

SEXUAL RECIDIVISM RATES FOR PEOPLE WITH A PAST SEX OFFENSE

American Law Institute: This past June of 2021 the American Law Institute (ALI), probably the most honored non-governmental law reform organization in the country, which includes top federal appeals judges, along with law professors and other legal experts, proposed major changes to the state sex offense registries. One reason cited was that research shows a relatively low sexual recidivism rate after being caught and serving time in prison. (See page 484 of the report.)

Also on page 484, footnote 23 of the ALI report is found: “as few as 5.3% [of sex offenders] re-offend within three years, according to the Bureau of Justice Statistics, as opposed to rates in the 65% to 80% range for drug offenders and thieves.” (Stuart A. Scheingold et al., *Sexual Violence, Victim Advocacy, and Republican Criminology: Washington State’s Community Protection Act (1994)*, 28 LAW & SOC’Y REV. 729, 743)

Recidivism of Sex Offenders Released from State Prison: 9-Year Follow-Up (2005-14): The U. S. Department of Justice May of 2019 Recidivism Report found that released inmates in 30 states, whose most serious offense was rape or sexual assault, had a re-offense rate (committing another sex crime) of 7.7% over the 9-year period from 2005 to 2014. That means that 92.3% did NOT re-offend. This study only considered the most violent of sex crimes. When all sexual offenses are included, the rate is lower.

Karl Hanson, Connecticut’s One Standard of Justice January 2021 Webinar: “Sex Offender Recidivism Risk Not What You Think”, <https://youtu.be/Hnf3bmoPLx4> – start at 19 minutes: Karl Hanson, one of the leading researchers in the field of risk assessment and treatment for people who have committed a sex offense, compiled data from many different research studies on re-offense rates for people on the sex offense registry and found the following to be true: The lifetime sexual re-offense rate is anywhere from 10% to 30%, depending on which study you use, with the larger studies having the lower rates.

Karl Hanson, Andrew Harris, Leslie Helmus, David Thornton, “High-Risk sex offenders may not be high risk forever”: “This study examined the extent to which sexual offenders present an enduring risk for sexual recidivism over a 20-year follow-up period. Using an aggregated sample of 7,740 sexual offenders from 21 samples, the yearly recidivism rates were calculated using survival analysis. Overall, the risk of sexual recidivism was highest during the first few years after release, and decreased substantially the longer individuals remained sex-offense-free in the community. This pattern was particularly strong for the high-risk sexual offenders. Whereas the 5-year sexual recidivism rate for high-risk sex offenders was 22% from the time of release, this rate decreased to 4.2% for the offenders in the same static risk category who remained offense-free in the community for 10 years. The recidivism rates of the low-risk offenders were consistently low (1%-5%) for all time periods. The results suggest that offense history is a valid, but time-dependent, indicator of the propensity to sexually re-offend.”

Kelly Bonnar-Kidd, “Sexual Offender Laws and Prevention of Sexual Violence or Recidivism”: “According to the Centers for Disease Control and Prevention (CDC), ‘sexual violence perpetrators are ... at increased risk of perpetrating again.’ Not mentioned by the CDC, however, is that the risk is still quite low, with most criminal justice and community-based studies showing that people on the registry are rarely returned to prison for another sexual crime.

Also cited in the above study: “Furthermore, in New York, of the 11,898 registered sex offenders released from prison between 1985 and 2001, 251 (2.1%) were returned to prison for another sex crime. The Arizona Department of Corrections reported that between 1984 and 1998, the recidivism rate for sex offenders was 5.5%, and Ohio reported that sex offenders released from prison in 1989 had a 10-year recidivism rate of 8%. According to the US Department of Justice, registered sex offenders are the least likely class of criminals to re-offend, with 3.5% of registered sex offenders released from prison in 1994 being reconvicted for another sexual offense within 3 years of their release. Finally, Harris and Hanson found that the risk for recidivating decreases significantly over time, with most re-offenses occurring within 5 years of the original conviction.”