44%) or child incest offenders (42%).

The classification scheme ultimately developed and utilized for this study categorizes offenders along four dimensions:<sup>10</sup>

- method of compliance (force, coercion, no force, or consent)
- acts committed during the offense (penetration or no penetration)
- age of the victim (adult, young adult, adolescent, or child)
- offender relationship to victim (stranger, acquaintance, or family)

These four dimensions enabled the classification of offenders into six categories: rapists, child molesters, child incest offenders, adult molesters, adult incest offenders, and those who can be classified in multiple categories. Precedence was given to the method used (force), the acts committed (penetration), the age of the victim, then the offender's relationship to the victim, in that order. This resulted in the following offense-based, classification system that categorizes offenders using the following criteria:

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**Rapists**

- the offender used force and penetrated the victim

**Child molesters**

- the offender used force or penetrated the victim
- the victim was under the age of 18
- the victim and offender are not related

**Child incest offenders**

- the offender used force or penetrated the victim
- the victim was under the age of 18
- the victim and offender are related

**Adult molesters**

- the offender used force or penetrated the victim
- the victim was 18 or older
- the victim and offender are not related

**Adult incest offenders**

- the offender used force or penetrated the victim
- the victim was 18 or older
- the victim and offender are related

**Multiple offender types**

- the offender used force or penetrated the victim
  - at least one victim was under the age of 18 and one was 18 or older or one victim was related to the offender and one was not related to the offender
- 

Sixty-three offenders, representing approximately five percent of the sample, could not be classified along these dimensions due to missing data. They were excluded from all analyses involving sex offender type. As shown in Table 6, child incest offenders and child molesters

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<sup>10</sup> Offenders were classified based on data collected on the instant offense(s) only. Characteristics of previous offenses were not considered in classifying offenders along these dimensions.

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each comprise roughly 35% of the sample. Rapists account for 22% of the sample, and all other categories represent five or fewer percent of the sample.

**Adjudication of Offenders  
 Sentencing Recommendations**

Few offenders in the sample have a history of juvenile adjudications or misdemeanor convictions as indicated by the MSGC worksheet completed at sentencing.

Approximately one-fourth of the offenders in the sample received points on the worksheet for previous felonies, indicating that nearly three out of four offenders in the sample were serving their first probation sentence. Child incest offenders were most likely to be serving their first probation sentence, and those offenders who fit into multiple classification types were least likely to be serving their first probation sentence. Only five percent of the sample were under the authority of a correctional agency at the time of the offense.

**Table 6: Sex Offender Type**

	Frequency	Percent
Rapist	291	21.7%
Child Molester	468	34.8%
Child Incest	486	36.2%
Adult Molester	64	4.8%
Adult Incest	6	0.4%
Multiple Types	29	2.2%
Total	1344	100.0%

Note: Sixty-three offenders could not be classified.

Recommendations on the length of the sentence were made for most of the offenders in the sample. The majority of the recommendations, however, were for the presumptive sentence.<sup>11</sup> Only three percent of the offenders received a recommendation for a sentence that was more severe than the presumptive sentence, and three percent received a recommendation for a sentence that was less severe than the presumptive sentence.

**Table 7: Mean Presumptive Sentences by  
 Sex Offender Type**

	Mean
Rapist	31.13
Child Molester	23.95
Child Incest	28.12
Adult Molester	23.60
Adult Incest	22.83
Multiple Types	28.10
Total	27.06

The average presumptive sentence for the offenders in the sample was 27 months, although most offenders received a presumptive sentence of 21 months. The average length of the presumptive sentence increased between 1987 and 1992, from 24 months to almost 31 months. Offenders classified as rapists had the longest average presumptive sentence (31 months), while adult incest offenders had the shortest average presumptive sentence (23 months). Both child molesters and adult molesters had average presumptive sentences only slightly

higher than adult incest offenders (Table 7).

Approximately 90% of the offenders also received recommendations on the conditions of the stayed sentence. The most frequently occurring recommendations are summarized below:

<sup>11</sup> A presumptive sentence is the sentence provided in the sentencing guidelines for particular offenses committed by offenders with similar criminal histories.

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- In roughly 80% of the cases, a recommendation was made regarding the use of jail time as a sanction. Among those offenders who received a specific recommendation for jail, the average time recommended was 183 days. The most common recommendation was a jail sentence of one year. Only two percent of the offenders received a recommendation for no jail time. The average recommended jail sentence was longest among those classified as rapists and shortest among adult incest offenders.
- During the time period studied, recommendations for a fine or restitution increased dramatically. Only 29% of the offenders sentenced in 1987 received a recommendation for a fine or restitution, compared to 66% of those sentenced in 1992. Overall, a fine or restitution was a recommended sanction for half of the sample.
- Just under 60% of the offenders received a recommendation for sex offender treatment. Child incest offenders were most likely to receive a recommendation for sex offender treatment (68%), and adult molesters were least likely to receive such a recommendation (31%).
- Eighteen percent of the offenders in the sample received a recommendation for chemical dependency treatment.
- Almost 20% of the sample received no recommendation for any type of treatment.
- Nine percent of the sample received a recommendation for community work service.

**Method of Obtaining Conviction**

As shown in Table 8, most offenders were found guilty of the present offense through plea bargaining. Only three percent of the sample went to trial for the present offense, and 28% entered a "straight plea" (i.e., the offender pleaded either guilty or not guilty and did not engage in plea bargaining). Nearly all of those who did enter a straight plea, however, pleaded guilty. Child molesters and adult incest offenders were most likely to plead guilty to the offense, while adult molesters and those who fit into multiple offense types were most likely to plead not guilty. Rapists were most likely to engage in plea bargaining. Only five percent of the offenders in the sample entered either an Alford plea or a Norgaard plea.<sup>12</sup>

**Table 8: Method of Obtaining Conviction by Sex Offender Type**

	Trial		Straight Plea		Charge/Sentence Negotiation		Alford Plea		Norgaard Plea		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Rapist	9	3.1%	37	12.9%	218	76.2%	18	6.3%	4	1.4%	286	100%
Child Molester	8	1.8%	166	36.5%	262	57.6%	18	4.0%	1	0.2%	455	100%
Child Incest	12	2.5%	134	28.2%	305	64.2%	22	4.6%	2	0.4%	475	100%
Adult Molester	6	9.8%	19	31.1%	33	54.1%	3	4.9%	0	0.0%	61	100%
Adult Incest	0	0.0%	4	66.7%	2	33.3%	0	0.0%	0	0.0%	6	100%
Multiple	0	0.0%	8	29.6%	16	59.2%	3	11.1%	0	0.0%	27	100%
Total	35	2.7%	368	28.1%	836	63.6%	64	4.9%	7	0.5%	1310	100%

Note: Ninety-seven offenders were excluded from this analysis due to missing information on at least one of the variables.

<sup>12</sup> An Alford plea is entered when the offender maintains his or her innocence but concedes that there is a factual basis upon which a judge could conclude a finding of guilt. A Norgaard plea is entered when the offender claims that, due to chemically induced intoxication, he or she cannot remember if the offense was committed but concedes that there is a factual basis upon which a judge could conclude a finding of guilt.

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**Probation Sentence Pronounced**

Most of the offenders in the sample received the presumptive sentence for the most serious conviction offense. Twenty-two percent of the sample received a dispositional departure, and only eight percent received a durational departure.<sup>13</sup> Nearly all of the offenders given a dispositional departure were given a mitigated departure. Of those given a durational departure, half were aggravated departures and half were mitigated departures.

Just under three-fourths of the sample were convicted of at least one offense of severity level six or higher. Felony offenses are ranked according to the MSGC grid into ten levels of severity, ranging from a low of one to a high of ten. Child incest and adult incest offenders were most likely to be convicted of an offense of severity level six or higher, and child molesters were least likely to be convicted of such a serious offense (Table 9).

**Table 9: Severity Level of Most Serious Conviction by Sex Offender Type**

	Level 2 or 3		Level 4 or 5		Level 6 or Higher		Total	
	N	%	N	%	N	%	N	%
Rapist	2	0.7%	71	24.7%	215	74.6%	288	100%
Child Molester	5	1.1%	218	47.0%	241	51.9%	464	100%
Child Incest	1	0.2%	61	12.6%	421	87.2%	483	100%
Adult Molester	0	0.0%	11	17.7%	51	82.3%	62	100%
Adult Incest	1	16.7%	0	0.0%	5	83.3%	6	100%
Multiple	0	0.0%	6	20.6%	23	79.3%	29	100%
Total	9	0.7%	367	27.6%	956	71.8%	1332	100%

Note: Seventy-five offenders were excluded from this analysis due to missing information on at least one of the variables.

A slightly greater proportion of the sample were given a stay of execution rather than a stay of imposition. Approximately 53% of the sample received a stay of execution and 47% received a stay of imposition. The average stayed sentence was 40 months, although both the median and mode were 21 months.<sup>14</sup>

The average probation term among the offenders in the sample was 10.3 years. However, certain groups of offenders in the sample appear to have been sentenced to shorter sentences on average.

- The average probation term imposed for adult molesters was 6.6 years.
- Adult incest offenders were sentenced to an average probation term of 7.2 years.
- Females received an average probation term of 8.6 years.

A departure occurs when the judge gives a sentence that differs from that provided in the sentencing guidelines grid. A dispositional departure occurs when the judge gives a different type of sentence than provided in the grid (e.g., a prison sentence rather than a probation sentence and vice-versa). A durational departure occurs when the judge gives a sentence that deviates from the guidelines in the length of the sentence imposed (30 months rather than 36 months and vice-versa).

<sup>13</sup> The median represents the point at which half of the sentences are greater and half are lower. The mode represents the most frequently occurring sentence.

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- Offenders 20 years of age or younger were sentenced to an average probation term of 8.9 years.
- African American and American Indian offenders were sentenced to roughly nine years of probation.
- The average sentence among offenders sentenced in 1987 and 1989 was 8.7 and 9.3 years, respectively.

Other groups of offenders in the sample were ordered to serve longer than average probation terms:

- Offenders who were married at the time of the offense were sentenced to an average term of probation of 11.2 years.
- Child incest offenders were sentenced to an average of 12 years of probation.
- Offenders sentenced in 1992 received a slightly longer probation sentence on average when compared to the entire sample (12.5 years versus 10.3 years)

Researchers conducted an analysis of covariance to determine whether the differences in the mean probation terms of different types of offenders were due to covariation with the age, race, or sex of the offenders. The unadjusted means reported above, which do not take into account the possible interaction between the type of offense committed and certain characteristics of the offender, did not differ significantly from the means resulting from the analysis of covariance. This suggests that the unadjusted means are accurate.

#### **Other Sanctions Pronounced**

Approximately 87% of the sample were sentenced to jail as a condition of the stayed sentence for the most serious convicted offense. The average jail sentence imposed was 187 days, the median was 180 days, and the most frequently imposed sentence was one year. The use of jail as a sanction increased slightly across the years of the sample. In 1987, 84% of the offenders received a jail sentence compared to 87% in 1989 and 91% in 1992. However, the length of time to which offenders were sentenced to jail as a condition of their stayed sentence did not vary significantly across the three years of the sample.

Nearly 90% of the sample were sentenced to some type of treatment for the present offense. Most (almost two-thirds) of the offenders were ordered to sex offender treatment. Offenders sentenced in 1992 were slightly more likely than those sentenced in earlier years to be ordered to attend sex offender treatment (Table 10). Overall, females were less likely than males to be ordered to sex offender treatment<sup>15</sup>, as were racial and ethnic minorities. Married offenders and those living with three or more children were more likely to be ordered to attend sex offender treatment when compared to non-married offenders and those with two or fewer children in the home.

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<sup>15</sup> At the time the offenders in the sample were sentenced, females might have been less likely to be ordered to attend sex offender treatment due to the lack of programs that offered such treatment for females.

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**Table 10: Number of Offenders Ordered to Sex offender Treatment by Sentencing Year**

Was sex offender treatment ordered?	1987		1989		1992	
	N	%	N	%	N	%
Yes	246	60.4%	275	61.9%	383	68.9%
No	161	39.6%	169	38.1%	173	31.1%

Nineteen percent of the sample were ordered to attend treatment for chemical dependency. Offenders with a history of sporadic employment were more likely to be ordered to attend chemical dependency treatment when compared to those with a stable history of employment. American Indian and African American offenders also were more likely than offenders from other racial or ethnic groups to be ordered to attend chemical dependency treatment, as were divorced offenders. A few groups of offenders were less likely to receive an order for chemical dependency treatment. None of the offenders with graduate degrees were ordered to chemical dependency treatment and only three percent of college graduates were ordered to do so. The percentage of offenders 60 years of age or older ordered to attend chemical dependency treatment also was lower than found in the entire sample, as was the percentage of females ordered.

Only three percent of the sample were ordered to attend mental health treatment. Nineteen percent of the offenders had other treatment-related sanctions imposed by the judge (e.g., an order to attend domestic abuse counseling or treatment for gambling).

About half of the offenders in the sample were ordered to pay a fine for the most serious conviction offense. Only six percent of those who were ordered to pay a fine were granted either a full or partial stay of the fine. The average fine imposed was just over \$575, and the amount most frequently imposed was \$300. The use of fines increased dramatically over the time period examined in the study: Only one-fourth of the offenders sentenced in 1987 were ordered to pay a fine while two-thirds of those sentenced in 1992 were ordered to do so. Females and African Americans were less likely to receive a fine. Fines also were imposed less frequently in the seven county metropolitan area than the non-metropolitan area (43% versus 61%).

Only one-fourth of the sample were ordered to abstain from alcohol use by the sentencing judge. Offenders who committed a crime outside of the seven county metropolitan area were slightly more likely than those who committed a crime within the metropolitan area to receive such an order. Education level appears to be inversely related to orders to abstain from the use of alcohol: Twenty-eight percent of offenders with a high school education or less were ordered to abstain from alcohol use compared to thirteen percent of college graduates and three percent of those with a graduate degree. Overall, the likelihood of an offender's sentence including an order to abstain from alcohol use increased slightly over the period of the study. Twenty-one percent of the offenders sentenced in 1987 were ordered to abstain from alcohol use compared to 30% of those sentenced in 1992.

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Additional findings regarding the sanctions pronounced include:

- Twenty percent of the sample were ordered to abstain from drug use by the sentencing judge. However, the percentage of offenders ordered to abstain from drug use increased between 1987 and 1992, from 14% to 26%.
- Overall, only 13% of the sample were ordered to submit to random drug testing, although the use of drug testing as a sanction increased dramatically over the study period. Only four percent of offenders sentenced in 1987 and eight percent of those sentenced in 1989 were ordered to comply with random drug testing, compared to 22% of those sentenced in 1992.
- Eighteen percent of the offenders were ordered to pay restitution or other treatment-related costs accrued by the victim as a result of the offense. The average amount ordered was \$1,237.
- Just under 60% of the offenders were ordered to have no contact with the victim.
- Twenty-one percent of the sample were ordered not to have contact with minors. Child molesters and child incest offenders were most likely to receive such an order (27% and 21%, respectively). Only 13% of those sentenced in 1987 received such an order compared to 30% of those sentenced in 1992.
- Only two percent of the offenders were ordered not to have contact with their own children. The percentage was only slightly higher among child incest offenders (four percent).
- Fourteen percent of the offenders in the sample were ordered to complete community work service. The average amount of work service ordered was 148 hours.

**Sex Offender Treatment**

Only five percent of the sample had a history of sex offender treatment prior to committing the offense for which they were placed on probation. This finding is consistent with our previous finding that over three-fourths of the sample were on probation for a felony offense for the first time. Offenders sentenced in the metropolitan area were slightly more likely than those from the non-metropolitan area to have a history of sex offender treatment.

**Table 11: Was a Sex Offender Treatment Assessment Ordered (by Offender's Race)**

	Yes		No		Total	
	N	%	N	%	N	%
Caucasian	880	84.3%	164	15.7%	1044	100%
African American	86	83.5%	17	16.5%	103	100%
American Indian	35	74.5%	12	25.5%	47	100%
Chicano/Latino	18	51.4%	17	78.6%	35	100%
Asian/Pacific Islander	12	66.7%	6	33.3%	18	100%
Multi-racial/other	6	50.0%	6	50.0%	12	100%
Total	1037	82.4%	222	17.6%	1259	100%

Note: One hundred forty-eight offenders were excluded from this analysis due to missing information on at least one of the variables.

Over 80% of the offenders in the sample completed an assessment for sex offender treatment following the commission of the current offense. With the exception of African American offenders, racial or ethnic minorities were less likely to undergo a sex offender treatment assessment when compared to Caucasians (Table 11). The likelihood of completing an



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assessment appears to increase with education level: Just over three-fourths of the offenders with less than a high school education completed an assessment compared to 88% of those with an undergraduate or graduate degree.

Adult molesters and adult incest offenders were the two types of sex offenders least likely to complete a sex offender treatment assessment, and child incest offenders and those who fit into multiple categories were the two groups most likely to complete such an assessment (Table 12).

**Table 12: Was a Sex Offender Treatment Assessment Ordered (by Sex Offender Type)**

	Yes		No		Total	
	N	%	N	%	N	%
Rapist	216	83.7%	42	16.3%	258	100%
Child Molester	329	77.2%	97	22.8%	426	100%
Child Incest	402	90.3%	43	9.7%	445	100%
Adult Molester	40	70.2%	17	29.8%	57	100%
Adult Incest	2	66.7%	1	33.3%	3	100%
Multiple	25	92.6%	2	7.4%	27	100%
Total	1014	83.4%	202	16.6%	1216	100%

Note: One-hundred eighty-one offenders were excluded from this analysis due to missing information on at least one of the variables.

Offenders sentenced in the metropolitan area were more likely to complete an assessment for sex offender treatment when compared to those sentenced outside of the metropolitan area (87% versus 78%). Finally, offenders sentenced in later years of the study were more likely to undergo a sex offender treatment assessment. Between 1987 and 1992, the percentage of offenders completing a sex offender treatment assessment increased slightly from 78% to 86%.

**Table 13: Sex Offender Treatment Outcomes**

	Frequency	Percent
Successful completion	247	50.2%
Unsuccessful completion		
Terminated, lack of progress	38	7.7%
Terminated, discipline problems	15	3.0%
Terminated, new offense	4	0.8%
Terminated, use of chemicals	3	0.6%
Terminated, revocation of probation	5	1.0%
Offender quit/absconded	24	4.9%
Unsuccessful, other or multiple reasons	133	27.0%
Outcome unknown	23	4.7%
Total	492	100.0%

Nearly all (85%) of the offenders who completed a sex offender assessment, representing just over 900 of the 1,407 offenders in the sample, were found to be in need of sex offender treatment. Only five percent of the offenders assessed were found not to require treatment, and seven percent were declared not amenable to sex offender treatment.

Probation files indicated that 904 offenders were ordered to complete sex offender treatment as a condition of their probation. The name of the treatment program was obtained in

the initial file review for only 684 of these offenders. Repeated efforts to collect treatment completion information ultimately yielded data on 557 (62%) of the 904 offenders ordered to treatment.

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Approximately 12% of the 557 offenders never entered treatment. Of the 492 who did enter treatment, half successfully completed the program originally entered. The single most common reason cited for those who failed to complete treatment was a termination due to lack of progress (i.e., the offender did not satisfy the requirements of the program). Treatment outcome was not known for nearly five percent of those who entered treatment (Table 13).

### Chemical Dependency Treatment

Approximately 21% of the offenders in the sample had entered a chemical dependency treatment program at some time prior to committing the present offense. Among some groups of offenders, the percentage with a history of chemical dependency treatment was considerably higher than that of the entire sample. Approximately 43% of American Indians had a history of chemical dependency treatment. In addition, offenders with a history of sporadic employment or unstable employment also were more likely to have a history of chemical dependency treatment (39% and 29%, respectively). Divorced offenders also were more likely to have entered a chemical dependency treatment program at some time prior to committing the present offense. Among the offenders with a history of chemical dependency treatment, 47% were ordered to abstain from alcohol use by the sentencing judge and 36% were ordered to abstain from drug use.

Thirty-nine percent of the sample underwent an assessment for chemical dependency treatment following the current offense. Several groups of offenders were more likely to undergo a chemical dependency assessment when compared to the entire sample. Compared to other racial or ethnic groups, American Indian and African American offenders were most likely to undergo an assessment for chemical dependency treatment. Offenders with sporadic employment, those sentenced in the metropolitan area, and those between the ages of 25 and 29 also were more likely to undergo a chemical dependency assessment. Finally, offenders sentenced in 1992 were more likely to complete a chemical dependency assessment (45%) than those sentenced in 1987 or 1989 (34% and 36%, respectively).

Some groups of offenders were less likely to be assessed for chemical dependency treatment when compared to the entire sample. Offenders least likely to be assessed for chemical dependency treatment are those who were married at the time of the offense, those 60 years of age or older, and those who graduated from college.

Of those assessed, roughly three-fourths of the offenders were found to be in need of some type of chemical dependency treatment. Treatment interventions ranged from Alcoholics Anonymous (A.A.) to residential treatment.

### Mental Health Treatment

Eleven percent of the 1,407 offenders in the sample had a history of mental health treatment. Notably, the percentage of females in the sample who had prior treatment for mental health issues was considerably greater when compared to males (25% versus 10%).

Approximately 20% of the sample completed a mental health assessment at some point following the current offense. Offenders in the seven county metropolitan area were more likely to undergo such an assessment than offenders from other parts of the state (29% versus 12%). Offenders sentenced in 1989 were least likely to complete a mental health assessment (14%), while those sentenced in 1992 were most likely (25%).

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### ***Outcomes of Criminal Justice Interventions***

#### **Sanctions Completed**

Unfortunately, very little information was found in the probation files on sanctions completed. As discussed previously, information on jail time served rarely was recorded in the probation files and an attempt to retrieve this information from a second source was unsuccessful. The findings reported below on sanctions completed often are based on less than half of the offenders in the sample and hence should be interpreted with caution.

- Of those offenders ordered to complete community work service, approximately 70% completed all of the total number of hours ordered. Only three offenders were still completing their work service requirement, and 29% had not completed any of the required hours. The average number of community work service hours completed was 145.
- Eighty-five percent of the offenders ordered to pay a fine had made some payments at the time data were collected. Fifty-five percent of the offenders had paid their fines, and efforts were still being made to collect the fines owed by only nine percent of the offenders. The average amount collected was \$538.
- One-third of the offenders ordered to pay restitution had made no payments at the time of data collection. Just over half of those with restitution orders had completed payments, and payments were still being sought for 15% of the offenders. The average amount collected among those who had made payments was approximately \$1,500.
- Data on the number of times each offender was tested for drugs were available for only 31 offenders. Of these offenders, only 22% of the offenders appear to have any drug testing completed prior to data collection. The average number of drug tests completed among these offenders was 2.7.

#### **Probation Violations**

Approximately 41% of the offenders in the sample had at least one technical violation<sup>16</sup> while they were on probation and 20% had two violations filed. Sex and race appear to have no statistically significant effect on the violation rate. The violation rate also did not vary from metropolitan to non-metropolitan areas or across sample years. However, child incest offenders, married offenders, stable and full-time employees, older offenders, those with more education, those without a history of alcohol abuse and offenders completing treatment were less likely to have technical violations while on probation.

The most common reasons for violation was the offender's failure to meet conditions of his or her probation, followed by failure to complete a residential or non-residential treatment program, failure to keep appointments with probation officers, and use of drugs or alcohol.

#### **Reoffense**

In all, 481 offenders (34% of the entire sample) were rearrested as of January 1999. Thus, offenders originally sentenced in 1987 had about 12 years in which to be rearrested, those sentenced in 1989 had about ten years, and those sentenced in 1992 had seven years during

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<sup>16</sup> A technical violation occurs when an offender violates one or more of the conditions of probation ordered by the judge at sentencing. A technical violation may or may not result in a new arrest or the revocation of the offender's probation sentence.

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which they could be rearrested. Because of this difference in time available to rearrest, not surprisingly a higher percentage of those sentenced in earlier years of the study were rearrested compared to those sentenced in later years. It is desirable to remove this effect for analytical purposes, so for most of the comparisons in this section arrests occurring between months 77 and 120 are not included, of which there were 39. By doing so, the time period was adjusted during which a new arrest could have occurred so that it is equivalent for all three years of the sample. The time period each offender is tracked – 76 months or approximately 6.3 years – is longer than the follow-up period employed in many other recidivism studies and adequate to assess the redetection of criminal behavior among the offenders in the study.

In this manner, a total of 442 offenders (31% of the entire sample) were classified as reoffenders. Fourteen percent ultimately were convicted and incarcerated in prison or jail for a new sentence, and eight percent had their probation revoked and also were incarcerated. Another 42 offenders (approximately three percent of the sample) were arrested for a minor offense and convicted but not incarcerated. This left 85 offenders who were rearrested but the charges were dismissed or the disposition was unknown at the time of data collection. For purposes of this analysis all of these groups were included, which means that any new arrest is treated as an indicator of a reoffense<sup>17</sup>. For all analysis except those examining time until first rearrest, offenders who were arrested more than once during the time period examined are classified according to their most serious arrest. Since there were so few of those rearrested that were not reconvicted or revoked, the statistical patterns are essentially the same as those where reoffense is defined more narrowly in terms of convictions. Hence, by including all rearrests instead of only reconvictions, statistical power is increased without changing statistical patterns.

**Table 14: Offenders by Most Serious Reoffense and Most Serious Disposition**

	Frequency	Percent
No reoffense	965	68.6%
Arrested only	85	6.0%
Arrested and convicted	42	3.0%
Incarcerated for a new offense	200	14.2%
Incarcerated following revocation of probation	115	8.2%
Total	1407	100.0%

Most of the 442 offenders who were rearrested within the first 76 months were arrested for a non-person offense<sup>18</sup>. Approximately nine percent were arrested for new sex offenses, and seven percent were arrested for a non-sex person offense (Figure 1).

<sup>17</sup> Notably, this is the broadest possible definition of detected reoffense. The inclusion of the 115 offenders incarcerated following revocation of their probation sentence may be controversial as the majority of these offenders engaged in behavior that violated the terms of their probation but did not constitute a criminal act per se (e.g., use of alcohol).

<sup>18</sup> For all subsequent analysis, non-person offenses include property, drug, traffic, and other similar crimes as well as arrests for technical violations of probation.

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The rearrest rate for a new sex offense reported here is considerably lower than reported in the 1997 Legislative Auditor's report Recidivism of Adult Felons. In that report, the authors found that 18% of adult offenders sentenced to probation for a sex offense in 1992 were rearrested for a new sex offense within three years of sentencing. Some of the discrepancy between the rearrest rates might be due to

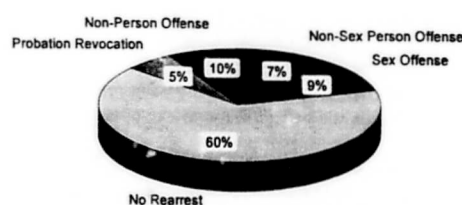
the fact that the present study employs a more narrowly defined sample than that used in the Legislative Auditor's report. Discussion with one of the authors of the 1997 report, however, suggests that the discrepancy more likely is due to the exceptional effort made in the present study to distinguish between those arrested for a probation violation and those arrested for a new sex offense. When the BCA's arrest data alone are analyzed (and conviction data are not), an arrest for a probation violation often can be distinguished from an arrest for a new sex offense only by examining the court case number. Typically, a new court case number is assigned each time an offender is arrested for a new offense. If the court case number for the "new" arrest matches the court case number of the offense for which the offender originally was placed on probation, the "new" arrest likely is an arrest for a technical violation of probation. Since the offender's original arrest was for a sex offense, any arrest for a probation violation could appear to be a new sex offense if researchers do not compare the court case numbers. It appears that the authors of the 1997 report were not aware of this issue and hence erroneously counted arrests for probation violations as arrests for new sex offenses.

#### Demographic Variables

Significant differences were found in rearrest patterns across several demographic and other background variables. Rather large differences in rearrest rates were observed for non-person offenses and non-sex person offenses. Fewer and less significant differences were found for sex offenses. General rearrest rates differed by sex offender type, marital status, employment status, employment stability, age, and the offender's history of alcohol abuse. Each of these background factors was measured at the time of the initial offense.

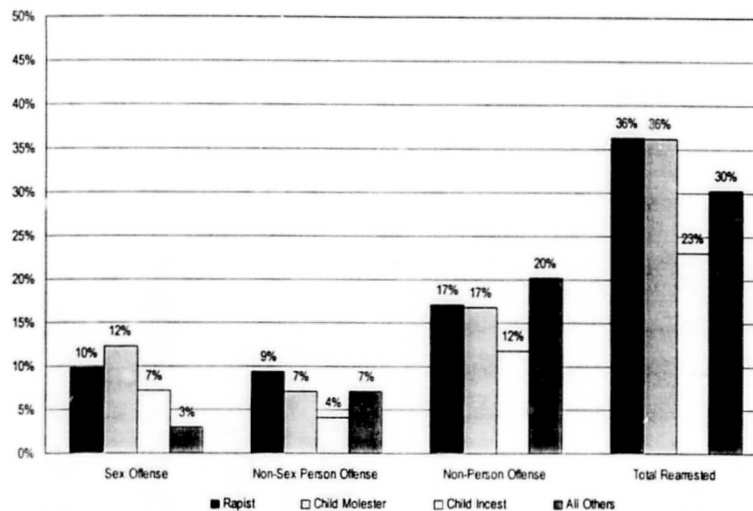
Regarding sex offender type, those on probation for child incest were least likely to reoffend when compared to rapists, child molesters and those on probation for other types of sex offenses. Child molesters were most likely to be arrested for a new sex offense (Figure 2).

Figure 1: Type of Most Serious Rearrest



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Figure 2: Percent Rearrested by Type of Rearrest and Sex Offender Type



As shown in Figure 3, offenders who were married at the time of sentencing were least likely to be arrested for any new offense, with only 21% rearrested within 6.3 years of initial sentencing. The rearrest rates for a new sex offense differed very little according to the offender's marital status, ranging from a low of eight percent among married offenders to a high of ten percent among divorced offenders. These differences are not statistically significant.

Employment status at the time of the initial offense also appears to affect the likelihood of rearrest among the offenders in the sample. Thirty-seven percent of those not working full-time at the time of their original offense were rearrested, while only 25% of the sample working full-time were rearrested. The percentage of offenders with a new arrest was higher among those not working full-time for each of the three offense categories examined (Figure 4).

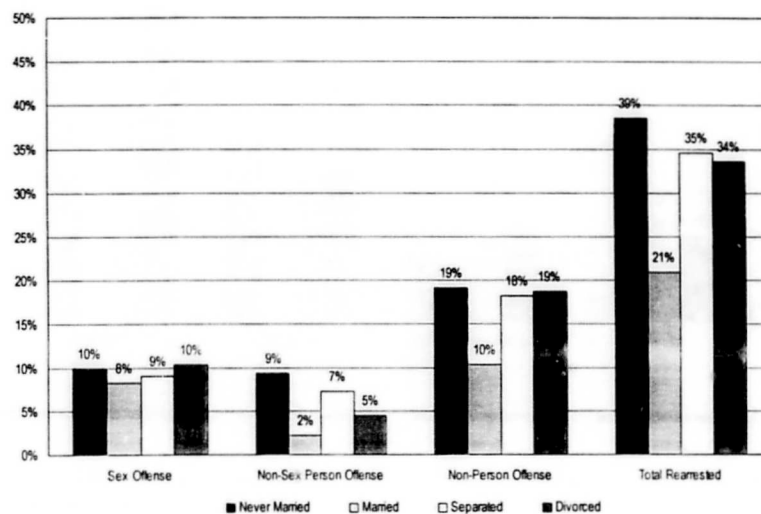
As with employment status, employment stability was significantly associated with our measure of reoffense<sup>19</sup>. Only 23% of offenders with stable employment at the time of their original offense reoffended within 6.3 years. In comparison, 31% of the unemployed and 47% with a history of unstable employment were rearrested. Offenders with a history of unstable

<sup>19</sup> For all analysis regarding employment stability, stable employment refers to employment with the same company for at least six months prior to the offense for which probation was ordered. The unemployed in this analysis includes only those who *can* work, but choose not to (i.e., offenders under 18, full-time students, the disabled, and retired offenders are excluded from the analysis).

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employment were most likely to be arrested for any new offense with the exception of sex offenses. Similar percentages of the unemployed offenders and those with a history of unstable employment were arrested for a new sex offense (12%), while only seven percent of those with a history of stable employment were arrested for a new sex offense (Figure 5).

Figure 3: Percent Rearrested by Type of Rearrest and Marital Status



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Figure 4: Percent Rearrested by Rearrest Type and Employment Status

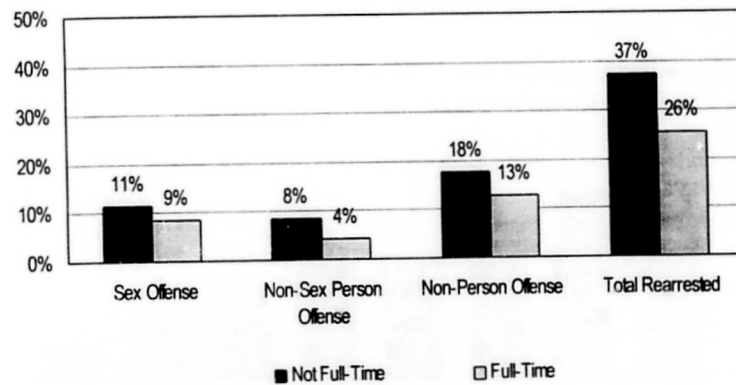
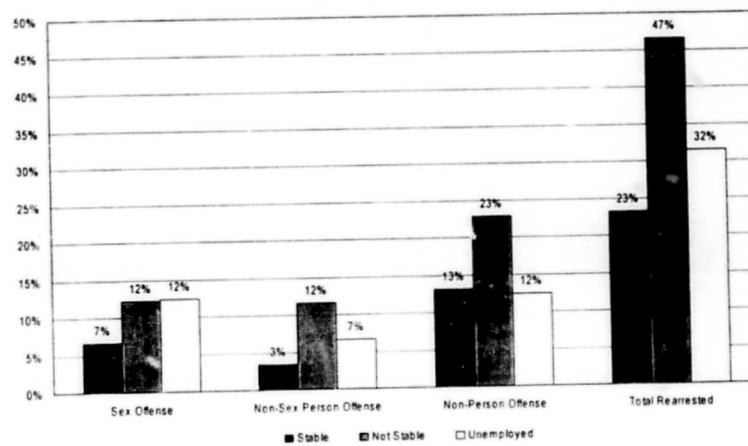


Figure 5: Percent Rearrested by Offense Type and Employment Stability





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Data measuring any reoffense are relatively consistent with respect to age. Rearrest rates decreased with age when all new arrests were examined (Figure 6). Arrest for a new sex offense, on the other hand, showed less consistency (Figure 7). Rearrest rates hover around 11% up to the age of 29, drop slightly among those between the ages of 30 and 49, and then drop again among those 50 or older.

Figure 6: Percent Rearrested for Any Offense by Age

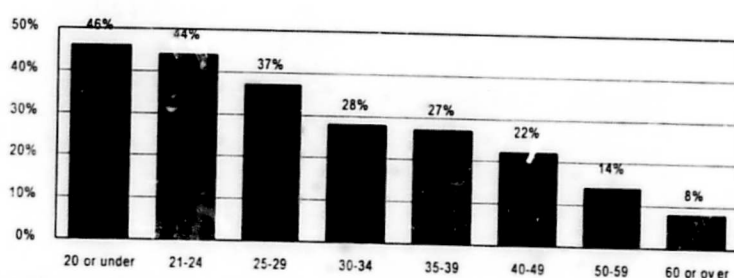
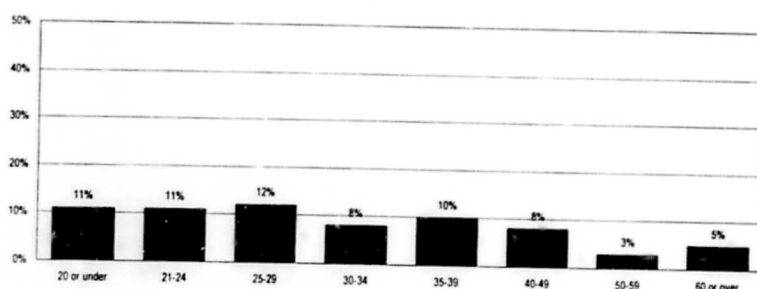


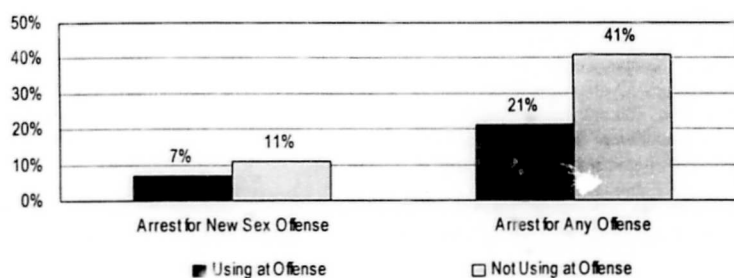
Figure 7: Percent Rearrested for a Sex Offense by Age



Finally, history of alcohol or drug use appears to be positively related to reoffending. Forty-five percent of those with a history of heavy or addictive alcohol use committed a new offense compared to 23% of those without such a history. Similarly, 41% of offenders using chemicals at the time of their original offense were arrested for a new offense while only 22% of those not using during the original offense reoffended (Figure 8).

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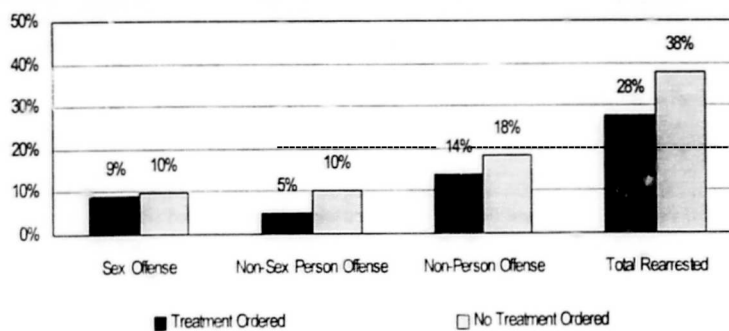
Figure 8: Relationship between Chemical Use during Original Offense and New Offense



**Sex Offender Treatment**

Offenders ordered to receive sex offender treatment and those completing sex offender treatment were less likely to reoffend when compared to those who were not ordered to treatment or those who did not complete treatment. Only 28% of those ordered to receive treatment were arrested for a new offense compared to 38% of those not ordered to receive treatment. Those ordered to receive treatment were less likely than those not ordered to treatment to be arrested for a new non-person offense or a non-sex, person offense. Rearrest rates for a new sex offense were not significantly different among the two groups (Figure 9).

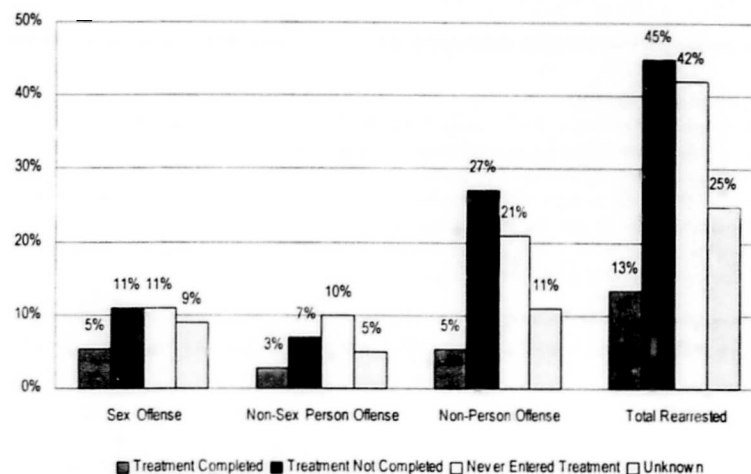
Figure 9: Percent Rearrested by Type of Rearrest and Sex Offender Treatment Orders



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In similar fashion, offenders completing treatment were significantly less likely than offenders not completing treatment to be rearrested. Offenders were placed into four categories based on the information available at the time of data collection. As noted previously, 247 offenders successfully completed a sex offender treatment program and 222 entered treatment but did not complete the program. An additional 485 never entered treatment either because they were not ordered to or they were ordered to treatment but did not enter. Finally, treatment information was missing for 453 offenders in the sample. Overall, only 13% of those completing treatment were rearrested. In contrast, 45% of those not completing treatment and 42% of those who never entered treatment were rearrested. Notably, arrest rates for a new sex offense was lowest among those who completed sex offender treatment (Figure 10).

**Figure 10: Percent Rearrested by Type of Rearrest and Sex Offender Treatment Outcome**



Previous research examining risk to reoffend among sex offenders has suggested that the presence of a male victim is significantly associated with risk to reoffend sexually. Analyses for the present study do not support this conclusion. Approximately 200 offenders (14% of the sample) had at least one male victim when committing their initial offense. These offenders were significantly more likely to be child molesters, to be single, and to be ordered to treatment. Offenders with a male victim were not, however, significantly more likely to commit new sex offenses. Approximately seven percent of offenders with only female victims committed new sex offenses within 6.3 years, while eight percent with male victims committed sex offenses within this period.

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***Probation Violations***

An examination of offenders who had at least one technical violation of probation revealed that these offenders were more likely to be arrested for a new offense than offenders who had no technical violations of probation. Overall, 22% of non-reoffenders had a technical violation of probation for a reason other than a new offense. In contrast, the percentage with a technical violation was 53% among those with a subsequent arrest for a non-person offense, 54% among those with a subsequent arrest for a non-sex person offense, and 60% among those with a subsequent arrest for a sex offense. Researchers did not record dates for probation violation reports, so it is not possible to determine how soon after the violation occurred that the offender was rearrested.

Offenders sentenced in 1992 were more likely to have their probation revoked following a technical violation of probation than those sentenced in 1987 or 1989. For those sentenced in 1992, approximately 40% had their probation revoked for violating the conditions of their probation sentence. In comparison, 27% of those sentenced in 1989 and 22% sentenced in 1987 had their probation revoked for a technical violation.

Finally, offenders not completing treatment after their initial offense were more than four times as likely to have their probation revoked for a technical violation as those completing treatment (52% versus 12%). The latter finding likely is due partly to the fact that failure to complete treatment can in itself be considered grounds for revoking an offender's probation.

***Chronic Reoffenders***

Approximately ten percent of the entire sample were rearrested three or more times within the first 6.3 years of probation. Initial analysis suggests that several demographic and background variables may help predict repeat offending. Specifically, the following groups of offenders were significantly more likely to be arrested three or more times within the follow-up period:

- rapists
- child molesters
- single offenders
- offenders under the age of 25 at the time of arrest
- offenders not working full time when the offense was committed
- offenders with unstable employment histories
- offenders with a history of heavy or addictive alcohol use
- those sentenced in 1987 or 1989

With the exception of history of alcohol abuse and sample year, the effects of the predicting variables diminished after controlling for other background variables. Multiple regression analysis revealed that, after controlling for the aforementioned variables, only history of heavy or addictive alcohol use and sample year remained significant predictors of chronic reoffending. As mentioned earlier, increased sanctions in 1992 might have increased the likelihood that offenders had their probation sentence revoked and were sent to jail or prison after the first reoffense. Hence, it is possible that the reduced number of chronic offenders in 1992 resulted from the incapacitation effect of incarceration.

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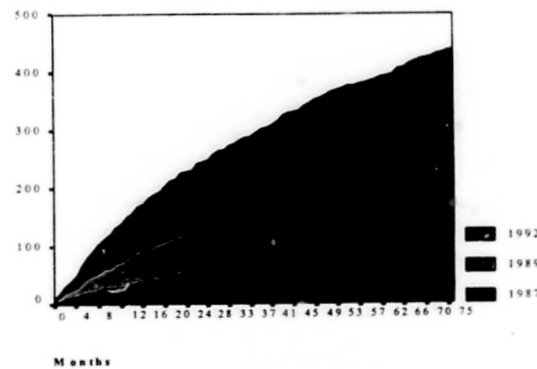
**Elapsed Time to Reoffense**

Approximately 26% of all new arrests occurred within the first year and almost half occurred within the first two years following sentencing. The rate of rearrest then appears to level off until the four-year mark, where an increase in new arrests occurs between the 45<sup>th</sup> and 50<sup>th</sup> months. Additionally, there was an increase in arrests just prior to the six-year mark (Figure 11).

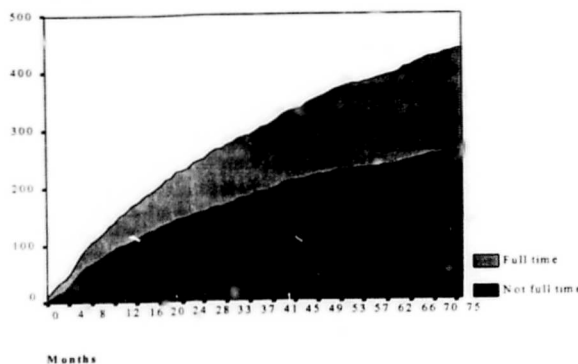
While incidence of rearrest was significantly associated with a number of background variables, this was not the

case for the average time elapsed before first rearrest. The only demographic variables associated with time elapsed before first rearrest were employment status and employment stability at the time of the original offense. Of those rearrested, the average number of months before first arrest for those not working full-time was 26; for offenders working full-time, the average number of months before rearrest was 31 months (Figure 12). The average number of months until rearrest for offenders with stable employment was 32. For the unemployed, the average elapsed time until rearrest was 29 months; for those with unstable employment histories, the average time until rearrest was 26 months (Figure 13).

**Figure 11: Distribution of Months to Rearrest**



**Figure 12: Distribution of Months to Rearrest by Employment Status**



Not surprisingly, time elapsed until first rearrest was associated to some extent with technical probation violations. Offenders with probation violations averaged 27 months until first rearrest, while offenders without probation violations averaged 31.5 months until first rearrest.

In addition to comparing the average time to reoffense across background factors, this process was analyzed by means of a survival analysis. The survival function in this

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case is the probability that, for each specified time, an offender will remain at least that long or longer without reoffending. The survival curve (Figure 14) shows the declining probability of desisting (i.e., refraining) from reoffense for each of the 76 months that elapsed after the 440 probationers in our analysis population were sentenced to probation. Survival functions were compared across demographic subgroups, as in the analysis above of average years to reoffend. However, like that analysis, none of the survival curves were significantly different except for employment status and employment stability at time of offense. Both full-time employment status and stable employment delay the onset of reoffense. A similar pattern was observed when reconviction was used rather than rearrest.

Figure 13: Distribution of Months to Rearrest by Employment Stability

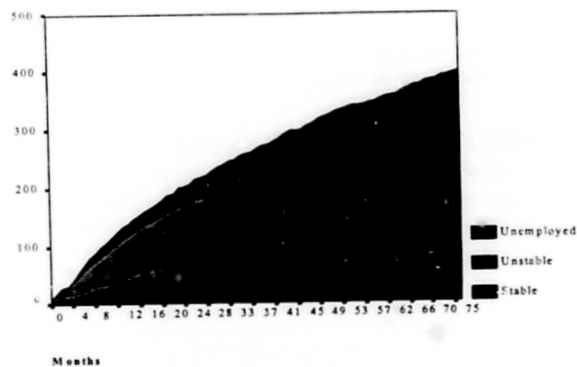
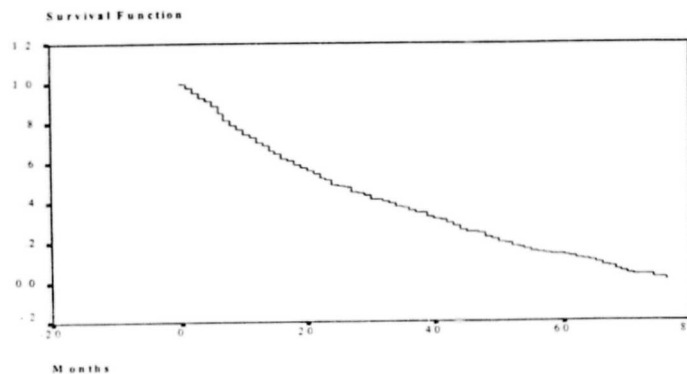


Figure 14: Survival Graph for Months Elapsed Until First Rearrest



In sum, approximately 31% of the sample were rearrested within 6.3 years of initial sentencing. There are significant associations between rearrest and several demographic and background variables. Specifically, child incest offenders, those employed full-time when the original

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offense was committed, offenders with stable employment at the time of the original offense, older offenders, married offenders, those receiving treatment, and those not using alcohol or chemicals during the initial offense are less likely to be rearrested. Additionally, offenders with a history of alcohol abuse and those sentenced in 1987 or 1989 are significantly more likely to be rearrested three or more times within the 6.3 year follow-up period. For those rearrested, the average time until first new arrest was 2.3 years. Full-time employees and offenders with stable employment were less likely to be rearrested within 2.3 years.

## Discussion and Implications for the Evaluation Phase

*Relatively few offenders in the sample were arrested for a new offense, and only a small proportion of the sample were arrested for a new sex offense. Informal social controls (i.e., attachment to work and the family) appear to be the factors most closely associated with lower reoffense rates.*

Approximately 26% of the 1,407 offenders were arrested for a new felony or misdemeanor offense within 6.3 years of being placed on probation for a sex offense. Nine percent of the offenders in the sample were arrested for a new sex offense, seven percent were arrested for some other type of offense against a person, and ten percent were arrested for a non-person offense. An additional five percent of the offenders had their probation sentence revoked for a violation of the conditions of their probation, thus just under one-third (31%) of the offenders were arrested for a new offense or a probation violation during the time period studied. The average time until first arrest was 2.3 years.

It is difficult to assess this finding given the complications inherent in comparing reoffense rates across studies. Some studies define reoffense as any new arrest, while others measure reoffense using reconviction or reincarceration. In addition to this measurement issue, sex offender probation populations likely are comprised of very different offenders from state to state given the great variation in sentencing practices. Despite these caveats, it appears that our reoffense rate might be slightly lower than expected given the findings of a national study conducted by Langan and Cunniff (1992). Using only a **three-year follow-up period**, Langan and Cunniff (1992) found that just under 20% of the sex offenders sentenced to probation between 1986 and 1989 were rearrested for a **new felony**. As noted above, our **six-year follow-up period** yielded a 26% rearrest rate for any **new felony or misdemeanor** offense.

The present research also found that offenders classified as child incest offenders appear to be least likely to reoffend. Including arrests for probation violations, only 23% of the child incest offenders in the sample were rearrested following initial sentencing. Child molesters are somewhat more likely than the other types of offenders to commit a new sex offense, and rapists are slightly more likely than others to commit a new, non-sex-person offense. Neither of the latter two findings is statistically significant.

Our findings regarding reoffense rates and sex offender type are consistent with other studies that have found that child incest offenders are at a lower risk to reoffend than other types of offenders (Furby, Weinrott, and Blackshaw, 1992; Hanson, Steffy, and Gauthier, 1993; Quinsey 1986; Revitch and Weiss, 1962). The reason for the lower reoffense rates among incest offenders is not known, however. It is possible that victims of incest are less likely than others to report the occurrence of a new offense, and thus the lower rate of reoffense among incest

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offenders might be due to lower reporting rates. Our findings suggest that the criminal justice system responds differently to child incest offenders, and thus these offenders might be subject to greater formal social controls than other sex offenders. Child incest offenders are more likely to be serving their first probation sentence for a felony; however, they are sentenced to longer than average probation sentences and are most likely to be ordered to sex offender treatment when compared to the other types of sex offenders. Greater informal social controls might also be the reason for the low reoffense rates among child incest offenders (Kruttschnitt, Uggen, and Shelton, in press). Perhaps the effect of family pressure, likely a significant force among those who assault a family member, prevents additional criminal behavior, or perhaps some other source of informal social control is applied more frequently toward incest offenders than other sex offenders. The upcoming evaluation should continue to explore the variation in reoffense rates of different types of sex offenders and the possible causes of this variation.

Our study also identified a few offender characteristics that are associated with lowered risk of reoffense. Offenders employed full-time when the original offense was committed, those with stable employment at the time of the original offense, older offenders, and married offenders are less likely to be rearrested. These findings are consistent with previous research. Strong adult attachments to work and marriage – considered indicators of the social bonds between the offender and society – have been associated with lower reoffense rates in several previous studies (Kruttschnitt, et al, in press; Farrington, 1995; Farrington and West, 1995; Horney, Osgood, and Marshall, 1995; Sampson and Laub, 1993). Many previous studies also have demonstrated that the age of the offender also is inversely related to reoffense rates (Panel on Research on Criminal Careers, 1994). The second phase of the evaluation should continue to explore the effect of informal social controls on reoffense rates, particularly the effect of those variables the criminal justice system might be able to manipulate (e.g., employment and the offender's attachment to work).

***Completion of a sex offender treatment program is one of the factors associated with a lower risk of reoffense. Many offenders sentenced to probation are ordered to sex offender treatment, and many enter a community-based treatment program. However, only half of those who enter a sex offender treatment program successfully complete it.***

Most (almost two-thirds) of the offenders in the sample were ordered to complete sex offender treatment as a condition of their probation, and almost 90% of these offenders entered a treatment program. Our analysis reveals that offenders ordered to attend sex offender treatment are somewhat less likely to be rearrested compared to those not ordered to attend treatment, but those who successfully completed sex offender treatment are significantly less likely to be rearrested compared to those who did not complete treatment. As discussed earlier in this report, it often is difficult to determine whether the observed effect of treatment on recidivism rates is due to the treatment itself or some other variable that is associated with both treatment success and the offender's decision to desist from crime. Subsequently, a controversy has raged for some time about the effectiveness of sex offender treatment. The results of a recent meta-analysis by Hall (1995) perhaps best sums up our current knowledge, suggesting that the most effective sex offender treatments are community-based (rather than institution-based) and use hormonal or cognitive-behavioral treatments. The overall effect of sex offender treatment on recidivism, however, is "robust, albeit small" (Hall, 1995:802). The presence of some association in the present study is consistent with Hall's findings and therefore encouraging.



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latter finding might indicate that the criminal justice system is responding more quickly and more severely to violations of probation, which in turn might prevent some offenders from committing new offenses. In addition, our study found that offenders sentenced in 1987 or 1989 are significantly more likely than those sentenced in 1992 to be chronic offenders (i.e., those rearrested three or more times within the 6.3 year follow-up period). Together, these findings suggest that the more restrictive sanctions in recent years have decreased the seriousness of the reoffending behavior (i.e., probation violations versus new offenses) and the frequency of this behavior. Additional research is necessary to confirm this hypothesis.

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### Summary of Recent Changes in Sex Offender Laws

- 1989
  - DNA testing and sex offender registration required for sex offenders
  - Patterned sex offender statute allows doubled sentences and extended supervision
  - Thirty-seven year sentence required for 1<sup>st</sup> and 2<sup>nd</sup> Degree Criminal Sexual Conduct if two previous sex offender convictions
  - The DOC required to develop specialized training for probation officers who supervise sex offenders
- 1992
  - Maximum sentences for 1<sup>st</sup> and 2<sup>nd</sup> Degree Criminal Sexual Conduct lengthened
  - Extended supervised release required for sex offenders released from prison
  - DOC required to screen all sex offenders prior to release from prison to determine if the offender should be referred to the county attorney for consideration of commitment as a psychopathic personality
  - Allowed Intensive Supervised Release for certain sex offenders
  - Required the court to order an assessment of sex offender treatment needs and provided funding for counties to pay for these assessments
  - Required the DOC to establish a program for juveniles at the MCF-Sauk Centre
  - Permitted the DOC to adopt rules to impose disciplinary confinement time and delay release of sex offenders refusing or failing sex offender treatment while incarcerated
  - Set up a sex offender treatment fund modeled on the chemical dependency consolidated fund
- 1993
  - Repealed the sex offender treatment fund
  - Required the DOC to establish the CBSOPEP
- 1994
  - Legislature unanimously passed a law allowing the commitment of "Sexually Dangerous Persons"
- 1996
  - Community Notification legislation passed
- 1997-99
  - Minor changes to community notification and registration statutes

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### *Substance use and abuse appear to be related to the risk of reoffense, and drug and/or alcohol use is common among sex offenders sentenced to probation.*

Our findings suggest that a number of the offenders in the sample have a history of alcohol or drug use problems. Thirty-five percent of the offenders in the sample had a history of heavy or addictive alcohol use, and twelve percent had a history of heavy or addictive drug use. Roughly 20% of the offenders also had a history of chemical dependency treatment. Additional findings suggest the coincidence of criminal behavior and chemical use as well: Fully 40% of the offenders in the sample were under the influence of alcohol or drugs at the time of the offense.

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Despite these findings suggesting past and present chemical use issues among this population, only 19% of the offenders were ordered to attend chemical dependency treatment. More disturbing, the present study found that alcohol or drug use during the commission of the initial offense is associated with subsequent criminal behavior, and that a history of alcohol abuse was associated with the likelihood of repeated rearrest (three or more arrests during the time-period). Taken together, these findings might suggest that untreated substance use issues are linked to subsequent criminal behavior among sex offenders on probation. This point merits further study and should be explored in the second phase of this evaluation project.

*Community supervision appears to be an appropriate sanction for many of the offenders in the sample.*

For the most part, the offenders in the sample are first-time felons who did not use physical force to achieve victim compliance. Instead, many of the offenders acquired victims through the exploitation of existing relationships. The victim almost always knew the person who victimized him or her, and the most common behaviors exhibited by the offender prior to the commission of the offense involved deception or efforts to lure the victim.

Studies reveal that sex offenders admitted to Minnesota prisons are much more likely to have victimized an adult (34% compared with 5% for the CBSOPEP sample) or a stranger (17.5% vs. 7.4% for the CBSOPEP sample). Sex offenders sentenced to prison are five times more likely to have used a weapon and four times more likely to have inflicted injury resulting in a need for emergency medical treatment.

Recidivism among sex offenders released from prison shows a pattern similar to that of the offenders placed on probation, though the overall recidivism rate is somewhat higher (Table 15 or see Appendix B for a summary on recidivism among sex offenders released in 1992). Overall, 18.3% of sex offenders released from prison in 1992 were rearrested for a new sex offense within six years of release. Offenders who completed sex offender treatment in prison were less likely to be rearrested for a new sex offense than were offenders who never entered treatment, or those who entered but did not complete treatment.

---

**Table 15: Reoffense of Sex Offenders Released from Prison in 1992  
by Most Serious Rearrest**

	Completed treatment	Quit/terminated from treatment	Never entered treatment
Sex offense rearrest	14%	22%	20%
Person offense rearrest	9%	19%	21%
Other rearrest	11%	4%	18%
No rearrest	66%	55%	41%

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## Recommendations

- **There is a need for increased treatment funding for sex offenders placed on probation.**

The present study suggests an association between completion of sex offender treatment and reduced recidivism rates. Only 5% of the offenders who completed sex offender treatment were arrested for a new sex offense compared to 11% of those who failed treatment or never entered treatment and 9% of those whose treatment status was unknown. The analysis conducted does not allow the inference of a causal relationship between treatment and a lowered risk of reoffense. If such a relationship was established, the 50% decrease in the rate of arrest for a new sex offense would be considered sizable and would represent the prevention of future sexual assaults.

The authors of this report were unable to address questions related to funding for the offenders in this study, as the available data regarding treatment were limited to treatment attendance, discharge status, and reason for discharge. However, in March 1999 the DOC conducted a Request for Proposals (RFP) designed to award grant funding to agencies that provide sex offender treatment to adults or juveniles placed on probation. The DOC received requests totaling almost \$4,000,000 but could award only \$1,500,000. This funding will be used to provide treatment for approximately 1,200 offenders over the next two years, at an average cost per offender of \$1,250 per year. This is far less than the average cost of outpatient sex offender treatment (\$7,200 per offender per year) reported in the 1994 Legislative Auditor's Report on Sex Offender Treatment Programs.

- **Alcohol and other drug (AOD) evaluations should be ordered by the court for any sex offender known or suspected to be chemically dependent or abusive of alcohol or drugs. If indicated by the evaluation, AOD treatment should be ordered as a condition of probation. Finally, these offenders should be subject to frequent monitoring to ensure that they are complying with probation conditions prohibiting use of alcohol or drugs.**

The connection between chemical dependency and reoffense is well established, both by this study and several others. AOD treatment is available throughout the state. There are a number of sophisticated technologies (e.g., breathalyzers, urinalysis, hair analysis, etc.) increasingly available and affordable to monitor use of alcohol or other drugs. These strategies should be employed.

- **Based on the results of the next phase of the CBSOPEP, and the DOC experience with promulgating and enforcing rules for residential sex offender treatment programs, the Legislature should consider requiring the DOC in collaboration with the Department of Human Services (DHS) to promulgate rules for outpatient sex offender treatment.**

The current study and the next phase of the CBSOPEP will provide additional information about what components of sex offender treatment are particularly effective at reducing sex offender recidivism. The DOC, in collaboration with the DHS and with the input of several sex offender treatment programs, promulgated rules for residential sex offender programs and has now begun to certify programs under those rules. This experience would assist greatly in promulgation of rules for outpatient programs. However, this experience does not enable us to estimate whether promulgated rules would affect the cost of outpatient sex offender treatment programs since the

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rules for residential programs are in the beginning stages of implementation. The promulgation of rules is done in collaboration with an advisory group that includes treatment providers and, therefore, the issue of costs would be addressed throughout the promulgation process.

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## Appendix A

### **CBSOPEP Statute**

241.67 Sex offender treatment; programs; standards; data.

#### **Subd. 8. Community-based sex offender program evaluation project.**

- (a) For the purposes of this project, a sex offender is an adult who has been convicted, or a juvenile who has been adjudicated, for a sex offense or a sex-related offense which would require registration under section 243.166.
- (b) The commissioner shall develop a long-term project to accomplish the following:
  - (1) provide follow-up information on each sex offender for a period of three years following the offender's completion of or termination from treatment;
  - (2) provide treatment programs in several geographical areas in the state;
  - (3) provide the necessary data to form the basis to recommend a fiscally sound plan to provide a coordinated statewide system of effective sex offender treatment programming; and
  - (4) provide an opportunity to local and regional governments, agencies, and programs to establish models of sex offender programs that are suited to the needs of that region.
- (c) The commissioner shall provide the legislature with an annual report of the data collected and the status of the project by October 15 of each year, beginning in 1993.
- (d) The commissioner shall establish an advisory task force consisting of county probation officers from Community Corrections Act counties and other counties, court services providers, and other interested officials. The commissioner shall consult with the task force concerning the establishment and operation of the project.

#### **Subd. 9. Information on sex offender treatment.**

- (a) All sex offender treatment facilities that provide treatment to sex offenders who begin treatment as a condition of probation shall provide the commissioner relevant information on the treatment of those offenders as the commissioner requests for the purpose of this evaluation. The information disclosed to the commissioner shall only be reported in aggregate and that information must not be used to designate additional sanctions for any individual offender.
- (b) All county corrections agencies or court services officers shall provide the commissioner information as requested regarding juveniles and adults as defined in subdivision 8, paragraph (a), for the purpose of completing the requirements of subdivision 8.

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## Appendix B

### Sex Offender Treatment and Recidivism

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#### HIGHLIGHTS:

- ☐ Sex offenders who complete sex offender treatment while in prison are significantly less likely to reoffend than are offenders who never enter treatment, or those who enter treatment and quit or are terminated. This is especially true for first-time offenders.
  - ☐ Sex offender treatment is cost effective. The cost of providing sex offender treatment is outweighed by savings from prevention of additional sex or person offenses.
- 

#### BACKGROUND:

In 1997, the Office of the Legislative Auditor (OLA) issued a report entitled Recidivism of Adult Felons. This study of recidivism of all felons released from Minnesota prisons in 1992 indicated that sex offenders were among the least likely to be rearrested for new crimes within a three-year period of time following release. The OLA report indicated that 10% of sex offenders were rearrested for a new sex offense within three years of release, and that 70% had no arrests for any felony or gross misdemeanor offenses in that same time period. This research summary examines the same group of sex offenders released in 1992, with a longer follow-up period ("time at risk").

#### METHOD:

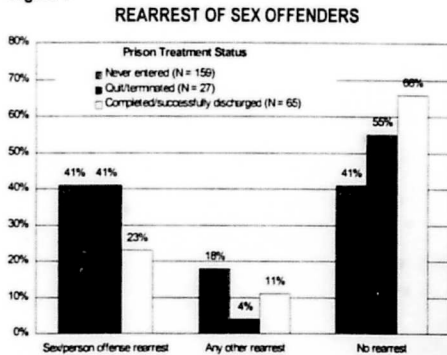
The OLA sex offender sample consisted of 263 offenders whose governing offense was First through Fourth Degree Criminal Sexual Conduct. The Sex Offender/Chemical Dependency (SO/CD) Services Unit conducted criminal record reviews through the Minnesota Bureau of Criminal Apprehension (BCA) and the FBI on all 263 offenders in January 1999, providing a minimum time at risk of 6 years. Female offenders and offenders who were committed as psychopathic personalities were excluded, leaving a study sample of 251 offenders. This study will focus on rearrest as a marker of recidivism. It is a broader measure than either conviction or reincarceration, and is commonly used in research on sex offender recidivism. In other studies we have discovered that most sex offenders released from prison who are rearrested for new sex offenses are eventually convicted of those offenses.

#### RESULTS:

- ☐ Of the study sample, 90 offenders (36%) were rearrested during the follow-up period for a new sex and/or person offense. Of these, 46 offenders (18% of the total sample) were rearrested for a new sex offense. The increase in rearrest from the OLA sample to the study sample (10% to 18%) appears to have occurred only among offenders who never entered sex offender treatment, or who entered treatment and quit or were terminated.
- ☐ The Department of Corrections (DOC) traditionally targets higher-risk sex offenders (i.e., those with more convictions) for inclusion in sex offender treatment programs. In this sample, 38% of offenders who entered treatment had at least one previous sex offense felony conviction, as compared with only 17% of those who never entered treatment.
- ☐ Sex/person offense rearrest was significantly lower for offenders who completed treatment than for offenders who never entered treatment, or entered and quit or were terminated (Figure 1).
- ☐ Treatment appears to be more effective with offenders who have no history of felony sex offense convictions prior to their current offense (Figures 2 and 3). Of 38 first-time offenders who completed treatment, only one (3%) has been rearrested for a new sex offense. This compares with 6% of those who quit or were terminated from treatment and 17% of those who never entered a treatment program.

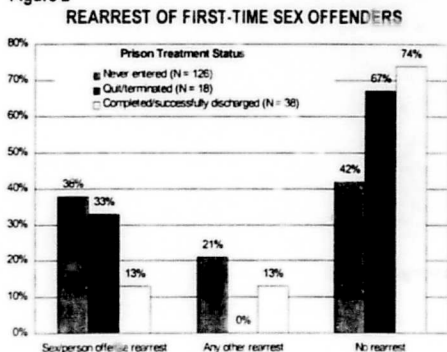
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**Figure 1**



**BREAKDOWN OF SEX/PERSON REARRESTS IN FIGURE 1**  
 Never entered: 20% sex offenses, 21% person offenses.  
 Quit/terminated: 22% sex offenses, 19% person offenses.  
 Completed/successfully discharged: 14% sex offenses, 9% person offenses.

**Figure 2**



- ❑ Rearrest rates are higher for offenders who have felony sex offense convictions prior to the sex offense for which they were incarcerated. For example, over 50% of offenders with prior sex offense convictions who failed treatment were rearrested for a new sex offense within their first six years of release (Figure 3).
- ❑ When are offenders most at risk to reoffend? Twenty-eight (60% of total sex offense rearrests so far) occurred within the first three calendar years of this study (Figure 4). The data suggest that offenders who quit or were terminated from treatment reoffended more quickly than the other groups, while offenders who never entered treatment offended later than the other groups.
- ❑ Is sex offender treatment cost-effective? The data in this study suggest that if the sex offenders who completed treatment reoffended at the same rate as those offender who never entered treatment or entered and quit/terminated, there would have been at least five more new sex offenses and seven more new person offenses in the six years of this study. DOC research indicates that sex offenders who reoffend for a sex or person offense serve an average of five years in prison for that new offense. Thus, in this study, treatment appears to have saved the state 60 (12 X 5) years of incarceration at \$30,000 per year (total = \$1,800,000). This figure doesn't take into account the costs of investigation and prosecution, or the costs associated with services to potential victims. According to the 1994 Legislative Auditor Report (Sex Offender Treatment Programs), the cost of sex offender treatment in DOC facilities in late 1993 (the closest date to 1992 for which there are estimates) was approximately \$700,000 per year. Thus, the cost of providing sex offender treatment is outweighed by savings from reduced incarceration costs.



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Figure 3

REARREST OF SEX OFFENDERS  
WITH PREVIOUS SEX OFFENSE FELONIES

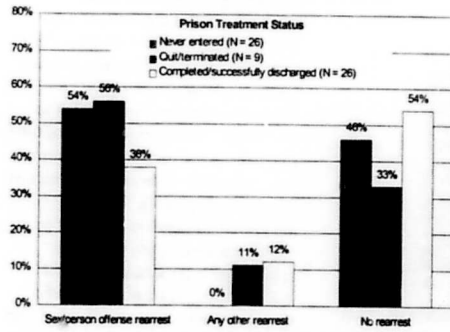
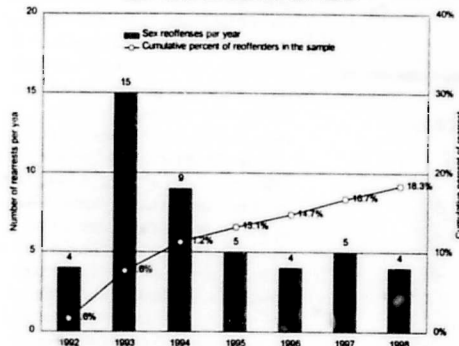


Figure 4

SEX REOFFENDERS PER YEAR



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