

Recidivism of Utah Sex Offenders Released in 2001

Improving Criminal History Records through Analysis

EXECUTIVE SUMMARY

- Three year recidivism rates were compared for 203 sex offenders and a randomly selected sample of 216 other types of offenders released from the Utah State Prison in 2001.
- Three measures of recidivism were combined to assess rates of recidivism—rearrest, reconviction, and return to prison.
- Sex offenders had lower overall rates of recidivism.
 - 47.8% of sex offenders had an arrest, reconviction, or return to prison during the three years following their release versus 70.4% of the comparison sample.
- Sex offenders also had lower recidivism rates on specific measures of recidivism:

| | Sex Offenders | Comparison Sample |
|--|---------------|-------------------|
| • Rearrest rate | 26.1% | 61.1% |
| • Reconviction rate | 15.8% | 26.9% |
| • Rate of return to prison with a new sentence | 13.8% | 24.5% |
| • Rate of return to prison for any reason | 37.9% | 56.7% |

- Sex offenders had a much higher rate of rearrest or reconviction for a new sex offense than comparison group offenders.
 - 22 sex offenders were either arrested for or reconvicted of a new sex offense compared to only 1 of the comparison sample offenders (10.8% vs. .5%)
 - 12 sex offenders were convicted of a new sex offense while none of the comparison samples were convicted of a new sex offense (5.9% vs. 0%).



Recidivism of Utah Sex Offenders Released in 2001

*Improving Criminal History
Records
Through Analysis*

Christine Mitchell, Ph.D.
Utah Commission on Criminal and Juvenile Justice

Mike Haddon
Utah Department of Corrections

Julie Christenson
Utah Department of Corrections

Cliff Butter
Utah Department of Corrections

*Research funded through grant 2006-BJ-CX-K002 awarded by the Bureau of Justice Statistics,
United States Department of Justice.*

BACKGROUND

The mission of the Utah Commission on Criminal and Juvenile Justice (CCJJ), located within the Governor's Office, is to promote broad philosophical agreement about the objectives of the criminal and juvenile justice system in Utah. To accomplish this goal, the Commission includes a wide and diverse membership of organizations concerned with justice issues in Utah. As an active party in coordinating criminal and juvenile justice issues, CCJJ has a role in developing policy recommendations. The CCJJ Research and Data Unit conducts and coordinates research on pertinent criminal justice issues and serves as the Statistical Analysis Center for the state of Utah.

Funding for this project and report was provided by grant 2006-BJ-CX-K002 awarded by the Bureau of Justice Statistics, United States Department of Justice. The opinions, findings, and conclusions expressed in this publication are those of the authors and do not necessarily reflect the view of the Department of Justice.

This grant is part of a national project to which has two purposes: 1) to improve the accuracy and completeness of criminal history records in the States through their use in research and 2) to add to our knowledge of sex offender recidivism.

Improvement of Utah Criminal History Records

Utah's Criminal History Record Repository is housed within the Utah Department of Public Safety's Bureau of Criminal Identification (BCI). These records are vital to the criminal justice system in both Utah and the country as a whole. They are used by law enforcement, the courts, and Corrections for investigative, sentencing, and management purposes. Obtaining a "RAP sheet" for an offender is the first step in any new interaction. Accurate records are essential for officer safety and appropriate treatment of offenders.

Federal National Criminal History Improvement Project (NCHIP) funds come to CCJJ which is well situated to examine the state's needs for improving criminal history records and to distribute the funding accordingly. In recent years, CCJJ has used NCHIP funding, in conjunction with other technology grants, in numerous projects designed to improve Utah's criminal history reporting.

In 2001, the Utah SAC completed an evaluation of the Salt Lake County Drug Court which followed a cohort of drug court graduates with a matched control group. Recidivism was measured as any new arrest that occurred after release from the program or after the qualifying offense for the control group. The criminal history repository was used as the source of arrest and recidivism data.

Additionally, the Utah SAC has been responsible for conducting regular audits of the Utah Computerized Criminal History (CCH) repository. The SAC staff evaluates what the local agency has recorded versus what is recorded in the criminal history file. As discrepancies and patterns of discrepancies are found, SAC staff work with the criminal history repository staff to make necessary adjustments or conduct necessary training to address the inconsistencies.

The current project uses CCH data to assess recidivism rates for both sex offenders and a comparison sample of offenders released from prison during 2001. This analysis is focused on improving the quality of criminal history records through research.

Focus on Sexual Violence

CCJJ, along with the state of Utah, has become very aware of issues related to sexual violence. In 2005, the Utah SAC released two research reports on sexual violence. The first was an analysis of incidents of sexual violence reported to the State's NIBRS repository. The second was a survey of Utah women regarding their experiences with sexual violence. This

report found that one in eight women living in Utah will be raped sometime during their lifetime, and one in three women will be sexually assaulted.

Earlier research on sex offender recidivism has noted that sex offenders have lower rates of some types of recidivism than other offender groups (Center for Sex Offender Management, 2001; Langan, Schmitt, & Durose, 2003). Utah has conducted several follow-up studies on sex offenders who complete sex offender treatment and found low rates of recidivism by all definitions (Bench & Allen, 2006). One interesting fact noted by several authors is that while sex offenders may commit both new sex offenses and new non-sex offenses, non-sex offenders rarely commit new sex offenses (Bonta & Hanson, 1995). This project attempts to add to our knowledge about recidivism rates and patterns of recidivism for sex offenders.

The current study evaluates sex offender recidivism for offenders released from the Utah State Prison in 2001. Recidivism of sex offenders was compared with a randomly selected group of other types of offenders from the same release cohort. Offenders released from prison following a technical violation of parole, rather than a new conviction were excluded from the analysis. Female offenders were also excluded because of the small number of female sex offenders. Data on arrests and returns to prison were tracked for 3 years following release from prison. Arrest and disposition data from the criminal history repository were scrutinized for accuracy and completeness.

METHODS

The Department of Corrections provided a list of all 2001 new commitment releases by type of offense. They also identified all offenders in this list who were registered sex offenders, even if their 2001 release was not for a sex offense. Corrections' data set included the State Identification Number (SID) used by Utah's criminal history repository to identify offenders, along with demographic data. The SID was used to connect records between Corrections' data and the criminal history repository. Corrections' data set included 1951 offenders who were released after incarceration for a new conviction during 2001. Corrections also provided data on returns to prison (in Utah) for these 1951 offenders within the first 3 years of their release.

The first step was to identify the target group of all male sex offenders released in 2001 from this data set. The definition included any offender who had been convicted of a sex offense or who was on Utah's sex offender registry. This process yielded 203 unique individuals. The next step was to select a random group of male non-sex offenders to serve as a comparison group. 216 offenders were randomly selected from the remaining 1,748 male releases.

Demographic Information

| | Sex offenders | Comparison sample |
|------------------------|---------------|-------------------|
| <i>Race</i> | | |
| White | 188 92.6% | 190 88.0% |
| Black | 8 3.9% | 13 6.0% |
| Native American | 7 3.4% | 6 2.8% |
| Pacific Islander | 0 | 4 1.9% |
| Asian | 0 | 1 0.5% |
| Unknown | 0 | 2 0.9% |
| <i>Ethnicity</i> | | |
| Hispanic | 23 11.3% | 39 18.1% |
| Not | 170 83.7% | 157 72.7% |
| Unknown | 10 4.9% | 20 9.3% |
| Average age at release | 39.6 years | 34.9 years |

Demographic and crime information

Sex offenders were slightly more likely than the comparison sample to be white and they were older at the time of release on the average. This is consistent with data on the

incarcerated sex offender population which is overwhelmingly white and often includes older inmates.

Sex offenders were classified into the following crime groups:

- Child molesters 85
- Kidnappers 1
- Lewdness offenders 7
- Rapists or forcible abusers 98
- Statutory rapists 12

The total number of offenders who had a child victim (as defined by the title of their crime of conviction) is 140:

- 85 child molesters
- 1 kidnappers
- 7 lewdness violators
- 35 child rapists or forcible abusers
- 12 statutory rapists

The following table lists the most serious crime of conviction along with the categorization used for each crime.

Sex Offenders by Offense Title

| Offense title | Count | Category | Child Victim |
|---|-------|-------------------------|--------------|
| Aggravated Sexual Assault | 7 | Rapist/Forcible Abusers | No |
| Sodomy on a Child | 19 | Rapist/Forcible Abusers | Yes |
| Rape of a Child | 7 | Rapist/Forcible Abusers | Yes |
| Forcible Sodomy | 6 | Rapist/Forcible Abusers | No |
| Rape | 14 | Rapist/Forcible Abusers | No |
| Forcible Sexual Abuse | 37 | Rapist/Forcible Abusers | No |
| Aggravated Sexual Abuse of a Child | 7 | Rapist/Forcible Abusers | Yes |
| Aggravated Exploitation of Prostitution | 1 | Rapist/Forcible Abusers | No |
| Sexual Abuse of a Child | 63 | Child Molesters | Yes |
| Unlawful Sexual Activity with a Minor | 18 | Child Molesters | Yes |
| Sexual Exploitation of a Minor | 4 | Child Molesters | Yes |
| Unlawful Sexual Intercourse | 12 | Statutory Rape | No |
| Lewdness with a Child | 7 | Lewdness | Yes |
| Child Kidnapping | 1 | Kidnapping | Yes |

Obviously, the crimes of the comparison sample were very different. Most serious offenses for comparison sample for the current admission were:

Comparison Offenders by Offense Title

| Offense | Count | Category |
|--------------------------------------|-------|--------------|
| Aggravated Assault | 10 | Person |
| Aggravated Burglary | 5 | Person |
| Aggravated Robbery | 9 | Person |
| Arson | 1 | Person |
| Assault | 1 | Person |
| Automobile Homicide | 1 | Person |
| Child Abuse | 3 | Person |
| Criminal Homicide | 5 | Person |
| Domestic Violence | 1 | Person |
| Exploitation of Elderly | 1 | Person |
| Kidnapping | 2 | Person |
| Manslaughter | 2 | Person |
| Reckless Endangerment | 1 | Person |
| Robbery | 9 | Person |
| Violation of Protective Order | 2 | Person |
| Burglary | 12 | Property |
| Burglary of a Dwelling | 5 | Property |
| Forgery | 12 | Property |
| Fraud | 2 | Property |
| Retail Theft | 1 | Property |
| Stolen Vehicle | 6 | Property |
| Theft | 24 | Property |
| Clandestine Lab or Precursors | 8 | Drug |
| Distribution of Drugs | 16 | Drug |
| Possession | 50 | Drug |
| Possession with Intent to Distribute | 14 | Drug |
| Prescription Violation | 1 | Drug |
| Driving under the Influence | 3 | DUI |
| Weapons Violations | 3 | Weapon |
| Conspiracy | 1 | Public Order |
| Criminal Nonsupport | 2 | Public Order |
| Failure to Stop for Police | 1 | Public Order |
| Tampering with Witness/Evidence | 2 | Public Order |

The length of the original sentence and the actual time served were also very different between sex offenders and the comparison sample, with sex offenders having much longer initial sentences than the comparison group.

Actual time served on the current admission was also very different for sex offenders and the comparison sample. The average time served for sex offenders was 5.02 years compared to 1.92

years for the comparison sample. 53.2% of sex offenders spent less than 5 years in prison

Sentence Length

| Sentence Length | Sex Offenders | Comparison Sample |
|-----------------|---------------|-------------------|
| 5 Years to Life | 55 | 15 |
| | 27.9% | 6.9% |
| 1 to 15 Years | 82 | 86 |
| | 40.4% | 39.8% |
| 0 to 5 Years | 65 | 115 |
| | 32.0% | 53.2% |
| 0 to 1 Year | 1 | 0 |
| | .5% | |

compared to 96.3% of the comparison sample. This is a reflection of the much longer sentences received by these sex offenders.

Time Served in Prison
Before 2001 Release

| Time Served in Prison | Sex Offenders | Comparison Sample | Time Served in Prison | Sex Offenders | Comparison Sample |
|-----------------------|---------------|-------------------|-----------------------|---------------|-------------------|
| 0 to 1 Years | 13 6.4% | 77 35.6% | 6 to 7 Years | 12 5.9% | 1 0.4% |
| 1 to 2 Years | 29 14.3% | 78 36.1% | 7 to 8 Years | 9 4.4% | 0 |
| 2 to 3 Years | 32 15.8% | 30 13.9% | 8 to 9 Years | 4 2.0% | 0 |
| 3 to 4 Years | 34 16.7% | 13 6.0% | 9 to 10 Years | 6 3.0% | 0 |
| 4 to 5 Years | 23 11.3% | 10 4.6% | 10 Years or more | 26 12.8% | 4 1.9% |
| 5 to 6 Years | 15 7.4% | 3 1.4% | | | |

Criminal history data

The next step was to extract Utah arrest records for these 419 offenders from the criminal history data base. Ten offenders in the study did not have a matching SID number in the Corrections' database. All 10 were hand searched on Corrections' database and their name, date of birth, social security number, and Corrections' number were collected. This information was used to find the individual in the criminal history repository. After this search, all offenders were matched with SID's, indicating that all offenders in the study had a record in the criminal history repository.

Using the SID, all Utah arrests for the sample were extracted from the criminal history files. Arrests were divided into two groups—1) those occurring before the 2001 release (prior arrests) and 2) those occurring within 3 years after release (rearrests).

Prior arrests. Prior arrest counts show clearly that sex offenders had many fewer previous arrests than the comparison sample. The average number of prior arrests for sex offenders was 4.78, while the comparison sample had an average of 8.91 prior arrests, almost

twice as many. 54.2% of the sex offenders had 3 or fewer prior arrests compared to 24.1% of the comparison sample. (Note that prior arrests includes the arrest that led to the prison stay which ended in 2001.)

Number of Prior Arrests

| # of Prior Arrests | Sex Offenders | Comparison Sample |
|--------------------|---------------|-------------------|
| 1 | 50 24.6% | 16 7.4% |
| 2 | 32 15.8% | 22 10.2% |
| 3 | 28 13.8% | 14 6.5% |
| 4-5 | 28 13.8% | 25 12.0% |
| 6-7 | 28 13.8% | 38 16.7% |
| 8-14 | 28 13.8% | 64 29.6% |
| 15 or more | 9 4.4% | 38 17.6% |

Rearrests. Careful examination was made of all arrests that occurred

within 3 years after the 2001. 108 arrests were found for sex offenders and 343 arrests for the non-sex offender comparison sample. These arrests were then linked with dispositions. Of the 455 arrests which occurred within 3 years of release, 69 (16.7%) did not have a matching disposition (7 for sex offenders and 69 for the non sex offender group). These 76 arrests were sent to the staff of the criminal history repository to research.

Another check on the completeness of the records was conducted by comparing Corrections' data on returns to prison with the arrest record. Parole violations are not entered as arrests into the criminal history repository. However, 7 cases were found in which an offender had been convicted of a new crime but the information had not been entered into the repository.

The next step was to work with the repository to clean up the criminal history records. 24 of the 76 records were found to be duplicates with other records and were deleted from the criminal history file. The findings on the remaining 52 records showed:

- 29 Disposition was never received by the criminal history repository but was located through court records and updated manually
- 4 Disposition was received under a different offense tracking number
- 8 Disposition has not been located

- 3 Arrest deleted because they were non-serious traffic offenses which are not tracked on the repository
- 7 Disposition was received before the arrest data which required manual updating
- 1 Pending adjudication

No systematic patterns were detected in these data errors.

Once the criminal history repository staff had finished researching the missing dispositions, the arrest and disposition data were re-run. The final tally showed that 53 sex offenders had a total of 105 arrests. 132 members of the comparison sample had a total of 316 arrests.

RESULTS

Recidivism was evaluated in several different ways. The number and percent of each offender group that was either arrested or returned to prison at some time during the 3 year follow up was determined. Recidivism was defined as the most serious recidivistic event occurring during the time period. In addition, other measures of recidivism were evaluated including rate of rearrest, reconviction, return to prison with a new sentence, return to prison for a parole violation, and rate of return to prison for any reason. One area of particular focus was arrest or conviction for a new sex offense.

Sex Offenders

47.8% of the sex offenders had an arrest or return to prison during the 3-year follow-up period. Their most serious recidivism was:

| | | |
|-----------------------------------|-----|-------|
| • No recidivism | 106 | 52.2% |
| • Arrest with no further action | 16 | 7.9% |
| • Parole violation with no arrest | 39 | 19.2% |
| • Parole violation with arrest | 10 | 4.9% |
| • Probation with no arrest | 2 | 1.0% |
| • Probation with arrest | 2 | 1.0% |
| • New commitment with no arrest | 2 | 1.0% |
| • New commitment with arrest | 26 | 12.8% |

19 sex offenders were arrested for a new sex offense and 12 were convicted of a new sex offense. A total of 22 sex offenders were either arrested for or convicted of a new sex offense. 6 of the new sex offense convictions were for felony offenses and all led to a new prison term. 16 of the arrest or reconviction offenses specified a child victim.

Sex offenders were also arrested for and convicted of other types of offenses. 36 sex offenders who were rearrested or reconvicted did not commit a new sex crime.

77 of the sex offenders (37.4%) were returned to prison at some time during the 3 year follow-up.

The Bureau of Justice Statistics study on sex offender recidivism, (Langan, P.A., Schmitt, E.L., & Durose, M. R., 2003), divided sex offenders into 4 different groups depending on the type of sex crime they committed. Because of the small number of sex offenders included in this study, we were only able to provide comparisons for Child Molesters and Rapists and those with child victims with those without child victims.

Child molester recidivism

| | | |
|-----------------------------------|----|--------|
| ○ No recidivism | 42 | 49.4% |
| ○ Arrest with no further action | 6 | 7.1% |
| ○ Parole violation with no arrest | 19 | 22.4% |
| ○ Parole violation with arrest | 7 | 8.2% |
| ○ Probation with no arrest | 0 | .0% |
| ○ Probation with arrest | 0 | .0% |
| ○ New commitment with no arrest | 2 | 2.4% |
| ○ New commitment with arrest | 9 | 10.6% |
| ○ Total | 85 | 100.0% |

Rapists or forcible abuser recidivism

| | | |
|-----------------------------------|----|--------|
| ○ No recidivism | 57 | 58.2% |
| ○ Arrest with no further action | 8 | 8.2% |
| ○ Parole violation with no arrest | 18 | 18.4% |
| ○ Parole violation with arrest | 2 | 2.0% |
| ○ Probation with no arrest | 2 | 2.0% |
| ○ Probation with arrest | 1 | 1.0% |
| ○ New commitment with no arrest | 0 | .0% |
| ○ New commitment with arrest | 10 | 10.2% |
| ○ Total | 98 | 100.0% |

Child molesters were more likely than rapists/forcible abusers to recidivate, however, this difference was not significant. Generally, child molesters have a higher rate of return to prison for a technical violation (30.6% versus 20.4%).

Another question of interest is whether sex offenders who have child victims have a different pattern of recidivism than those who do not. Comparisons of offenders with crimes which specify a child victim versus those whose crimes did not specify a child victim showed no differences in recidivism rates. 55 offenders convicted of child victim sex offenses ended

up returning to prison (39.3%) compared to 22 sex offenders whose crime of conviction did not specify a child offender (34.9%).

Recidivism Comparison
Sex offenders with Child Victim vs. Other Sex Offenders

| | Child victim | | Remaining sex offenders | |
|---------------------------------|--------------|---------|-------------------------|---------|
| | Number | Percent | Number | Percent |
| No recidivism | 74 | 52.9% | 32 | 50.8% |
| Arrest with no further action | 9 | 6.4% | 7 | 11.1% |
| Parole violation with no arrest | 28 | 20.0% | 11 | 17.5% |
| Parole violation with arrest | 8 | 5.7% | 2 | 3.2% |
| Probation with no arrest | 0 | .0% | 2 | 3.2% |
| Probation with arrest | 2 | 1.4% | 0 | .0% |
| New commitment with no arrest | 2 | 1.4% | 0 | .0% |
| New commitment with arrest | 17 | 12.1% | 9 | 14.3% |
| Total | 140 | 100.0% | 63 | 100.0% |

Comparison Sample Offenders

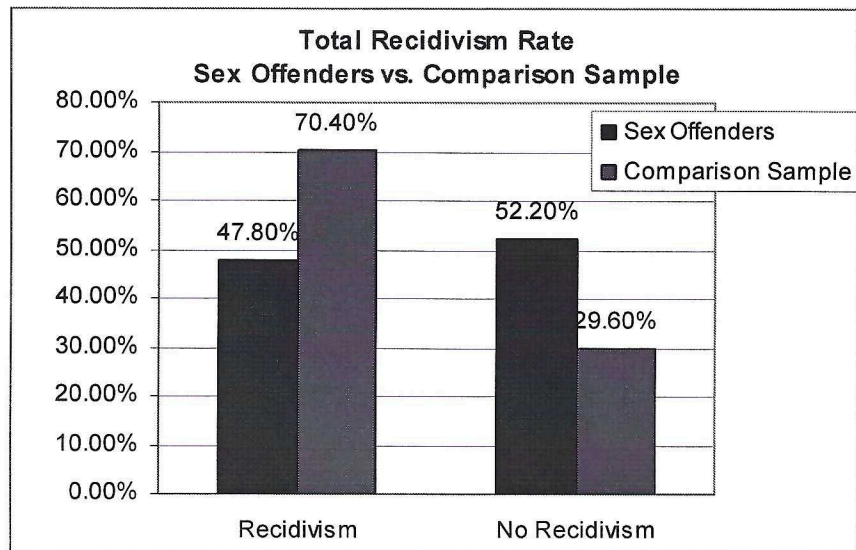
The 216 comparison sample offenders show a very different pattern of recidivism. Their recidivism rate for either an arrest or a return to prison was 70.4% for the 3-year follow-up compared to 47.8% for sex offenders. Chi square analysis shows that the rate of recidivism for the comparison sample offenders was significantly higher than for sex offenders ($\chi^2 = 23.619$, $p < .01$).

Comparison sample

| | | |
|-----------------------------------|----|-------|
| • No recidivism | 64 | 29.6% |
| • Arrest with no further action | 32 | 14.8% |
| • Parole violation with no arrest | 20 | 9.3% |
| • Parole violation with arrest | 42 | 19.4% |
| • Probation with arrest | 5 | 2.3% |
| • New commitment with no arrest | 2 | 1.0% |
| • New commitment with arrest | 51 | 23.6% |

One individual from the comparison sample was rearrested for a sex offense and none were convicted of a sex offense. 45 of the 58 new convictions were for felony offenses. 117 of the comparison sample (54.2%) were returned to prison at some time during the 3 year follow-up.

The comparison sample offenders were more likely to receive a new commitment to prison than the sex offenders (24.5% for the comparison sample versus 13.8% for the sex offenders $\chi^2 = 7.06, p < .01$). However, there was no



significant difference in the rate of technical parole violation return to prison (28.7% comparison sample versus 24.1% sex offenders).

One interesting difference in the parole violation data was that sex offenders were much more likely to be returned to prison for a technical violation of parole which was not accompanied by a new arrest. Only 20% of the sex offenders who were returned to prison on a parole violation had a new arrest compared to 68% of the comparison sample ($\chi^2 = 22.76, p < .01$). A review of Corrections' records shows that a common reason for sex offenders to return to prison was a failure to complete sex offender therapy, a violation which would not involve an arrest.

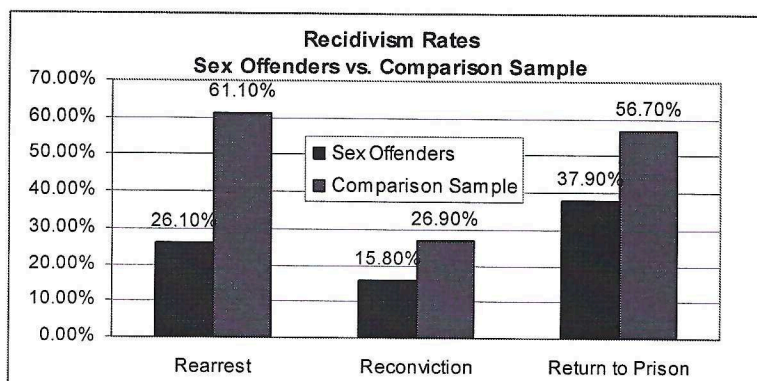
Another question of interest was to replicate the recidivism measures used by the Bureau of Justice Statistics in their report on sex offender recidivism. The following tables give data which uses the BJS recidivism definitions.

Recidivism summary following definitions from
Recidivism of Sex Offenders Released from Prison in 1994 (Langan, Schmitt, & Durose, 2003)
Sex Offenders vs. Comparison Sample

| | Sex offenders | Comparison Sample |
|--|---------------|-------------------|
| Rearrested for any crime | 26.1% | 61.1% |
| Reconvicted for any crime | 15.8% | 26.9% |
| Returned to prison with a new sentence for any crime | 13.8% | 24.5% |
| Returned to prison with or without a new sentence | 37.9% | 56.7% |

Comparison sample offenders

were significantly more likely to be rearrested ($X^2 = 50.60, p < .01$); to be returned to prison ($X^2 = 13.70, p < .01$); to be reconvicted ($X^2 = 6.98, p < .01$); and to be returned to prison with a new sentence ($X^2 = 7.06, p < .01$).



Similar comparisons were made for child molesters and rapists/forcible sex abusers. None of these recidivism measures showed significant differences between child molesters and rapists/forcible sex abusers.

Recidivism summary following definitions from *Recidivism of Sex Offenders Released from Prison in 1994 (Langan, Schmitt, & Durose, 2003)* Child Molesters vs. Rapists/Forcible Abusers

| | Child Molesters | Rapists/Forcible Abusers |
|--|-----------------|--------------------------|
| Rearrested for any crime | 25.9% | 21.4% |
| Reconvicted for any crime | 12.9% | 13.3% |
| Returned to prison with a new sentence for any crime | 12.9% | 10.2% |
| Returned to prison with or without a new sentence | 43.5% | 30.6% |

Time to recidivism

Comparison sample offenders were likely to recidivate earlier in their supervision than the sex offenders, even when the figures are adjusted for differences in recidivism rates.

59.0% of the comparison sample total rearrests (36.1% of 61.1%) occurred within the first year, compared to 45.2% of sex offender rearrests. However, the rates were similar after two years—83.3% for the comparison sample versus 83.1% of the sex offender sample rearrests occurred within two years.

Reconvictions also occurred earlier for the comparison sample than for sex offenders. 51.7% of the comparison sample reconvictions occurred within the first year while only 27.8% of sex offender reconvictions occurred within the first year.

Similarly, returns to prison with a new sentence occurred sooner for the comparison sample than sex offenders. 55.6% of the new sentence prison returns for comparison offenders occurred within the first year while only 28.3% of the new sentence prison returns for sex offenders occurred within the first year.

Prior arrests

The next set of tables reviews recidivism patterns by number of prior arrests. Sex offenders had fewer rearrests than the comparison sample overall. In addition, the pattern of

| Prior Arrests and Rearrest for Any Crime | | |
|--|----------------|-------------------|
| Prior Arrests | Sex Offenders | Comparison Sample |
| 1 | 6/50 12.0% | 6/16 37.5% |
| 2 | 3/32 9.4% | 11/22 50.0% |
| 3 | 6/28 21.4% | 10/14 71.4% |
| 4-5 | 6/28 21.4% | 8/24 33.3% |
| 6-7 | 11/28 39.3% | 23/38 60.5% |
| 8-14 | 16/28 57.1% | 42/64 65.6% |
| 15 or more | 6/9 66.7% | 27/38 71.1% |

rearrests by prior arrests was different for sex offenders and the comparison sample.

Sex offenders with more prior arrests were more likely to be rearrested. 15.2% of sex offenders with 5 or fewer prior arrests were rearrested versus 50.8% of those who had been arrested more than 5 times ($X^2 = 26.81$, $p < .01$). For the comparison sample this

difference was much less pronounced. 46.1% of the comparison sample with 5 or fewer priors were rearrested while 65.7% of those with more than 5 were rearrested ($X^2 = 7.08$, $p < .01$).

Sex offenders had fewer convictions than the comparison sample overall. However, the pattern of convictions by prior arrests was similar for sex offenders

| Prior Arrests and Reconviction for Any Crime | | |
|--|---------------|-------------------|
| Prior Arrests | Sex Offenders | Comparison Sample |
| 1 | 3/50 6.0% | 4/16 25.0% |
| 2 | 3/32 9.4% | 2/22 9.1% |
| 3 | 5/28 17.9% | 5/14 35.7% |
| 4-5 | 3/28 10.7% | 3/24 12.5% |
| 6-7 | 6/28 21.4% | 11/38 28.9% |
| 8-14 | 8/28 28.6% | 20/64 31.3% |
| 15 or more | 4/9 44.4% | 13/38 34.2% |

and the comparison sample. For both groups of offenders, those with more prior arrests were more likely to be reconvicted. 10.1% of sex offenders with 5 or fewer prior arrests were reconvicted versus 27.7% of those who had been arrested more than 5 times ($X^2 = 8.95$, $p < .01$.) 18.4% of the comparison sample with 5 or fewer priors were reconvicted while 31.4% of those with more than 5 were rearrested ($X^2 = 3.61$, $n.s.$).

CONCLUSION

In spite of the small sample size in the current study, our findings support previous research that shows that recidivism rates for sex offenders are generally lower than for other offenders, regardless of the measure of recidivism used. Comparison sample offenders were 1.5 times as likely as sex offenders to have some type of recidivism (rearrest, reconviction, return to prison, or some combination of these measures). Comparison sample offenders were significantly more likely to be rearrested, to be returned to prison, to be reconvicted, and to be returned to prison with a new sentence.

There were two areas where the Utah sex offenders had a higher recidivism rate than the comparison group. First, sex offenders were much more likely to be rearrested or reconvicted for a sex offense than the comparison group. 22 sex offenders were rearrested or reconvicted for a sex offense while only 1 offender from the comparison group was rearrested for a sex offense. This one individual was not convicted. Sex offenders are overwhelmingly more likely than other offenders to be convicted of additional sex offenses. The findings of this study supports earlier research showing that sex offenders are likely to be arrested for or convicted of both new sex offenses and other types of offenses, while comparison offenders rarely commit new sex offenses (Bonta & Hansen, 1995).

The second exception was for technical violations of parole. The rate of technical violations was very similar for sex offenders and the comparison sample. Technical violations can occur for many different reasons, although they generally fall into two main categories:

- violations that result from the conclusion that the offender has committed a new crime, although a new conviction does not occur—this will often be accompanied by an arrest.

- violations that result from a violation of conditions of parole such as curfew or treatment requirements—no arrest will be reported to the Criminal History Repository since no new crime is alleged.

The rates of rearrest for sex offenders were much lower than for other offenders, however, the rates of return to prison for a technical violation were similar for the two groups. This probably reflects the fact that sex offenders were much more likely to be returned to prison for the second type of technical violation of parole—one without a rearrest for a new crime. Only 20% of the sex offenders who were returned to prison on a parole violation had a new arrest compared to 68% of the comparison sample.

A review of Corrections' records shows that a common reason for sex offenders to return to prison was failure to complete sex offender therapy, a violation which would not involve an arrest. A likely explanation is that parole agents and the Utah Board of Pardons and Parole are less likely to tolerate deviations from parole agreements for sex offenders than for other types of offenders. Sex offenders receive special scrutiny while on parole and are often supervised in Utah by agents who specialize in sex offender management.

Interesting comparisons can be made with the extensive Bureau of Justice Statistics (Langan, Schmitt, & Durose, 2003) study of more than 9,600 sex offenders released in 1994. In their study, 43% of sex offenders were rearrested within 3 years, compared to only 26.1% of the current sample. However, the comparison group in their study also had a higher rearrest rate—BJS comparison sample 68% versus 61.1% for the current study. BJS found that 24% of sex offenders were reconvicted compared to 15.8% of the Utah sample. One area of similarity between the two studies was that 5.9% of Utah's sex offenders were convicted of a new sex crime compared with 5.3% of the BJS sex offenders.

In spite of lower rearrest rates for Utah's sex offenders, the return to prison rates were almost identical with 38.6% of the BJS sample being returned compared to 37.9% of the Utah sample. This might be considered surprising since the Utah sex offenders had a lower rearrest and reconviction rate than the national BJS sample. Sex offenders in Utah are more likely to return to prison than the BJS sample even if they have not been rearrested for or reconvicted of a new crime. Again, this may reflect the tendency of Utah parole authorities to hold sex offenders to very strict criteria with little tolerance for failure to comply with parole conditions.

The conclusions of this study are limited by the small sample sizes in the study and by the fact that only Utah recidivism data were collected. Future research could add to the current study by including additional release cohorts from subsequent years. This would allow analysis of the impact on recidivism rates of factors such as offender age, time served in prison, and number of previous convictions. An additional question of interest is how release type—i.e., parole versus an unconditional release from prison—is related to recidivism rates. Expanding the study would allow such comparisons to be made. In addition, national records could be reviewed to determine if offenders are leaving Utah and being rearrested, reconvicted, or reincarcerated in other states.

REFERENCES

Bench, L.L. & Allen, T. (2006). *Constructing a profile of sex offender recidivism using multiple measures: A longitudinal analysis*. Utah Department of Corrections.

Bonta, J. & Hanson, R.K. (1995). *Violent recidivism of men released from prison*. Paper presented at the 103rd Annual Convention of the American Psychological Association, New York.

Center for Sex Offender Management. (2001). *Recidivism of sex offenders*. www.csom.org/pubs/recidsexof.html

Langan, P.A., Schmitt, E.L., & Durose, M.R. (2003). *Recidivism of sex offenders released from prison in 1994*. Bureau of Justice Statistics Publication.