

**VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022**

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, OCTOBER 4, 2021 7:00 p.m.

**LOCATION: Germantown Village Hall Board Room
N112 W17001 Mequon Road**

NOTICE: Citizens not wishing to attend the meeting personally may submit any public comments by sending an email to comments@germantownwi.gov by 4 p.m. on the day of the meeting so that it can be provided to the members of the body for their consideration.

Previously recorded Village Board Meeting Videos can be viewed at
https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ.

AGENDA

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*
- II. **ROLL CALL:**
- III. **PLEDGE OF ALLEGIANCE:**
- IV. **PRESIDENT’S REPORT:**
- V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST**
COMMITTEE AND DEPARTMENT REPORTS:
 - A. The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney, Village Clerk, And Department Heads, to include:
- VI. **CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:**
Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. (15 minutes) Written Public Comments should be directed to comments@germantownwi.gov, by 4 p.m. on Monday, October 4.
- VII. **CONSENT AGENDA:**
 - A. Accounts payable/payroll:

1.	September 17, 2021	Accounts Payable	\$	388,739.48
2.	September 24, 2021	Accounts Payable	\$	109,881.59
3.	September 28, 2021	Payroll (Hourly)	\$	166,764.01
4.	September 30, 2021	Payroll (Salary)	\$	69,627.06

VII. CONSENT AGENDA CONTINUED:

The following items were forwarded from **General Government and Finance** with a unanimous recommendation:

- B. Resolution 30-2021, Capital Data - IT Management Contract.
- C. Resolution 31-2021, Capital Budget Carry Over

The following items were forwarded from **Public Safety** with a unanimous recommendation:

- D. Filling of Patrol Officer Position.

VIII. UNFINISHED BUSINESS

- A. None.

IX. PUBLIC HEARINGS:

- A. None.

X. NEW BUSINESS:

- A. Class “A” Liquor and Fermented Malt Beverage License, AJIMA Corporation., Rajan Shrestha, N74W13737 Appleton Ave, Menomonee Falls, d/b/a Holy Hill Road, Richfield, Cooler, Store Floor, Office and Back Storage.
- B. Pet Fancier License, Cherie Carty, W154N10230 Regency Court South, to keep more than three dogs, three dogs and a cat.
- C. Tiny T’s Temporary Outside Premise Extension, October 9th, 10 am – 10 pm, W157N11638 Fond du Lac Ave, for the Purpose of a Birthday Party. Tent in back yard with tables and chairs.
- D. Approval of Selection for Park and Recreation Director.
- E. Ordinance 10-2021, An Ordinance Repealing and Recreating Section 1.45 of the Germantown Municipal Code Relating to the Creation of Election Wards.
- F. Ordinance 11-2021, An Ordinance Amending Section 14.09 of the Germantown Municipal Code Relating to Safety Measures for Private Swimming Pools.
- G. Ordinance 12-2021, Ordinance to Amend Section 9.50 of the Germantown Municipal Code related to Sex Offender Residency Restrictions.
- H. Collective Bargaining Update. The Village Board May Enter into Closed Session per Wis. Stat. § 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and then may reconvene into open session to take such action as it deems appropriate; and,

XI. ADJOURNMENT.

The next regular meeting of the Village Board will be on Monday, October 18, 2021, at 7:00 p.m. Committee of the Whole Budget Meetings will be on Wednesday, October 6th at 6:00 p.m. and Wednesday, October 13th at 6:00 p.m.

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For Additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

**VILLAGE OF GERMANTOWN
WASHINGTON COUNTY**

RESOLUTION NO. 31-2021

CAPITAL CARRYOVER

WHEREAS, the Village Board of the Village of Germantown approved the appropriation of funds for operations for the year 2021, and,

WHEREAS, funds for various Capital Fund expenditures were included in the 2020 Budget and have not been fully expensed, and,

WHEREAS, the projects are on the detailed listing, , and,

NOW THEREFORE BE IT RESOLVED, by the Village Board of the Village of Germantown that the 2021 Budget be amended according to the attached list, and

BE IT FURTHER RESOLVED that the Village Clerk is hereby authorized and directed to publish a copy of this Resolution as a Class I Notice in accordance with Section 65.90 (a) Wisconsin Statutes.

Introduced by: _____

Adopted: October 4, 2021

Vote: Ayes: ____ Nays: ____

Dean M. Wolter, Village President

ATTEST:

Deanna B. Braunschweig, WCMC/CMC
Village Clerk / Treasurer

**VILLAGE OF GERMANTOWN
WASHINGTON COUNTY**

RESOLUTION NO. 30-2021

CONTRACT WITH CAPITAL DATA FOR INFORMATION PROCESSING

WHEREAS, it is known that the Village Departments are in need of comprehensive information technology support; and,

WHEREAS, A request for quote was opened for the IT Services, ten proposals were received; and,

WHEREAS, After full review Capital Data was chosen and presented to the General Government and Finance Committee; and,

NOW THEREFORE BE IT RESOLVED that the Village Board of the Village of Germantown, does hereby approve the Contract with Capital Data with costs outlined in the Statement of Work as attached.

Introduced by: _____

Adopted: October 4, 2021

Vote: Ayes: ____ Nays: ____

Dean M. Wolter, Village President

ATTEST:

Deanna B. Braunschweig, WCMC/CMC
Village Clerk / Treasurer

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: October 4, 2021

PLACEMENT: New Business

ITEM TITLE: IT Managed Services

SUBMITTED BY: Erin M. Hirn, Support Services Manager

SUMMARY EXPLANATION:

On April 15, 2021 a Request for Quote was opened regarding providing IT services to the Police and Fire Department. After assessing the need of the Village as a whole, it was determined to discard those proposals and create a new request for providing services to all village departments. This request opened July 20th and went until August 6, 2021. We received 10 proposals listed below as well a verbal proposal from Washington County IT Department. The interview panel consisted of the following: Village Administrator, Steve Kreklow; Police Chief, Michael Snow; Fire Chief, John Delain; Police Captain, Todd Grenier; and Support Service Manager, Erin Hirn. After reviewing the 10 proposals we narrowed it down to the top 5 and had an external IT professional review each proposal and give us feedback. After reviewing the feedback, the panel chose 4 firms to interview and then narrowed it down to Capital Data who the panel is recommending to council. The firm is here to give a brief presentation and answer any questions you may have.

- Bayside IT Team
- Capital Data
- Dekind
- Ontech
- Riverside Technologies
- Marco
- Global Data Consultants
- River Run
- SBA
- SoftHQ

ATTACHMENT:

- Managed Services Agreement
- Signature Services SOW

ACTION BY Committee

- Recommendation to the Village Board



Village of Germantown

Signature Services SOW

capital data
your partner. your solution.

CONSULT | ASSESS | ARCHITECT | DEPLOY

Signature Services - *Statement of Work*

Village of Germantown

Document Owner:	Capital Data along with Village of Germantown
Version:	1.0
Date:	9/15/2021
Author:	Craig Tomlinson

Table of Contents

1. Executive Summary	- 1 -
2. Goals & Objectives.....	- 1 -
3. Deliverables	- 1 -
4. In-Scope.....	- 6 -
5. Service Level Agreements	- 6 -
6. Severity Definitions	- 6 -
7. Service Availability.....	- 6 -
8. Customer Responsibilities	- 7 -
9. Contract Terms & Conditions	- 7 -
10. Pricing and Approvals.....	- 7 -
11. Approvals and Signatures.....	- 7 -



1. Executive Summary

This Agreement represents a Statement of Work (SoW) between Village of Germantown and Capital Data, Inc for the provisioning of a Managed Services engagement to help manage and maintain their IT systems. The Agreement may be altered as new requirements are identified, increased level of expected effort or environmental changes within Village of Germantown dictate. Additional revisions will be treated as new agreements with mutual consent by both Capital Data and Village of Germantown

2. Goals & Objectives

The purpose of this Agreement is to ensure that the proper resources and commitments are in place to provide consistent service support and delivery to Village of Germantown by Capital Data.

The goal of this Agreement is to obtain a mutual agreement for Managed Services provisioning between Village of Germantown and Capital Data.

The objectives of this Agreement are to:

- Provide clear reference to service ownership
- Provide clear accountability
- Provide roles and/or responsibilities
- Provide response times applicable to each level agreement
- Provide a clear, concise, and measurable description of service provisioning to Village of Germantown

3. Deliverables

Capital Data will provide the following service offerings to Village of Germantown:

Subscription Name:	Server & VMware Optimization Services		
Description:	Pro-active checks and patching to maintain best practices, system health and compliance of your Server & VMware environment		
Deliverables:	Review & Assess	- o Server Logs & Events - o VMware Logs & Events - o VMware Network & HBA Configurations - o VMware Cluster & Host Best Practice Configurations - o Virtual Machine Performance and Capacity Utilization - o Server BIOS & Remote Management Patch Versions - o VMware OS & Patch Versions - o SAN Utilization - o CPU & Memory Utilization - o Account Security & Access - o Asset Lifecycle & Support	- o Monthly - o Monthly - o Monthly - o Monthly - o Monthly - o Monthly - o Monthly - o Monthly - o Monthly - o Monthly
	Patching	- o Server BIOS & Remote Management - o VMware vSphere hosts - o vCenter server	- o Quarterly - o Quarterly - o Quarterly
	Summary Report	- o Server Health Status - o VMware Health Status - o Server Patch Compliance Status - o VMware Patch Compliance Status - o Virtual Machine Performance and Capacity Status - o Asset Lifecycle Status - o CPU & Memory Status + Trending - o SAN Status + Trending - o Findings & Recommendations	- o Monthly - o Monthly - o Monthly - o Monthly - o Monthly - o Monthly - o Monthly - o Monthly



Subscription Name:	Workstation & Server OS Patching Services		
Description:	Windows and Linux Operating System monthly patching of your OS environments		
Deliverables:	Review & Assess	o Compliance Pre-Check	o Monthly
		o Compliance Post-Check	o Monthly
	Patching	o Critical Updates	o Monthly
		o Security Updates	o Monthly
		o Update Rollup	o Monthly
		o Service Packs / Kernel Updates	o Monthly
	Summary Report	o Compliance Status	o Monthly
		o Findings & Recommendations	o Monthly

Subscription Name:	Backup Optimization Services		
Description:	Pro-active checks and patching to maintain best practices, system health and compliance of your Backup software and Backup appliance environment		
Deliverables:	Review & Assess	o Backup Job status history	o Monthly
		o Protected Server validation & compliance	o Monthly
		o Backup Software Logs & Events	o Monthly
		o Backup Storage Logs & Events	o Monthly
		o Backup Software Best Practice Configurations	o Monthly
		o Backup Storage Best Practice Configurations	o Monthly
		o Backup Software Job Configurations	o Monthly
		o Asset Lifecycle & Support	o Monthly
		o Backup Job Performance	o Monthly
		o Backup Software Performance Utilization	o Monthly
		o Backup Storage Capacity Utilization	o Monthly
		o Backup Storage CPU & Memory Utilization	o Monthly
		o Backup Software Account Security & Access	o Monthly
		o Backup Storage Account Security & Access	o Monthly
	Patching & Compliance	o Backup Software Critical Security Patches	o
		o Backup Storage Critical Security Patches	o Quarterly
		o Backup Software Updates	o Quarterly
		o Backup Storage Firmware	o Quarterly
		o Server Test Restore	o Quarterly
		o File Data Test Restore	o Quarterly
	Summary Report	o Backup Job Health Status	o Monthly
		o Backup Software Health Status	o Monthly
		o Backup Storage Health Status	o Monthly
		o Backup Job Performance Status	o Monthly
		o Backup Software Performance Status	o Monthly
		o Backup Storage Performance Status	o Monthly
		o Backup Storage Capacity Utilization + Trending	o Monthly
		o Protected System Summary and Compliance Status	o Monthly
		o Asset Lifecycle Status	o Monthly
		o Findings & Recommendations	o Monthly



Subscription Name:	Network Optimization Services		
Description:	Pro-active checks and patching to maintain best practices, system health and compliance of your Network Switching environment		
Deliverables:	Review & Assess	o Switch Logs & Events	o Monthly
		o Switch Port Errors	o Monthly
		o Switch CPU Utilization	o Monthly
		o Switch Interface Utilization	o Monthly
		o Switch OS & Patch Version	o Monthly
		o Switch Best Practice Configurations	o Monthly
		o Switch Account Security & Access	o Monthly
		o Asset Lifecycle & Support	o Monthly
		o Switch Configuration Backup	o Monthly
	Patching	o Switch Critical Security Patches	o Quarterly
		o Switch Firmware	o Quarterly
	Summary Report	o Switch Health Status	o Monthly
		o Switch Performance Status	o Monthly
		o Switch Compliance Status	o Monthly
		o Asset Lifecycle Status	o Monthly
		o Findings & Recommendations	o Monthly

Subscription Name:	Microsoft Active Directory Optimization Services		
Description:	Pro-active checks and patching to maintain best practices, system health and compliance of your Microsoft Active Directory Environment		
Deliverables:	Review & Assess	o Windows Server Logs & Events	o Monthly
		o Active Directory Replication Health	o Monthly
		o DHCP Logs & events	o Monthly
		o DNS Logs & Events	o Monthly
		o Active Directory Best Practice Configurations	o Quarterly
		o Unlinked Group Policy Objects	o Quarterly
		o Stale User Objects	o Quarterly
		o Stale Computer Objects	o Quarterly
		o Privileged Accounts and Groups	o Quarterly
		o Failed Authentication Logs	o Monthly
	Summary Report	o Active Directory Health Status	o Monthly
		o DNS Health Status	o Monthly
		o DHCP Health Status	o Monthly
		o Findings & Recommendations	o Monthly

Subscription Name:	Firewall Optimization Services		
Description:	Pro-active checks and patching to maintain best practices, system health and compliance of your Firewall device		
Deliverables:	Review & Assess	o Firewall Logs & Events	o Monthly
		o Firewall Performance Utilization	o Monthly
		o Firewall Bandwidth Utilization	o Monthly
		o Firewall OS & Patch Version	o Monthly
		o Firewall Best Practice Configurations	o Monthly
		o Firewall Account Security & Access	o Monthly
		o Asset Lifecycle & Support	o Monthly
		o Firewall Configuration Backup	o Monthly
	Patching	o Firewall Critical Security Patches	o Quarterly
		o Firewall Firmware	o Quarterly
	Summary Report	o Firewall Health Status	o Monthly
		o Firewall Performance Status	o Monthly
		o Firewall Compliance Status	o Monthly
		o Asset Lifecycle Status	o Monthly
		o Findings & Recommendations	o Monthly

Subscription Name:	Wireless Optimization Services		
Description:	Pro-active checks and patching to maintain best practices, system health and compliance of your Wireless Network environment		
Deliverables:	Review & Assess	- Wireless Controller Logs & Events - Wireless Access Points Logs & Events - Wireless Controller Performance Utilization - Wireless Controller OS & Patch Version - Wireless Access Points OS & Patch Version - Wireless Controller Security & Access - Asset Lifecycle & Support - Wireless Configuration Backup - Wireless Best Practice Configurations	- Monthly - Monthly - Monthly - Monthly - Monthly - Monthly - Monthly - Monthly - Monthly
	Patching	- Wireless Controller Critical Security Patches - Wireless Access Point Critical Security Patches - Wireless Controller Firmware	- Quarterly - Quarterly - Quarterly
	Summary Report	- Wireless Access Point Firmware - Wireless Controller Health Status	- Quarterly - Monthly
		- Wireless Access Point Health Status - Wireless Controller Performance Status - Wireless Controller Compliance Status - Wireless Access Point Compliance Status - Asset Lifecycle Status - Findings & Recommendations	- Monthly - Monthly - Monthly - Monthly - Monthly - Monthly

Subscription Name:	Maintain and Support Services		
Description:	Day-to-Day Monitoring, Maintenance and Support of your IT systems and End Users from Capital Data's Signature Services team of experts		
Deliverables:	Monitoring and Alerting	- System Performance, Resource and Capacity - Node up/down - System Events and Errors	
	Support, Requests & Remediation	- Pro-active Remediation Services - Add / Move / Change Requests - Backup monitoring and remediation - Level 1 – Level 3 Support Services	
	Service Review	- Value add activities / projects and tasks - Monthly meeting to review environment health, activities, risks, recommendations and plan the following month's work	



RRM Solution Overview:

Complete visibility, monitoring and management of all your IT assets. Stay on top of everything in real-time to pro-actively prevent issues and disruptions to your Business.

- **Alerts:** Get notifications about device availability, performance, security, and backup statuses.
- **Performance checks:** Easily health-check hardware and software across multiple work locations.
- **Network performance monitoring:** Use SNMP functionality to monitor network devices—including servers, routers, Switch / SDWANes and more.
- **Virtual machine monitoring:** Run checks on virtual servers.
- **Security monitoring:** Monitor antivirus scanning statuses, errors in event logs and compliance status.
- **Background maintenance:** Fix issues without disrupting end users or causing downtime by using remote command lines and custom scripts, and by managing system processes and services.
- **Efficient Management:** Quickly connect to any system in your environment with one click from a centralized dashboard.
- **Maintenance windows:** Set scheduled maintenance to run during off hours so you don't disrupt employees' productivity or raise false downtime alarms.
- **Automation and bulk actions:** Standardize your checks, rules, and tasks across sites, servers, and devices. Leverage built-in automation and scripting tools to help you perform bulk actions automatically across networks and work sites.
- **Patch management:** Unified patching and vulnerability status from a single console. Includes 3rd party patching and script deployment.
- **Dashboards and Reporting:** Complete visibility of the health, performance and risk of your environment.
- **Inventory Management:** Asset and Warranty Lifecycle reporting and alerting.

Name	Status	Agent	Cluster	Connectivity	CPU	Disk	RAM	Memory	Patch Status
[S.] Printing L... ECH-DAG01	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG02	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG03	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG04	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG05	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG06	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG07	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG08	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG09	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG10	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG11	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG12	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG13	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG14	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG15	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG16	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG17	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG18	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG19	OK	OK	OK	OK	OK	OK	OK	OK	OK
[S.] Printing L... ECH-DAG20	OK	OK	OK	OK	OK	OK	OK	OK	OK

4. In-Scope

- End User Support
- 167 workstations
- 5 physical servers
- 9 virtual servers
- Network / Security

5. Service Level Agreements

Ranking	Response	Action	Output	Resolution
Severity 1	30 Min	Response Confirmation	Escalation via phone/email	Based on issue, resolution will vary. Capital Data will provide best level service and escalation to resolve within Severity 1 parameters. Initial troubleshooting and resolution plan will be presented within 2 hours of receiving the notification.
Severity 2	4 Hr	Response Confirmation	Escalation via phone/email	Issues classified as Severity 2 will be addressed within 4 hours.
Severity 3	24 Hr	Response Confirmation	Escalation via phone/email	Issues classified as Severity 3 will be confirmed and addressed within 5 business days and set to closed upon or before the conclusion of the 5 th day.
Service Requests	3 Business days	Service Scheduled	Schedule conformation via email	Notification of scheduled service date and notification of service completion will be sent to stakeholders.

6. Severity Definitions

- **Severity 1** – Significant number of users are impeded in their ability to perform work or a system defined as Business Criticality 1 is down or not performing acceptably
- **Severity 2** – Small number of users are impeded in their ability to perform work, a system defined as Business Criticality 1 has a non-performance impacting issue, or a system defined as Business Criticality 2 has a performance impacting issue
- **Severity 3** – Issue that does not impact users' ability to perform work, or a system defined as Business Criticality 2 or 3 has a non-performance impacting issue
- **Service Request** – A change to the environment is requested that is not related to a performance issue or users' ability to complete work

7. Service Availability

Service	Schedule	Type
Alert Response, Support, Requests & Remediation	7AM–5PM CST Monday > Friday	Service Desk - Email & Telephone
Severity 1 Emergency Support	Outside of working hours	On-call Emergency Number



8. Customer Responsibilities

- Customer shall designate a representative(s) to be the Primary Contact for in-scope systems. This contact will be responsible for escalation and any communication between Capital Data and the customer.
- Customer shall provide 24/7 remote access and secure credentials for in-scope systems.
- Customer shall provide physical access as needed.
- Customer is responsible for emergency escalation for Severity 1 issues outside of normal working hours via the communicated mechanisms.

9. Contract Terms & Conditions

- Services and Subscriptions can be added / removed on a Month-to-Month basis.
- Estimated hours will be reviewed by both parties on a monthly basis and right-sized as needed.
- Capital Data will do its utmost to meet any committed SLAs. Any failure to meet these commitments will be discussed with Customer to agree upon the best method of resolution.
- 1st Month Payment due 30 days from contract start date.
- Help desk services actual hours consumed will be billed on a Time and Materials basis (T&M).
- Infrastructure services is a fixed monthly fee.
- NET30 Payment Terms
- Contract Start Date: TBD

10. Pricing and Approvals

Subscription	Qty	Price
Capital Data – Infrastructure Signature Services (\$180/hr) – fixed fee	1	\$3,600.00
Capital Data – Help Desk Signature Services (\$120/hr) – T&M billing	20	\$2,400.00 estimate**
Endpoint Monitoring / Management Solution	137	\$616.50
Infrastructure Monitoring Solution	20	\$160.00
TOTAL		\$6,776.50 / month (estimate)

11. Approvals and Signatures

Village of Germantown.

Name:

Title:

Signed:

Date:

Capital Data, Inc.

Name:

Title:

Signed:

Date:

capital data
your partner. your solution.



BUSINESS OF THE PUBLIC SAFETY COMMITTEE
GERMANTOWN, WI

MEETING DATE: September 20th, 2021

AGENDA ITEM: New Business

ITEM TITLE: Replacement of Officer

SUBMITTED BY: Chief Mike Snow

SUMMARY EXPLANATION:

Lt. Tom Schreihart has given notice that, after 28 years of service, he will retire on October 1st, 2021. We will begin the promotional process soon. As the promotion will come from within the department, we will ultimately need to fill a vacancy in the patrol division. We do have an active eligibility list with several candidates available for selection.

The annual starting base salary for a patrol officer as of January 1st, 2021, is \$59,237.43. I have attached the job description for the position of police officer, the department organizational chart and the employee justification worksheet.

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER_____

RECOMMENDATION:

BOARD ACTION:

EMPLOYEE VACANCY JUSTIFICATION WORKSHEET

All positions left vacant by retirement, quitting or termination need to complete the following worksheet before the vacant position may be advertised or filled. This worksheet shall not pertain to temporary, seasonal, and sworn public safety employees.

Vacancy Justification Worksheet

Position to be filled: Police Officer

Department: Police Department

Pay: Annual Starting Pay

How long were the previous personnel in position: 28 yrs.

Deferred for a period of time? Yes _____ No X

Why:

Transferred or shared with existing staff: Yes _____ No X

Why:

Consolidated with another position? Yes _____ No X

Why:

Privatized/Contractual? Yes _____ No X

Why:

** Attach current job description and department organizational chart and fulltime Law Enforcement Chart

Michael A. Brown

Department Director

Signature/Approval

09/13/2021

Date

JOB TITLE Officer Assigned to Patrol

ORGANIZATIONAL UNIT Patrol Officer

ORGANIZATIONAL RELATIONSHIP

Reports to Shift Commander

SPECIFIC DUTIES AND RESPONSIBILITIES

An officer assigned as Patrol Member shall have the following duties and responsibilities:

1. Deter or detect unlawful activity by effective patrol of assigned areas, either on foot or in an automobile.
2. Investigate assigned incidents, completing formal police reports to document facts and to provide an official record of the incident.
3. Provide assistance to victims (eg., crime, accident, fire, etc.) to safeguard their health and well-being.
4. Maintain physical fitness to enable self to perform strenuous activity as required.
5. Check the premises of businesses, industries, and/or residences in patrol area for signs of break-in or other irregularities in order to protect persons and property.
6. Respond to citizen requests for information promptly and courteously, maintaining good public relations.
7. Enforce state statutes and village ordinances.
8. Enforce traffic laws and ordinances by stopping/citing violators to ensure compliance with traffic laws and to promote safe driving habits.
9. Promptly answer radio calls from the radio dispatch center and respond as quickly and safely as possible. Such assignments will include but are not limited to the following:
 - a. Traffic accident investigation.
 - b. Criminal incidents/investigations.
 - c. Miscellaneous service calls.

- d. Collection and preservation of evidence at any crime or accident scene.
- 10. Utilize non-assigned service time for criminal and traffic preventive patrol.
- 11. Maintain equipment and uniform in a neat orderly fashion and maintain a groomed appearance in compliance with applicable Standard Operating Procedures.
- 12. Inspect the assigned police vehicle for required equipment and any unreported damage prior to leaving the police compound.
- 13. Execute arrest and search warrants, issue warning notices and parking and traffic citations.
- 14. As required, appear in court to give sworn testimony, knowledge and/or observations.
- 15. Be alert for conditions affecting the safe and expeditious use of the roadways within the assigned beat. Take remedial measures when these conditions are adverse.
- 16. Participate in Department-sponsored inservice training in order to maintain and enhance professional skills and knowledge.
- 17. Prepare criminal complaints, fingerprint cards, reports and photographs in conjunction with arrests.
- 18. Maintain a working knowledge of all Police Department rules, regulations, Standard Operating Procedures and General Orders.
- 19. Perform related work as required.

DESIRABLE SKILLS, KNOWLEDGE AND ABILITIES

Must meet all of the requirements established by the Police and Fire Commission.

Basic certification from Wisconsin Training and Standards as "police officer".

Ability to react quickly and effectively to problem situations.

Ability to exhibit initiative, problem solving capacity, effective judgement, and imagination in coping with complex situations.

Ability to demonstrate mature judgement in deciding to make an arrest, give a warning, or use force.

Ability to tolerate stress in a multitude of forms.

Ability to maintain a balanced perspective in the face of constant exposure to the worst side of human nature.

Desire to maintain and improve the welfare of the community through law enforcement and preventing crime.

Ability to establish and maintain good democratic relationships with the public.

capitaldata

Capital Data Overview

Your Partner. Your Solution.

DRIVE INNOVATION **DELIVER RESULTS**

Today's Agenda

- Introductions
- Capital Data - *Overview*
- Our Approach – *Data Driven Architecture*
- Our Approach – *Signature Services*
- Village of Germantown – *Next steps*

REPUTATION | FOCUSED | TALENT | LOCAL

- Brookfield | Madison | Appleton
- Driven by Customer Satisfaction
- 30 Years+ of Strategic Relationships
- Design | Implement | Support
- Infrastructure | Cloud | Security | Analytics
- Local Presence, Global Footprint
- Technical Depth
- Data Driven Architecture
- Dell Technologies Partner of the Year
- Dell **Titanium** Partner



BACKUP & DR	STORAGE / HCI	CLOUD	NETWORK	TECHNOLOGY
				
				
			 	
	 		 	
				

Data Driven Architecture

Introducing

Our Marketing Department...

Financial & Legal

Landmark Credit Union
Westby Coop Credit Union
Fox Communities Credit Union
Robert W. Baird & Co.
Quarles & Brady
Foley & Lardner
State Bank Financial

Retail & Entertainment

Milwaukee Brewers
Fleet Farm
Vortex Optics
Woodmans Food Market
SkyGen USA
Alta Resources
UW Badgers

Manufacturing & Logistics

Enerpac Corporation
Greenheck Fan Corporation
Badger Meter
Andis Co
Ariens Co
Strattec Corporation
Brunswick Corporation
Snap-on Tools

Gov, Healthcare & Education

Medical College of Wisconsin
Wisconsin Dept of Administration
ProHealth Care
University of Wisconsin
Wisconsin Dept of Corrections
Elmbrook School District
BayCare Clinic
Dodge County
Walworth County

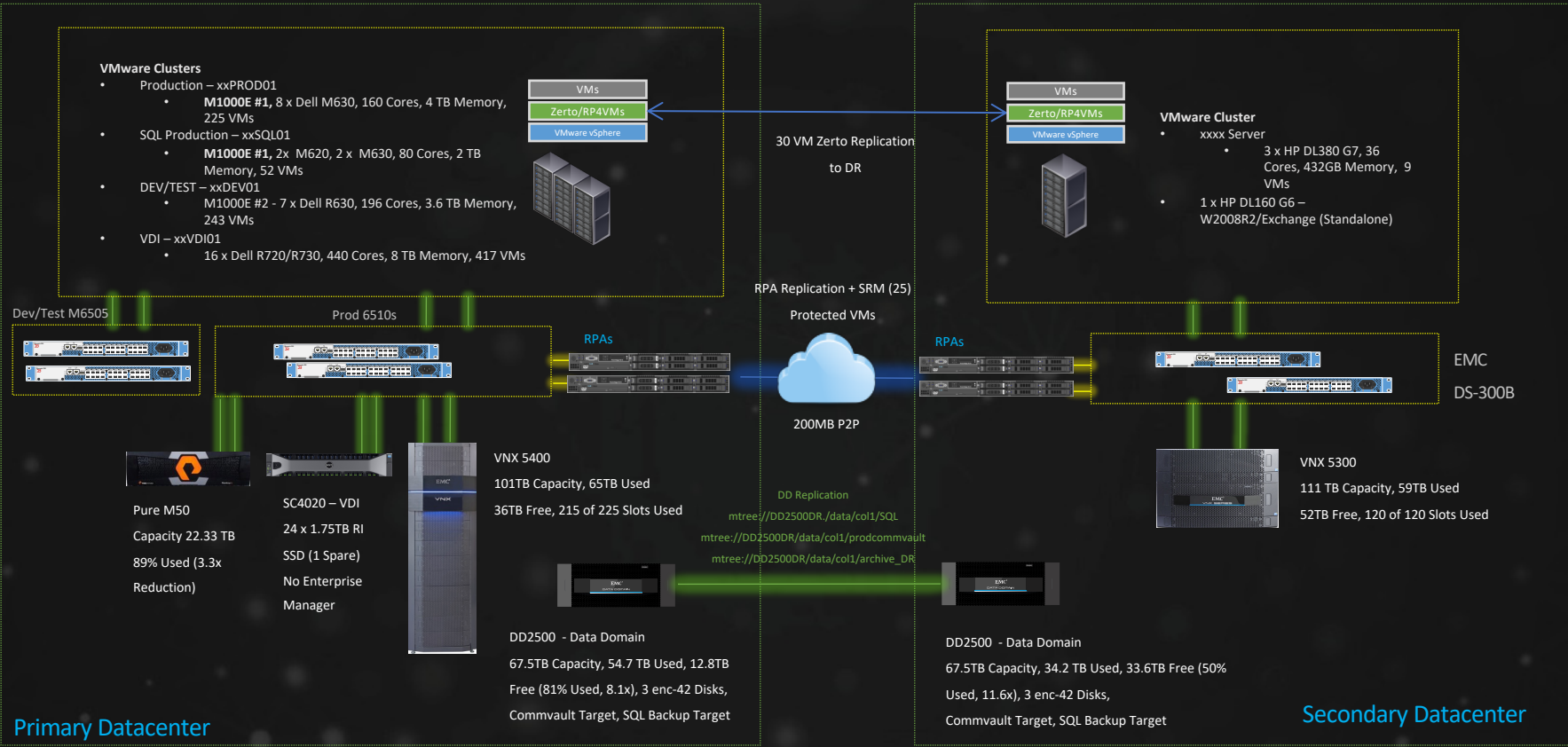
Data Driven Architecture

Sample Excerpts

Making Your Data Work for You

- Data Driven Solutions
- Increase Design Accuracy
- Reduce Risk
- Leverage Investments
- Discover Bottlenecks
- Align Best Practices

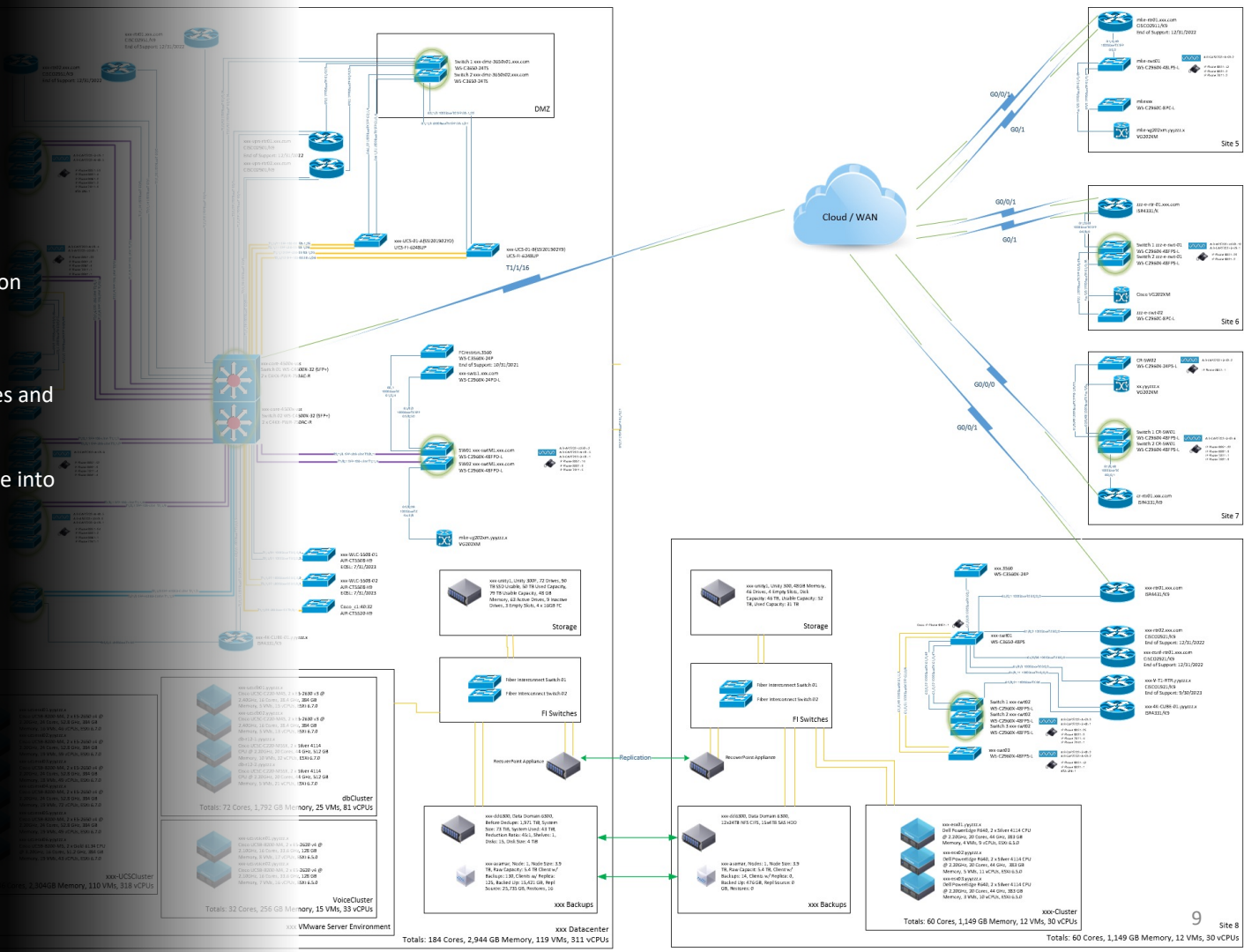




Sample Deliverables

Site Integration Diagram

- Visualize holistic technology integration
- Expose detail that matters
- Customizable to customer preferences and documentation standards
- Decipher complicated IT infrastructure into understandable blueprints
- Document Primary and Remote Site Configurations
- Document Hybrid Cloud Integrations
- Visualize future state roadmaps



capitaldata

*Signature*Services

Overview

DRIVE INNOVATION **DELIVER RESULTS**

Pro-active, White Glove services to meet all your Enterprise IT needs

- Multi-point health and optimization tasks to maintain best practices, security and system stability
- Monitoring, Maintenance and Support bundles
- Monthly, Quarterly or Semi-Annual engagements
- No contract commitments – Month-to-month, scale as you need!
- Dedicated engineers – personalized services

Virtualization + Server Optimization Services (Example)

Review & Assess	○ Server Logs & Events	Monthly
	○ VMware Logs & Events	Monthly
	○ VMware Network & HBA Configurations	Monthly
	○ VMware Cluster & Host Best Practice Configurations	Monthly
	○ Virtual Machine Performance and Capacity Utilization	Monthly
	○ Server BIOS & Remote Management Patch Versions	Monthly
	○ VMware OS & Patch Versions	Monthly
	○ SAN Utilization	Monthly
	○ CPU & Memory Utilization	Monthly
	○ Account Security & Access	Monthly
	○ Asset Lifecycle & Support	Monthly
Patching	○ Server BIOS & Remote Management	Quarterly
	○ VMware vSphere hosts	Quarterly
	○ vCenter server	Quarterly
Summary Report	○ Server Health Status	Monthly
	○ VMware Health Status	Monthly
	○ Server Patch Compliance Status	Monthly
	○ VMware Patch Compliance Status	Monthly
	○ Virtual Machine Performance and Capacity Status	Monthly
	○ Asset Lifecycle Status	Monthly
	○ CPU & Memory Status + Trending	Monthly
	○ Storage Status + Trending	Monthly
	○ Findings & Recommendations	Monthly



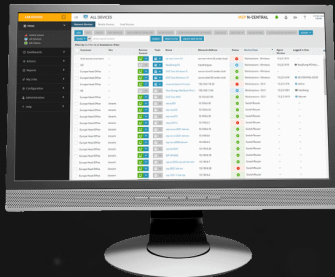
Add-on Maintain + Support Services

Monitor, Alert & Remediate

- System Performance, Resource and Capacity

Support & Requests

- Node up/down
- System Events and Errors
- Response + Remediation
- Add / Move / Change Requests
- Value Add Tasks and Projects
- Support Escalation



Village of Germantown

Next steps

Proposal Overview

- Monthly Pro-active health checks / maintenance of the environment
- Monitoring / Alerting of critical systems
- 24/7 Support for Infrastructure and End Users with SLAs
- Pro-active tasks / mini-project work
- Monthly service review meetings (environment health, hours consumed, plan activities)

Subscription	Qty	Price
Capital Data – Infrastructure Signature Services (\$180/hr) – fixed fee	1	\$3,600.00
Capital Data – Help Desk Signature Services (\$120/hr) – T&M billing	20	\$2,400.00 estimate**
Endpoint Monitoring / Management Solution	137	\$616.50
Infrastructure Monitoring Solution	20	\$160.00
TOTAL		\$6,776.50 / month (estimate)

How we would engage / next steps

- **DDA Engagement**
 - Gather data, interview key stake holders, document and visualize current state of Technology within the Village
 - Review and highlight gaps within infrastructure and security
 - Create strategic 3-5yr roadmap with options, costs and priorities
- **Signature Services**
 - Finalize contract scope
 - Onboarding - documentation, security access, assign engineers, schedule pro-active monthly activities, support portal

Questions?

Thank you



MANAGED SERVICES AGREEMENT

This Managed Services Agreement (the “**Agreement**”) is entered into by Village of Germantown, a municipality, registered at N112 W17001 Mequon Road, Germantown WI 53022, (“**Customer**”) and Capital Data Inc., incorporated and registered in the state of Wisconsin, having a place of business at 1360 S. Moorland Road, Suite 200, Brookfield, WI 53005 (“**Capital Data**”) (Customer and Capital Data are individually referred to as a “**Party**” and collectively referred to herein as the “**Parties**”), and is effective as of the last date of signature below (“**Effective Date**”). This Agreement governs the Parties’ business relationship for all Managed Services from the Effective Date through the last date any Service Term is in effect (the “**Term**”).

This Agreement sets forth the terms under which Capital Data will provide Customer with certain information technology managed services as more specifically identified in the applicable Statement of Work attached hereto as Schedule A and any future Statements of Work for managed services executed by the parties (collectively, the “**Services**”).

1. SERVICES

1.1 Scope of Services. Capital Data agrees to provide the Services in accordance with the terms and conditions of this Agreement and the applicable Statement(s) of Work.

1.2 Change Orders. The parties may modify the scope of Services set forth in a Statement of Work upon mutual agreement and execution of a change order form identifying the change in Services and the applicable change in fees, charges, timeline for completion and any other material variables impacted by the change in Services. No changes may be made to the scope of Services without a mutually approved change order executed by both parties; provided, however that Capital Data may undertake any emergency services requested by Customer on short notice and all such services shall be deemed approved by Customer regardless of whether a change order was executed.

2. FEES; TAXES

2.1 Fees. Customer shall pay the fees and charges specified in the applicable Statement of Work. All fees are due within thirty (30) days of invoice. Capital Data reserves the right to adjust its fees after the initial Term upon thirty (30) days’ notice to Customer. Late payments will incur interest in an amount equal to the lesser of 1.5% per month or the maximum allowable under applicable law. Customer shall reimburse Capital Data for all costs and expenses (including, without limitation,

reasonable attorneys’ fees) incurred in collecting past due amounts or otherwise enforcing this Agreement.

2.2 Taxes. Customer shall pay or reimburse Capital Data for all sales, use, transfer, excise, franchise and all other taxes and duties which are levied or imposed arising from performance of this Agreement, excluding income taxes levied against Capital Data.

3. CUSTOMER RESPONSIBILITIES

3.1 Customer Authorized Contact. Customer shall identify in the Statement of Work those individuals authorized to be Capital Data’s primary Customer contacts. Customer represents that those individuals have authorization to make decisions on behalf of Customer and may be relied upon by Capital Data when providing the Services.

3.2 Customer Resources. Except as otherwise expressly provided in a Statement of Work, Customer shall be responsible for furnishing, at its own expense, all personnel, all equipment, computer hardware, software, telecommunications connectivity, physical work environment and related materials and appropriate and safe work spaces for Capital Data to perform the Services. Customer shall also provide Capital Data with access to all information, data, passwords and facilities requested by Capital Data that are necessary for Capital Data to perform the Services. Customer may deny or restrict access for any reason

at any time, however if access to information, data, passwords or facilities is denied or restricted, Customer understands that Capital Data may be unable to perform its duties adequately and if such a situation should exist, Capital Data will be indemnified, held harmless and relieved of responsibility to Customer.

3.3 Customer Equipment. Customer shall be responsible for its equipment and shall provide a suitable working environment for all equipment located at Customer's or its third party vendor facilities. Without limitation, Customer shall be responsible for the appropriate temperature, static electricity and humidity controls and properly conditioned electrical supply for each piece of equipment. Capital Data shall have no responsibility whatsoever for Customer equipment except to the extent expressly stated as Capital Data's responsibility under an applicable Statement of Work. Except as provided in a Statement of Work, Customer shall bear the risk of loss of any equipment located at Customer's or its third party vendor's facilities.

3.4 Customer Software. If Capital Data is required to install, access, modify or replicate Customer software as part of the Services, Customer will independently verify that all such software is properly licensed. Customer's act of providing access to any such software to Capital Data will be deemed Customer's affirmative acknowledgment to Capital Data that Customer has a valid license that permits Capital Data to perform the Services related thereto. In addition, Customer will retain the duty and obligation to monitor Customer's equipment for the installation of unlicensed software. Customer will indemnify, defend and hold harmless Capital Data against all damages and expenses it may incur (including reasonable attorneys' fees and disbursements) related to Customer's breach of this section or Customer's provision of infringing materials to Capital Data.

3.5 Customer Data. Customer shall be responsible for completing a backup of all existing data, information, materials, content, software and programs (collectively, "Customer Data") on all affected systems prior to and during the delivery of Services. Customer shall make regular backup copies of Customer Data stored on all affected systems as a precaution against possible failures,

alterations, or loss of Customer Data. Capital Data will not be responsible for lost or corrupted Customer Data, damaged or lost removable media, the loss of use of a system or network, or any acts or omissions of Client or third parties that may adversely affect Customer Data. Capital Data will not be responsible for the restoration or reinstallation of any Customer Data. Customer shall be responsible for maintaining adequate backup for all Customer Data and for maintaining appropriate disaster recovery / business continuity plans for its business operations. Customer shall have sole responsibility for the accuracy, quality, integrity, legality, reliability, appropriateness, and intellectual property ownership or right to use of all Customer Data.

3.6 Changes in Customer Environment. From time to time either Customer or Capital Data may identify additional equipment, software or other resources to be purchased or changes in Customer's systems or technology environment that may be required in order for Capital Data to meet Customer's requirements. In connection therewith, Customer agrees to work in good faith to effectuate such purchases or changes. In the event that Customer is required to purchase any assets, including computer hardware and/or software, in connection with Capital Data providing the Services, all such assets will remain the sole property of Customer unless specifically stated otherwise in writing. Customer will be responsible for the quality, completeness and workmanship of any item or service furnished by it and for ensuring that the materials provided to Capital Data do not infringe or violate the rights of any third party. If any changes in Customer's systems or technology environment result in a change to the scope of Services to be provided by Capital Data, the parties agree to negotiate any such changes in good faith and to execute an appropriate change order for the Statement of Work. Neither party shall be obligated to implement any such changes until finalization of execution of the change order.

3.7 Timeliness. All schedules and dates for the performance of Services are estimates only. The Services are dependent on timely receipt from Customer of all necessary items and authorizations to be supplied by it. In the event of a delay in the performance of Services by Customer, any estimated completion date will be deferred for a period equal to the time lost by reason of the delay.

3.8 Customer Cooperation. Customer understands that without prompt and adequate cooperation, Capital Data will not be able to perform the Service or, if performed, the Service may be materially altered or delayed. Accordingly, Customer will promptly and reasonably provide Capital Data with all cooperation necessary for Capital Data to perform the Service. If Customer does not provide reasonably adequate cooperation in accordance with the foregoing, Capital Data will not be responsible for any failure to perform the Service and Customer will not be entitled to a refund.

3.9 Onsite Obligations. Where Services require on-site performance, Customer will provide (at no cost to Capital Data) free, safe and sufficient access to Customer's facilities and environment, including ample working space, electricity, safety equipment (if applicable) and a local telephone line.

3.10 Third Party Warranties. These Services may require Capital Data to access hardware or software that is not manufactured by Capital Data. Some manufacturers' warranties may become void if Capital Data or anyone else other than the manufacturer works on the hardware or software. Customer will ensure that Capital Data's performance of Services will not affect such warranties or, if it does, that the effect will be acceptable to Customer. Capital Data does not take responsibility for third party warranties or for any effect that the Services may have on those warranties.

4. PROPRIETARY RIGHTS

4.1 Intellectual Property. Capital Data may use preexisting proprietary software, methodologies, techniques, libraries, tools, algorithms, materials, products, ideas, skills, designs, know-how or other intellectual property owned by Capital Data or its licensors, and Capital Data may also create additional intellectual property based thereon in the performance of the Services (all of the foregoing, "Capital Data IP"). Customer agrees that any and all proprietary rights to Capital Data IP as it existed as of the date hereof and as it may be modified or created in the course of providing the Services, including patent, copyright, trademark, and trade secret rights, to the extent they are available, are the sole and exclusive property of Capital Data, free from any claim or retention of

rights thereto on the part of Customer, and Customer hereby assigns to Capital Data any rights it may have in any of the foregoing.

4.2 Customer Rights to Work Product. Except as otherwise provided in a Statement of Work, the parties intend that Customer will be the owner of all work product created exclusively for Customer by Capital Data under this Agreement to the extent such work product may be considered "work made for hire", subject to the following: (a) Capital Data retains all right, title, interest and ownership of all Capital Data IP incorporated into or included within any such work product and (b) all third party materials incorporated into any work product shall be subject to the rights of such third parties. Capital Data hereby grants to Customer a non-exclusive, non-transferable right to use the Capital Data IP delivered with work product solely as it may be incorporated therein and only for Customer's own internal business purposes.

4.3 Restrictions. Customer will not copy, use, modify, or distribute any Capital Data IP except as expressly permitted in Section 4.2 above. Customer will not remove Capital Data IP from any deliverables or cause or permit the modification, distribution, reverse engineering, decompilation, disassembly or other translation of Capital Data IP. Customer will not alter, change, or remove from Capital Data IP any identification, including copyright and trademark notices, and further agrees to place all such markings on any copies thereof.

4.4 Intellectual Property Claims. Capital Data shall defend Customer against any claims resulting in a final, non-appealable judgment in a U.S. court of law that Capital Data's proprietary software used to provide the Services infringes any U.S. patent provided that Capital Data is given prompt notice of such claim and is given information, reasonable assistance and sole authority to defend or settle the claim. Capital Data's sole obligation in response to any such claim shall be, at its option, to: (a) modify the infringing component of the software so as to make it non-infringing; (b) secure the right to use the infringing component of the software; or (c) refund any fees prepaid by Customer for the Services and terminate this Agreement without further liability. The foregoing states Capital Data's sole obligation and liability with respect to intellectual property claims. Customer shall indemnify and defend Capital Data

against claims that the Customer Data infringes any rights of third parties.

5. LIMITED WARRANTIES

5.1 Customer Warranties. Customer represents and warrants that it has obtained permission for both Customer and Capital Data to access and use, whether remotely or in-person, Customer-owned or licensed software, hardware, systems, the data located thereon and all hardware and software components included therein, for the purpose of providing these Services. If Customer does not already have that permission, it is Customer's responsibility to obtain it, at Customer's expense, before Customer asks Capital Data to perform these Services. Customer further represents and warrants that it has full authority to enter into this Agreement and perform its obligations hereunder, and the Customer will access the Services only for lawful purposes and will not violate any laws or regulations or the rights of any third parties in connection with use of the Services.

5.2 Capital Data Warranty. Capital Data warrants to Customer that Capital Data has the authority to enter into this Agreement. Capital Data further warrants that the Services will conform in all material respects with the service level assurances expressly set forth in the applicable Statement of Work. Capital Data's sole and exclusive obligation, and Customer's sole and exclusive remedy, in the event of a breach of the warranties made herein shall be to use commercially reasonable efforts to provide workarounds and support fixes to remedy the breach. To the extent that the foregoing remedies are not reasonably attainable in Capital Data's determination, Capital Data may elect as the sole and exclusive remedy to refund any fees prepaid by Customer for the non-conforming Services and terminate this Agreement without further liability.

5.3 Third Party Products / Services. Warranties for third party products and services, if any, are provided by the manufacturers of the products or vendors of the services and not by Capital Data. Capital Data makes no representations or warranties regarding third party products or services and its sole and exclusive obligation shall be to use commercially reasonable

efforts to assist Customer at Customer's expense in enforcing any such third party warranties.

5.4 Disclaimer.

(a) EXCEPT FOR THE WARRANTIES MADE BY CAPITAL DATA IN SECTION 5.3, WHICH ARE LIMITED WARRANTIES AND THE ONLY WARRANTIES PROVIDED TO CUSTOMER, ALL SERVICES, EQUIPMENT, DELIVERABLES AND WORK PRODUCT ARE PROVIDED STRICTLY "AS IS." NEITHER CAPITAL DATA NOR CUSTOMER MAKES ANY ADDITIONAL WARRANTIES, EXPRESS, IMPLIED, ARISING FROM COURSE OF DEALING OR USAGE OF TRADE, OR STATUTORY, AS TO THE SERVICES, EQUIPMENT, DELIVERABLES OR WORK PRODUCT PROVIDED HEREUNDER, OR ANY MATTER WHATSOEVER. THE PARTIES DISCLAIM ALL WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, SATISFACTORY QUALITY, TITLE, NON-INFRINGEMENT AND INTEGRATION.

(b) CAPITAL DATA DOES NOT WARRANT THAT THE SERVICES, EQUIPMENT, DELIVERABLES OR WORK PRODUCT WILL MEET ANY CUSTOMER REQUIREMENTS NOT SET FORTH HEREIN, THAT ANY OF THE FOREGOING WILL OPERATE IN THE COMBINATIONS THAT CUSTOMER MAY SELECT FOR USE, THAT THE OPERATION OF ANY OF THE FOREGOING WILL BE UNINTERRUPTED OR ERROR-FREE, OR THAT ALL ERRORS WILL BE CORRECTED. IF PRE-PRODUCTION (E.G., "ALPHA" OR "BETA") RELEASES OF SOFTWARE ARE PROVIDED TO CUSTOMER, SUCH COPIES ARE PROVIDED "AS-IS" WITHOUT WARRANTY OF ANY KIND.

6. LIABILITY; INDEMNITY

6.1 Limitation. CAPITAL DATA, ITS OWNERS, OFFICERS, DIRECTORS, EMPLOYEES, CONTRACTORS AND AGENTS ("CAPITAL DATA PARTIES") SHALL NOT BE LIABLE FOR LOSS OF PROFITS, LOSS OF USE, BUSINESS INTERRUPTION, DOWNTIME, LOSS OF OR DAMAGE TO CONTENT OR DATA, COSTS OF COVER OR

INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES OF ANY KIND, WHETHER ALLEGED AS BREACH OF CONTRACT, TORT, NEGLIGENCE OR OTHER FORM OF ACTION, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE CAPITAL DATA PARTIES' AGGREGATE LIABILITY FOR DAMAGES SHALL NOT EXCEED AN AMOUNT EQUAL TO FEES PAID BY CUSTOMER UNDER THE APPLICABLE STATEMENT OF WORK DURING THE SIX (6) MONTHS PRECEDING THE DATE ON WHICH THE CLAIM FIRST ACCRUED.

6.2 Indemnity.

(a) In addition to the intellectual property indemnity set forth in Section 4.4, Capital Data shall indemnify, defend, and hold harmless Customer, its officers, directors, employees and agents from and against all claims, liabilities, damages, penalties, costs and expenses (including reasonable attorneys' fees and costs) arising from or in connection with: (i) personal injury, death, or damage to tangible personal property directly caused by the gross negligence or willful misconduct of Capital Data and (ii) violation of applicable laws and regulations governing Capital Data's business.

(b) Customer shall indemnify, defend, and hold harmless Capital Data Parties from and against all claims, liabilities, damages, penalties, costs, and expenses (including reasonable attorneys' fees and costs) arising from or in connection with Customer's or any of its employees, agents or contractors: (i) violation of the terms of this Agreement; (ii) misuse of the Services; (iii) violation of any applicable laws or regulations; or (iv) violation, infringement or misappropriation of third party intellectual property rights (excluding claims covered under Capital Data's indemnity).

7. CONFIDENTIAL INFORMATION

7.1 Definition. "Confidential Information" means the terms of this Agreement, the Services, any software, and documentation made available by Capital Data, Capital Data's IP, and any other information furnished by Capital Data and Customer to the extent such information is clearly marked as "confidential" or confirmed in writing by the disclosing party as confidential within ten days after disclosure.

7.2 Obligations. Each party agrees that: (a) Confidential Information constitutes valuable trade secrets of the party owning such Confidential Information; (b) it will use Confidential Information solely in accordance with the provisions of this Agreement; and (c) it will not disclose, or permit to be disclosed, the Confidential Information of the other party to any third party without the disclosing party's prior written consent. Notwithstanding the foregoing, Capital Data may disclose Confidential Information to such third party consultants, contractors, vendors or agents assisting in the provision of Services provided that such parties are under an obligation of confidentiality with Capital Data. Each party will take all reasonable precautions necessary to safeguard the confidentiality of the other party's Confidential Information including, at a minimum, those precautions taken by a party to protect its own Confidential Information, which will in no event be less than a reasonable degree of care. Confidential Information will not include information that is: (i) publicly available; (ii) already in the other party's possession and not subject to a confidentiality obligation; (iii) obtained by the other party from any source without any obligation of confidentiality; (iv) independently developed by the other party without reference to the disclosing party's Confidential Information; (v) a general tool of the trade or background knowledge typically used by a vendor in providing similar Services to others or (vi) required to be disclosed by order of a court or other governmental entity; provided no less than ten (10) days' notice is given to the party owning such Confidential Information so that such party may obtain a protective order or other equitable relief. Capital Data may disclose Confidential Information to its contractors and business partners who agree to maintain its confidence in accordance with this Section.

8. TERM AND TERMINATION

8.1 Term. The initial term of this Agreement shall be as specified on the Statement of Work. After expiration of the initial term, the initial term shall automatically renew for successive periods equal to the initial term (the initial term and each renewal term, a "Term") unless either party provides written notice of non-renewal at least thirty (60) days prior to the applicable renewal term. Upon renewal, the fees and charges for Services shall renew at Capital Data's then current rates

unless otherwise provided in the Statement of Work.

8.2 Termination for Cause.

(a) Capital Data shall have the right, upon notice to Customer, to either terminate this Agreement or the applicable Statement of Work or alternatively suspend the Services if: (i) Customer fails to pay Capital Data any amount due hereunder and such failure to pay is not cured within ten (10) days following Capital Data's notice to Customer of such breach; (ii) Customer materially breaches any other term or condition of this Agreement, provided such breach is not cured by Customer within thirty (30) days following Capital Data's notice to Customer of such breach; or (iii) Customer (A) terminates or suspends its business activities, (B) makes an assignment for the benefit of creditors, or becomes subject to direct control of a trustee, receiver or similar authority, or (C) becomes subject to any bankruptcy or insolvency proceeding under federal or state statutes. Capital Data reserves the right to immediately suspend Customer's access to the Services in response to a material breach by Customer that poses imminent harm.

(b) Customer will have the right, upon notice to Capital Data, to terminate this Agreement for cause if Capital Data is in material breach of this Agreement and Capital Data fails to remedy such material breach within thirty (30) days of its receipt of such notice.

8.3 Termination for Convenience. Either party may terminate a Statement of Work for convenience upon no less than one hundred and twenty (120) days advance written notice to the other. In connection with a termination for convenience, Capital Data shall be entitled to full payment for all Services provided through the date of Termination plus reimbursement for all unused inventory and parts purchased to provide Services, the unamortized cost of all equipment purchased to provide the Services, costs incurred in terminating third party contracts supporting provision of the Services and any similar costs and expenses that Capital Data anticipates incurring in connection with an early termination. Capital Data shall provide Customer with an itemized list and invoice of all such costs at least thirty (30) days prior to the termination date.

8.4 Survival. Any provisions necessary to interpret the respective rights and obligations of the parties hereunder shall survive any termination or expiration of this Agreement. With limitation, the disclaimers, limitations of liability, confidentiality provisions, intellectual property provisions and indemnity obligations shall survive.

9. GENERAL PROVISIONS

9.1 Independent Contractors. Capital Data and Customer are independent contractors. Nothing hereunder shall be construed as creating a joint venture, partnership, or other agency relationship.

9.2 Notice. Any notice required or permitted to be delivered pursuant to this Agreement shall be in writing and shall be delivered to the last known primary address of the recipient. Electronic notice by facsimile or email shall be confirmed by written notice delivered to the recipient's last known primary address.

9.3 Assignment. Customer may not assign or otherwise transfer this Agreement by operation of law or otherwise without Capital Data's prior written consent.

9.4 Force Majeure. Capital Data shall not have any liability for failure or delay in performing any obligation under this Agreement due to circumstances caused by third parties or circumstances beyond its reasonable control including, without limitation, acts or omissions of Customer, acts of God or nature, actions of the government, fires, floods, strikes, civil disturbances or terrorism, or power, communications, satellite, internet or network failures.

9.5 Enforcement. The failure of either party to enforce, or the delay by either party in enforcing, any of its rights under this Agreement will not be deemed to be a waiver or modification by such party of any of its rights under this Agreement. If any provision of this Agreement is held to be unenforceable, in whole or in part, such holding will not affect the validity of the other provisions of this Agreement.

9.6 Publicity. Customer grants Capital Data the right to use Customer's name in marketing materials indicating that Customer is or has been a Capital Data client.

9.7 Execution. This Agreement may be executed in counterparts (including by means of telecopied signature pages), all of which shall be considered one and the same agreement.

9.8 Governing Law; Venue. This Agreement will be governed by the laws of the State of Wisconsin, notwithstanding its rules regarding conflicts of law. Exclusive venue for any dispute hereunder shall be in a state or federal court of competent jurisdiction located in Milwaukee County, Wisconsin, and the parties irrevocably submit to the exclusive jurisdiction of such courts and waive all defenses to such jurisdiction including, without limit, defenses of forum nonconveniens. The prevailing party in any dispute shall be entitled to recovery of costs and expenses (including, without limitation, reasonable attorneys' fees and costs) incurred in enforcing this Agreement with respect to those claims upon which they prevail.

9.9 Non-solicitation. Neither Capital Data nor Customer shall, without the other party's prior written consent, for a period of one year following expiration or termination of the applicable Statement of Work, directly or indirectly, solicit for employment any employee of the other party with whom it has come in contact in connection with the Services; provided, however, that general advertisements and other similarly broad forms of solicitation will not constitute direct or indirect solicitation hereunder and a party is permitted to solicit for employment any employee that has been terminated or has resigned his or her employment prior to the commencement of employment discussions with the hiring party.

9.10 Insurance. Each party shall, at its sole cost and expense, keep in full force and effect, and provide evidence of: (i) Commercial General Liability insurance with limits of \$2,000,000 per occurrence naming the other party as additional insureds; (ii) Automobile Liability insurance with limits of \$1,000,000; and (iii) Worker's Compensation, as required by applicable state laws, and Employers' Liability with limits of \$100,000; and (iv) Professional Liability / Errors and Omissions insurance with limits of \$2,000,000 per occurrence. The foregoing coverage limits may be satisfied through use of umbrella coverage as

appropriate. Customer and its insurers shall waive any and all rights of subrogation against Capital Data. Failure to request such certificates or to identify any deficiency in the insurance provided shall not be construed as or deemed to be a waiver of a party's obligation to maintain such insurance.

9.11 Entire Agreement. No purchase order, other ordering document or any hand written or other text which purports to modify or supplement the printed text of this Agreement or any Statement of Work shall add to or vary the terms of this Agreement. All such proposed variations or additions are objected to and shall have no force or effect. This Agreement (including the Schedules) contains the entire agreement of the parties with respect to the subject matter of this Agreement and supersedes all previous communications, representations, understandings, proposals and agreements, either oral or written, between the parties with respect to said subject matter. This Agreement or a Statement of Work may only be modified through a written Amendment or a Change Order executed by authorized representatives of both parties.

9.12 Equipment Agreement. If Customer is purchasing or leasing computer equipment from Capital Data, the terms and conditions of purchase or lease shall be set forth in a separate agreement between Customer and Capital Data. The terms of this Agreement are separate and independent and shall not apply to the purchase or lease of any such equipment.

In witness whereof, the authorized representatives of the parties have executed this Agreement as of the dates set forth below their signatures.

Capital Data:

Capital Data, Inc.

By: _____
Name: _____
Title: _____
Date: _____

Customer:

Village of Germantown

By: _____
Name: _____
Title: _____
Date: _____

Attachments:

Schedule A – Statement of Work

Schedule A
STATEMENT OF WORK



Village of

Germantown

— Wisconsin —

N112W17001 Mequon Road
Germantown, WI 53022
Clerk's Office: 262-250-4740

License Expires December 31, 2020 ²⁰²¹

APPLICATION FOR ANIMAL FANCIER'S LICENSE

Filling out your application

Complete form in its entirety. False or incomplete information may lead to denial.

Review of your application:

For new applicants, the Clerk's Office will mail letters notifying neighbors within 300' of property of your application. All applicants will be presented to the Public Safety Committee for approval/denial after they have been approved by the Police Department. Upon approval, Clerk will verify the Washington County pet license status. When all pets have been licensed, Clerk's Office will issue permit.

	Cost
Annual Fee (OU)	\$25
FEES ARE NON-REFUNDABLE	

Applicant First Name <i>Cherie</i>	M.I. <i>L</i>	Applicant Last Name <i>Party</i>
Address <i>W154N10230 Regency Court South</i>		City, State, & Zip <i>Germantown, WI 53022</i>
Email Address <i>clparty@wi.rr.com</i>	Phone Number <i>(414) 313-4654</i>	Date of Birth <i>[Redacted]</i>

Zoning of Property: *RS-4*

Zoning Limitations for Animal Fancier Licenses

(Chapter 12.16 of the Municipal Code.)

Animal Fancier Permits may be granted in the following zoning districts:

- 1) A-1 and A-2 Districts
- 2) Rs-1 through Rs-4 Single-Family Residential Districts
- 3) Rs-5 Residential District, provided the residential lot is a minimum of 15,000 square feet in area, and the permit shall restrict the animal fancier to only small breed dogs, as classified by the American Kennel Club
- 4) B-3 General Business District, provided that the property is used solely as a residence and the minimum lot size is 20,000 square feet. If installing a structure or fence, applicant must contact the Community Development Department to discuss possible permit requirements.
- 5) Dog Houses, kennels or dog runs, located in any single-family or 2-family residential district, shall have a minimum side yard and rear yard setback of 15 feet.

Purpose of Requesting Animal Fancier license:

Dog from Indiana
Inherited dog from my Mother's passing away on 9/22/2021.
Adopted Dog Feb 2021 after another dog passed away (puppy)

For Office Use Only: Date: *9/14* Initials: *BH* Amount Paid: *\$25* License Number: _____
Date 300' notices mailed (for new applicants only): *9/15/21* Police Department: _____ Approve or _____ Deny _____ Initials
Community Development Department: _____ Approve or _____ Deny _____ Initials
Public Safety Meeting Date: *10/4/21* Approved or Denied (Circle one) Village Board Meeting Date (if needed): _____

DLB 9/15/21

Please note: Animal Fancier's License will not be issued unless all of the individual cat or dog licenses are paid and issued.

List each animal below, providing all required information. The Village Clerk's Office will be verifying issuance of Washington County dog/cat permits.

Dog/Cat	Male/Female (M/F)	Color	Breed	Rabies TagNo & Expiration Date:	Washington County Tag # for license year (issued by Village)	Tag # Verified by Village Clerk (Y/N)
1 Dog	Male	Apricot (Red)	Akita pro	8353 5-17-2022	Applied for Included 7124	
2 Dog	Male	white	Mini poodle	20797 6-14-2024	Applied for Included 7123	
3 Dog	Female	Black/Gold	Silky Terrier	4320 6-19-2023	6622	
4 Dog	Female	Brown/white	Mini toy Dachsund	No tag # attached 3-1-2022	6621	Rabies @ Petco Pittsfield, MA copy enclosed
5 Cat	Female	Grey/white	Shorthair	8590 8-14-2022	2211	

Dog Copper passed away Jan 2020.

Sugar Creek Animal Hospital Animal #2
401 Waynetown Road, Crawfordsville, Indiana 47933
(765) 361-1100

Name of Veterinarian: Brentwood Animal Hospital Animals #1, 2, 4, & 5
Address: 318 West Ryan Rd, Oak Creek, WI 53154
Phone: (414) 762-7173

By signing this applicant, I agree that all information provided is accurate. I further agree to follow all provisions of the Animal Fancier license as established in Chapter 12.16 of the Municipal Code.

Signature of Owner: Sherie L. Carby Date: 9/14/2021

Additional Owner (if applicable): _____ Date: _____



OFFICE OF THE VILLAGE CLERK
N112W17001 Mequon Road,
PO Box 337
Germantown WI 53022-0337
Phone (262)250-4700

September 22nd, 2021

APPLICATION FOR ANIMAL FANCIER'S LICENSE

Cherie Carty, W154N10230 Regency Court South.

Dear Property Owner:

Please be advised that your neighbor listed above has applied for an Animal Fancier's License in the Village of Germantown. This license allows for the keeping of more than three dogs or three cats or any combination thereof on their property.

If you have any objections to approval/renewal of this license, please contact our office in writing, by 4pm on October 1st, 2021. Your objection will be provided to the Public Safety Committee for their review along with the application for permit at their meeting on Monday, October 4th, 2021 at the Germantown Village Hall. If you wish to speak in person to the committee, you may do so at this meeting, where the decision to approve or deny the permit, will be made. In the future you will not receive a letter unless there is a complaint.

Should you have any questions, please contact the Village Clerk's office at 262-250-4700 or via email at comments@village.germantown.wi.us.

Sincerely,

Ben

Ben Hubrich
Deputy Clerk

cc: Police Chief Michael Snow
Trustee Dennis Myers, Public Safety Committee Chair

September 30, 2021

To: Village of Germantown
Office of the Village Clerk & Public Safety Committee

From: Dick Mainz & Merry McCollum

Subject: Animal Fancier's License for Cherie & Robert Carty

First off, we wish to object to the Animal Fancier's License for Cherie & Robert Carty.

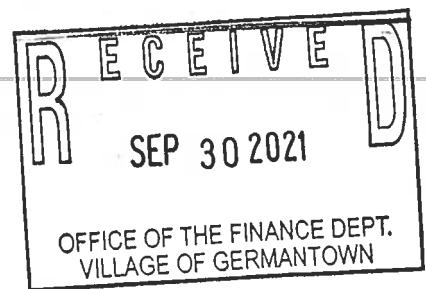
We understand the Animal Fancier's License allows for more than 3 dogs or cats or combination thereof per the written notice received. I called the Village Clerks Office upon receiving notice and understand this license is for 3 pets or more with NO limitation to how many pets a person can have. So while a person may want to have 4 pets today, tomorrow they may want 10 pets and will have the license to support this. As a result, we cannot support this license.

Bob and Cherie are our neighbors and much like last year when they applied for the Fancier's License, they have not contacted us and shared what their intent is. They have had 4 dogs at their house for a few months. One would think you would get the license and then the pet, but not the case.

We purchased our home next door to Robert & Cherie just over 5 years ago with the thought of enjoying a quiet and peaceful neighborhood into our retirement. We do not know what their long term intent is, and find it difficult to support an unlimited number of dogs / pets next door to us in a residential neighborhood.

To this point, we have difficulty supporting additional pets at our neighbors.

Sincerely,
Dick Mainz & Merry McCollum



Village of



N112 W17001 Mequon Road
Germantown, WI 53022
Clerk's Office: 262-250-4740

Date of Event: 10/9/21
Clear Form

TEMPORARY OUTSIDE PREMISE EXTENSION APPLICATION

Application for Amendment of Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License Outside Premise Extension

Filling out your application

- Additional permits or approvals may be required by other Village Departments (sign permits, temporary use permits, electrical permits, etc.). You are responsible for obtaining those permits prior to your event. Contact the Community Development Department at 262-250-4735 for further information.

Review of your application

- The Village of Germantown Police Department and Fire Department will review your application and give a recommendation to the Public Safety Committee and Village Board.

OUTSIDE PREMISE EXTENSION FEES

☒	Temporary Premise Extension	\$25
	Total:	\$25

IF YOUR APPLICATION SHOULD BE DENIED BY THE VILLAGE BOARD, THE FEES ARE NON-REFUNDABLE.

Name of Licensed Premise

Tiny T's

Street Address of Licensed Premise

W157 N11638 Fond du Lac Ave.

City

Germantown

State

WI

Zip

53022

Person in Charge of Event

Shawn Frank

Phone

262-617-8116

Date of Birth

Email Address

Shawn.

Dates and Times of Event (Municipal Code)

10/9/21

10am - 10pm

Purpose for Requesting the Outside Extension

Birthday Party -

Describe the area of outside extension (INCLUDE A DETAILED DRAWING OF THE AREA with dimensions)

Outside tables/chairs - Food/drink outside - backyard.

I hereby certify that the answers on this application are complete, true and correct to the best of my knowledge and belief and make application for a Temporary Extension of Premise in the Village of Germantown, Wisconsin, subject to the provisions and limitations of Wisconsin Statutes and Germantown Municipal Code, and hereby agree to comply with all laws, resolutions, ordinances, and regulations, affecting said activity, if a license be granted to me.

Shawn Frank

Applicant Signature

9-10-21

Date

For Office Use Only:

Date: 9/10 Initials: BH Amount Paid: 25 Date 300' Notices Mailed Out: 9/22 Village Board Approval Date: _____

Police Chief Date Notified 9/21 Police Dept: X Approve or _____ Deny (Attach basis for denial). Police Chief or Designee Approval: _____ Date: 9/21

Fire Chief Date Notified 9/22 Fire Dept: X Approve or _____ Deny (Attach basis for denial). Fire Chief or Designee Approval: See Date: _____

Public Safety Meeting Date 10/4/21 Approved/Denied (Circle One) Village Board Meeting Date attached Approved/Denied (Circle One)

License Number: _____ Date Effective: _____ Village Clerk Approval: _____

Washington County, Wisconsin



- | County Highway | Landhook | Refined Parcel |
|-------------------------|---------------------|---|
| Address Point | Meander Line | Right-of-Way |
| Parcel Taxkey & Acreage | PLSS Monument | Flat |
| Leader Lines | Local Road Labels | Unknown |
| Subdivision Name | Township Road | Certified Survey Map |
| Condominium Name | City/Village Street | Condominium |
| Certified Survey Number | Private Street | Assessor Plat; Cemetery Plat; Subdivision |
| Lot Number | Municipality | Lot |

-
- 1:365
- 0 0.0045 0.009 0.018 mi

Please call w/ any questions - Harborside
 Lot Municipality
 Lot Number

Washington County | Southeast Wisconsin Regional Planning Commission | Washington County, Wisconsin Bureau

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: October 4, 2021
PLACEMENT: New Business
ITEM TITLE: Redistricting
SUBMITTED BY: Deanna Braunschweig

SUMMARY EXPLANATION:

The Previous maps were brought forward to the General Government and Finance Committee on September 20, 2021. The action by the Committee was to forward without recommendation.

Attached are maps for redistricting of the Village of Germantown. The Wards and districts are based on census block population. There are three options attached.

The proposed maps were created with population of census blocks and number of ballot styles. A "ballot style" is a reference to the type of ballot that a voter receives.

The areas of change are outlined in yellow with a grid mark up. Incumbents are shown with green and blue dots.

Option 1: Less Change in Districts, 10 ballot styles. This change affects the least amount of population, 561.

Option 2: 7 ballot styles. This change effects 4,547population.

Option 3: 7 ballot styles. This change effects 3,135 population.

ATTACHMENT:

Three Map Options are Attached. The census block portion of the ordinance text will be updated to match the chosen option.

An approval is needed very quickly. The County needs the plan no later than October 15th in order to meet the deadlines.

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

ORDINANCE NO. 10-2021

AN ORDINANCE REPEALING AND RECREATING SECTION 1.45
OF THE GERMANTOWN MUNICIPAL CODE RELATING TO
THE CREATION OF ELECTION WARDS

WHEREAS, the Village Board previously adopted § 1.45 of the Municipal Code of Germantown which establishes election wards for the Village pursuant to Wis. Stat. § 5.15; and

WHEREAS, as the result of the decennial United States Census, Washington County has proposed certain supervisory districts which includes lands within the Village of Germantown; and

WHEREAS, pursuant to statute, the Village must divide the Village into wards that are consistent with the County supervisory districts;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 1.45 of the Municipal Code of Germantown is repealed and recreated to read as shown on the attached Exhibit A.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION IV

This ordinance shall take effect and be in full force upon its passage and the day after December 31, 2021.

ORDINANCE NO. 10-21

Page 2

Introduced by _____ on October 4, 2021.

Adopted: October 4, 2021 Vote: Ayes: Nays: Absent:

Dean Wolter, Village President

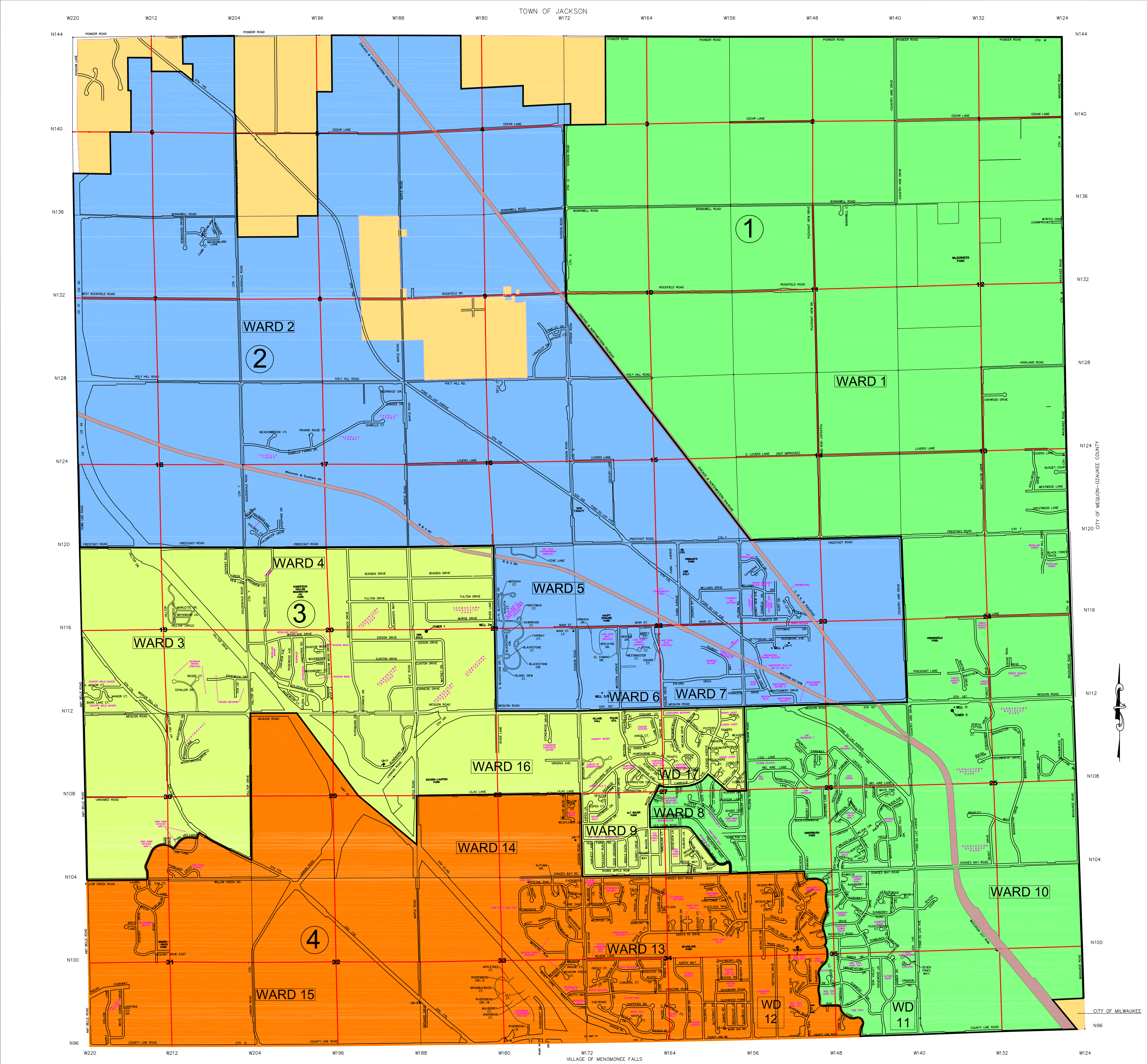
ATTEST:

Deanna Braunschweig, Village Clerk

Approved as to form:

Brian C. Sajdak, Village Attorney

Published: _____



REVISION BY	RCB	REVISION DATE	10/12/2011
DRAWN BY	RCB	DATE	10/12/2011
DESIGNED BY	AZ	DATE	7/6/2011
APPROVED BY	BOARD	DATE	7/6/2011

VILLAGE OF GERMANTOWN-TRUSTEE DISTRICT

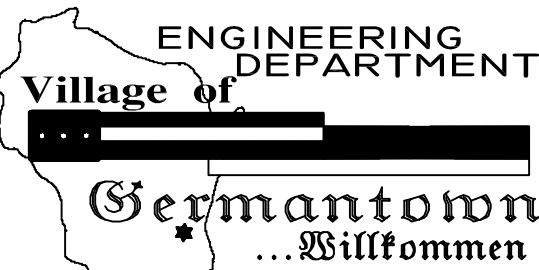
- LEGEND
- DISTRICT 1
 - DISTRICT 2
 - DISTRICT 3
 - DISTRICT 4
 - OTHER MUNICIPALITY (T/O GERMANTOWN, C/O MILWAUKEE)

GERMANTOWN TRUSTEE DISTRICT

District 1 = Wards 1, 8, 10, 11
District 2 = Wards 2, 5, 6, 7
District 3 = Wards 3, 4, 9, 16, 17
District 4 = Wards 12, 13, 14, 15

WASHINGTON COUNTY SUPERVISORY DISTRICT

District 26 = Wards 3, 15, 16
District 27 = Wards 1, 2, 4, 5
District 28 = Wards 6, 7, 8, 17
District 29 = Wards 10, 11, 12
District 30 = Wards 9, 13, 14



MAPPING SCALE
1"=1600'

SHEET NUMBER

1

Village of Germantown Proposed Trustee Districts Option 1

10 Supervisory/Trustee Ballot Combinations

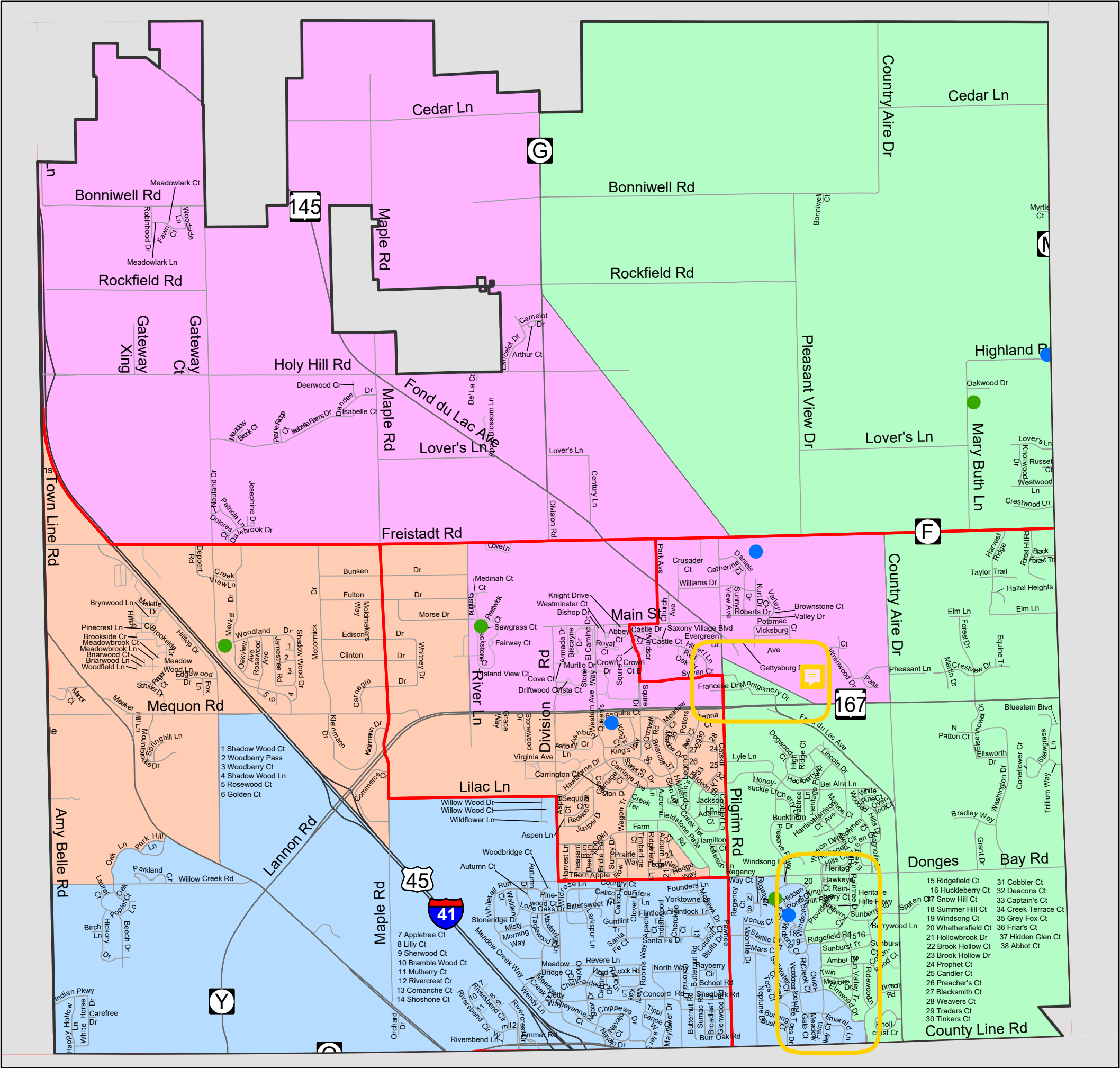
Trustee Districts

- 1 (Population 5252)
- 2 (Population 5317)
- 3 (Population 5181)
- 4 (Population 5167)

Incumbents - Year Current Term Expires

- 2023
- 2024
- Tentative Supervisory Districts

Areas of change are outlined in yellow.
561 change in population in
districts 1 (207) and 4 (354)



Village of Germantown Proposed Trustee Districts Option 2

7 Supervisory/Trustee Ballot Combinations

Trustee Districts

Option 2

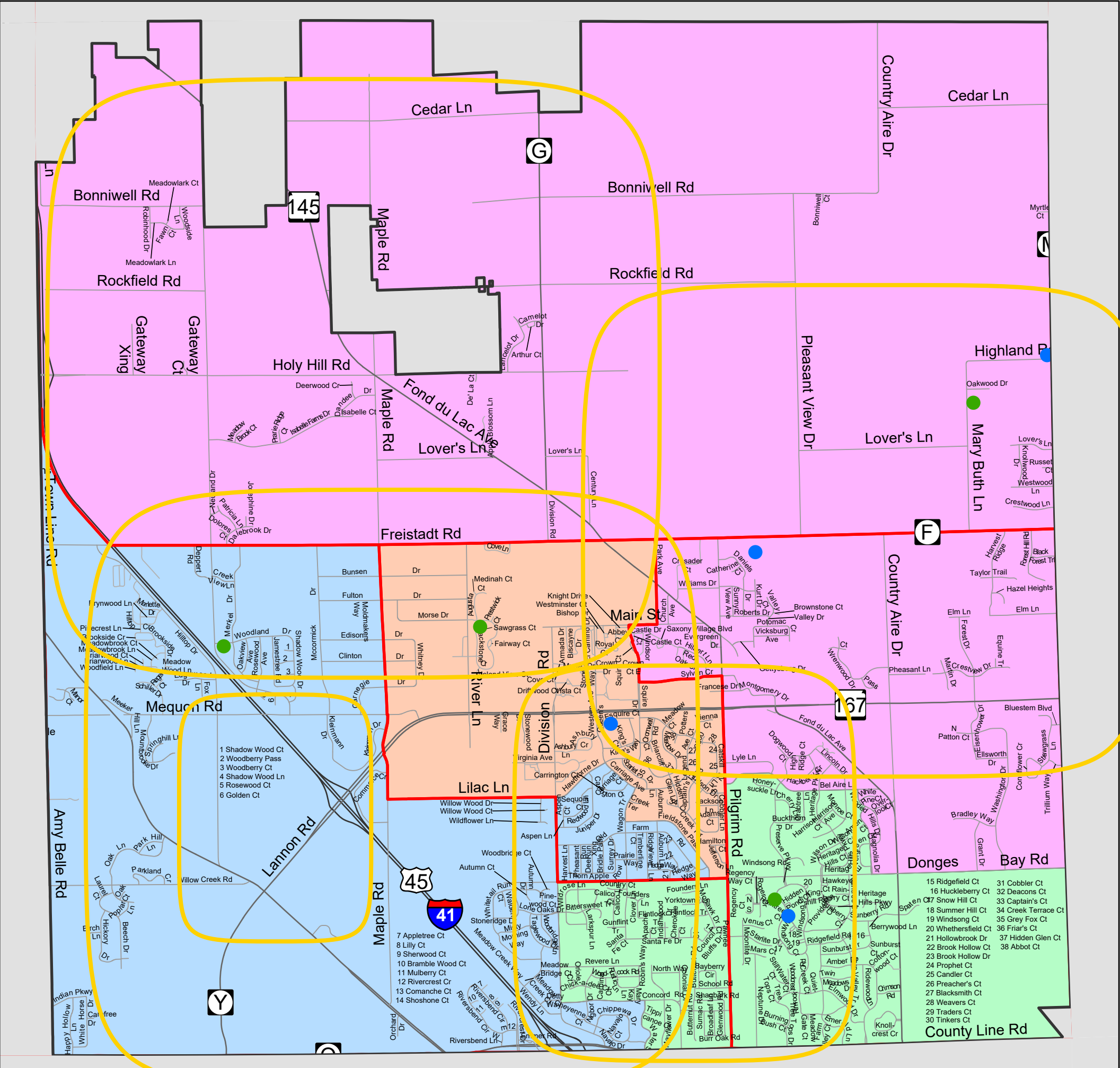
- 1 (Population 5232)
- 2 (Population 5119)
- 3 (Population 5211)
- 4 (Population 5355)

Incumbents - Year Current Term Expires

- 2023
- 2024
- Tentative Supervisory Districts

Areas of change are outlined in yellow.
Trustees are indicated by dots.

Significant change of population in districts.
4,547.



Village of Germantown Proposed Trustee Districts Option 3

7 Supervisory/Trustee Ballot Combinations

Trustee Districts

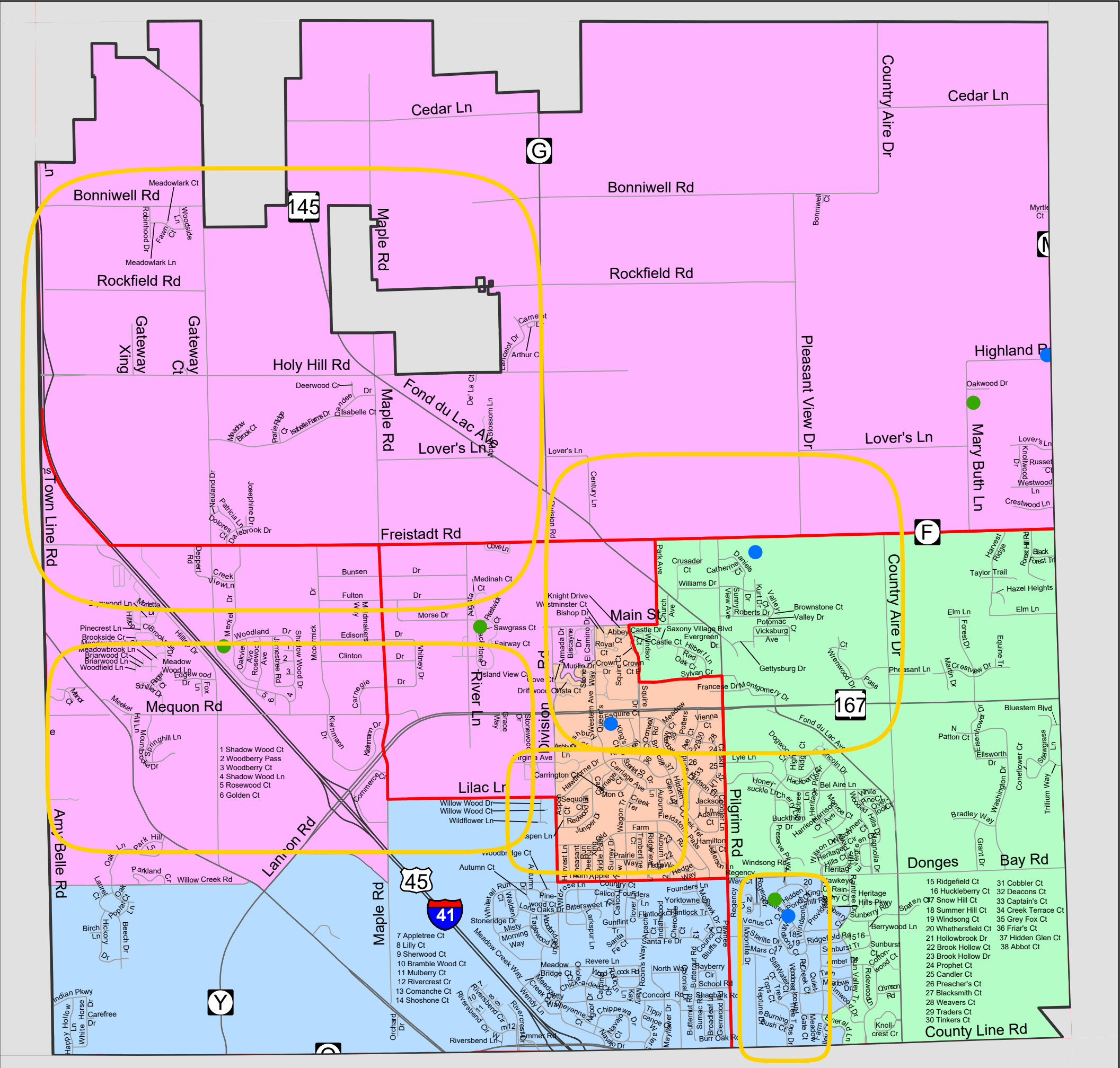
Option 3

- 1 (Population 5121)
- 2 (Population 5184)
- 3 (Population 5237)
- 4 (Population 5375)

Incumbents - Year Current Term Expires

- 2023
- 2024
- Tentative Supervisory Districts

Areas of change are outlined in yellow.
Trustees are indicated by dots.
Significant change of population in districts.
3,135.



STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

ORDINANCE NO. 11-2021

AN ORDINANCE AMENDING SECTION 14.09 OF THE GERMANTOWN MUNICIPAL
CODE RELATING TO SAFETY MEASURES FOR PRIVATE SWIMMING POOLS

WHEREAS, the Village Board previously adopted § 14.09 of the Municipal Code of Germantown which regulates private swimming pools; and

WHEREAS, citizens within the Village have requested the ability to utilize powered safety covers for their pools in lieu of fences; and

WHEREAS, the regulation of pools within the Village promotes the health, safety and welfare of the Community;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 14.09 of the Municipal Code of Germantown is amended to read as shown on the attached Exhibit A. (NOTE: added text is double underlined; deleted text is ~~struck-through~~)

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION IV

This ordinance shall take effect and be in full force upon its passage and the day after publication.

Introduced by _____ on _____, 2021.

WESOLOWSKI, REIDENBACH & SAJDAK, S.C.
ATTORNEYS AT LAW
11402 WEST CHURCH STREET
FRANKLIN, WISCONSIN 53132

M E M O R A N D U M

TO: Public Safety Committee
FROM: Cooper S. Prindl, Assistant Village Attorney
DATE: September 16, 2021
RE: An Ordinance Amending Section 14.09 of the Germantown Municipal Code
Relating to Safety Measures for Private Swimming Pools

Background

The Village Board previously adopted section 14.09 of the Municipal Code which regulates the construction and requirements for private swimming pools. The primary purpose of this regulation is the prevention of pool injuries and deaths of young children. The Code presently requires fences for all non-temporary pool installations.

A Village resident has approached both the Village President and at least one Trustee to request that the Village consider amending the code to allow for automatic pool covers in lieu of fences. At the request of the President, this code revision has been brought forward for discussion.

Discussion

According to the Centers for Disease Control and Prevention (CDC), drowning is the leading cause of unintentional death for 1- to 4-year-old children. Each year, nearly 300 children under age 5 drown in swimming pools. Many of these young victims could be saved if homeowners fenced in their pools completely and installed gates with self-closing and self-latching devices. For childproofing pools, the CDC follows the guidelines of the U.S. Consumer and Product Safety Commission (CPSC).¹

The CPSC published Safety Barrier Guidelines for Residential Pools, a set of guidelines written to prevent injuries and deaths around pools.² These guidelines center on keeping children from entering the pool area when unaccompanied by a supervising adult. The CPSC concludes that fences provide the best level of protection. When it considered pool covers, the CPSC notes that they would be beneficial for adding an additional layer of protection.

Notwithstanding the CPSC's recommendation, the International Code Council (ICC) and the Association of Pool & Spa Professionals (APSP) developed a set of swimming pool-related building codes called the International Swimming Pool and Spa Code (ISPSC). The 2015 version of the ISPSC allows for an automatic pool cover in lieu of a fence for all inground pools and

¹ <https://www.cdc.gov/nceh/publications/books/housing/cha14.htm>

² <https://www.poolsafely.gov/wp-content/uploads/2017/08/Safety-Barrier-Guidelines-Pub-2017.pdf>

spas.³ As of 2019, 10 states have adopted the ISPSC for use state-wide and 10 states have adopted the ISPSC for use as determined by local authorities.⁴ Wisconsin has not adopted the ISPSC in any capacity for state-wide use.

With that said, there are a handful of municipalities across the state of Wisconsin that have allowed for automatic pool covers including Wauwatosa, Windsor, Minona, Waterloo, and DeForest. Windsor, Minona, and Waterloo take the same approach by giving the option of having either a fence or a mechanical cover. DeForest provides three options for protective measures with “a pool cover of such design and material of sufficient strength to prevent access to the pool” being one of them. Wauwatosa requires a building official to approve a pool cover or other alternative.

To be clear, staff’s recommendation is that no changes be made. Fences provide the best level of safety in all circumstances. Certainly, one of the purposes of regulating pool safety is to prevent neighboring children from drowning by being drawn to an unattended pool (the so-called attractive nuisance). However, recognize that one CSPC study found that some 75% of incidents involve pools owned by the victim’s family. Further, irrespective any local codes, remember that subdivision covenants and also homeowner’s/liability insurance requirements may dictate more stringent protection than a code requirement.

One option that has been floated informally is that the Village’s regulation may make exceptions based upon locational aspects of a property. For example, you could allow a pool cover in lieu of a fence if your property is above a certain size, or if the pool is located a certain distance from a neighboring residence. One problem with this approach is that you are drawing a distinction that does not have any basis to support it. For example, there is no research available that says a pool needs to be XXX feet away from a neighboring home before the risk to neighboring children is removed. Secondly, recognize that these factors change. The 5-acre parcel next to the 60-acre farm today may very well be the 5-acre parcel next to a subdivision tomorrow. Finally, these types of considerations do not protect any children residing on the property where the pool is installed. For those reasons, staff does not believe this type of regulation would be appropriate.

If the Committee desires to make a change, staff recommends the following attached proposed ordinance which includes rules that apply uniformly throughout the Village. Staff further recommends that the Committee keep in mind the CPSC acknowledgement that “[b]arriers are not childproof, but barriers do provide layers of protection for a child when there is a lapse in adult supervision.” Therefore, the Village’s code should ensure that there are appropriate levels of protection surrounding a pool for children. Because fences appear to provide the best protection, the proposed ordinance defaults to requiring a fence. However, it also provides the opportunity to utilize a powered pool cover provided that the pool is also equipped with an alarm and one additional safety measure. The proposed ordinance also addresses the spas and hot tubs, for which the current code is somewhat unclear as to how they are regulated.

CSP

³ <https://codes.iccsafe.org/content/ISPSC2015/chapter-3-general-compliance>

⁴ <https://www.iccsafe.org/wp-content/uploads/April-2019-APSP-ISPSC-Adoption-Sheet-Map-002.pdf>

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

ORDINANCE NO. 11-2021

AN ORDINANCE AMENDING SECTION 14.09 OF THE GERMANTOWN MUNICIPAL
CODE RELATING TO SAFETY MEASURES FOR PRIVATE SWIMMING POOLS

WHEREAS, the Village Board previously adopted § 14.09 of the Municipal Code of Germantown which regulates private swimming pools; and

WHEREAS, citizens within the Village have requested the ability to utilize powered safety covers for their pools in lieu of fences; and

WHEREAS, the regulation of pools within the Village promotes the health, safety and welfare of the Community;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 14.09 of the Municipal Code of Germantown is amended to read as shown on the attached Exhibit A. (NOTE: added text is double underlined; deleted text is ~~struck-through~~)

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION IV

This ordinance shall take effect and be in full force upon its passage and the day after publication.

Introduced by _____ on _____, 2021.

ORDINANCE NO. ____-21

Page 2

Adopted: _____, 2021 Vote: Ayes: Nays: Absent:

Dean Wolter, Village President

ATTEST:

Deanna Braunschweig, Village Clerk

Approved as to form:

Brian C. Sajdak, Village Attorney

Published: _____

EXHIBIT A

14.09 - PRIVATE SWIMMING POOLS.

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the Village except in accordance with the following regulations.

(1) DEFINITIONS.

- (a) "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming. "Swimming pool" includes a spa, hot tub, and temporary pool unless otherwise specifically excluded within this section.
- (b) "Temporary pool" means any swimming pool that has a surface area of less than 314.159 square feet (20-foot diameter) which is installed for any length of time less than 6 months and which is installed after April 1 and removed by September 30 in the same year.
- (c) "Power safety cover" means a barrier which can be placed over the water area of a pool and removed with a motorized mechanism actuated by a suitable control mechanism that provides a high level of safety for children under the age of five by inhibiting their access to the water and is certified to meet the standards of American Society for Testing and Materials (ASTM) specification 1346-91.

(2) PERMIT.

- (a) Required. No person shall construct, install, enlarge or alter any private swimming pool unless a permit therefor has first been obtained from the Building Inspector. A temporary pool shall be exempt from this permit requirement.
- (b) Application. Application shall be on forms provided by the Building Inspector and shall be accompanied by plans drawn to scale showing the following:
 - 1. Location of swimming pool on lot, distance from lot lines and distance from structure.
 - 2. Location of septic tank, filter bed and sewer lines.
 - 3. Swimming pool dimensions and volume of water in gallons.
 - 4. Location of fence, and type, size and gate location.
 - 5. Existing overhead wiring relative to proposed swimming pool.

(3) CONSTRUCTION REQUIREMENTS.

- (a) No swimming pool shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by Chapter 17 for permitted accessory building uses, and the waterline of any swimming pool shall not be less than 5 feet from any lot line or building.
- (b) No connection shall be made to the sanitary sewer or septic system.
- (c) Gaseous chlorination systems shall not be used for disinfecting swimming pool waters.
- (d) No swimming pool shall be less than 5 feet from the septic tank and no less than 15 feet from any septic system drainfield or less than 8 feet from any well.

(4) FENCES OR OTHER SAFETY MEASURES.

- (a) All non-temporary swimming pools not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the swimming pool, not less than 4 feet in height and so constructed as not to have voids, holes or openings larger than 4 inches in one dimension. The wall of the house or building facing a swimming pool may be incorporated as a portion of such fence. No fence shall be located, erected, constructed or maintained closer

than 3 feet to a swimming pool. Gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

- (b) In lieu of a fence under paragraph (a) above, a non-temporary pool may utilize a power safety cover provided that such cover is in working order and also that the pool is also equipped with:

1. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.

2. And at least one of the following:

a. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

b. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."

c. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.

d. Other means of protection acceptable to the Building Inspector, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

- (~~b~~c) Aboveground swimming pools with platforms and railings that are 4 feet or more in height above ground and temporary pools are not required to be enclosed as provided in paragraph (a) above; however, all ladders and stairways providing access to such swimming pools shall be removed from the swimming pool or shall be adequately fenced and fitted with gates or folded up and locked to prevent entry when the swimming pool is not in use.

- (d) Spas and hot tubs are exempt from the fence requirement under paragraph (a) above provided that such spa or hot tub has a locking safety cover which is certified to meet ASTM specification 1346-91 and which shall be in place and locked when the hot tub or spa is not in use.

(5) ELECTRICAL REQUIREMENTS.

- (a) To Comply with Electrical Codes. All electrical installations shall require separate permits and shall be governed by the Village or State Electrical Code.

- (b) Pool Lights. If overhead flood or other artificial lights are used to illuminate the swimming pool at night, such lights shall be shielded to direct light only on the swimming pool.

- (6) USE OF SWIMMING POOL. No swimming pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.

ORDINANCE NO. 12-2021

AN ORDINANCE TO AMEND SECTION 9.50 OF THE GERMANTOWN MUNICIPAL
CODE RELATED TO SEX OFFENDER RESIDENCY RESTRICTIONS

WHEREAS, the Wisconsin Statutes provide for punishment, treatment and supervision of persons convicted or otherwise responsible for sex crimes against children, including their release into the community; and

WHEREAS, Chapter 980 of the Wisconsin Statutes provides for the civil commitment of sexually violent persons, a more dangerous type of sex offender, and specifically, at Wis. Stat. § 980.08, following such commitment, under certain conditions, provides for the supervised release of such persons into the community; and

WHEREAS, according to a 1997 report titled Sex Offenses and Offenders, by the U.S. Department of Justice, the median age of the victims of imprisoned sexual assaulters was less than 13 years old and the median age of rape victims was 22 years; and 19% of those serving time for sexual assault and an estimated 24% of those serving time for rape had been on probation or parole at the time of the offense; and

WHEREAS, in 1994, it was estimated that 12% of imprisoned violent sex offenders had a prior conviction for rape or sexual assault while 61% had a prior felony for other crimes; and

WHEREAS, the Village Board has reviewed the findings of a number of State Legislatures across the United States, including, Pennsylvania, Alabama, Iowa, Florida, Maine and Louisiana, as they pertain to laws enacted which relate to, and in part impose restrictions upon sex offenders with respect to residency;

WHEREAS, the Village Board has reviewed the decision of the U. S. Court of Appeals for the 8th Circuit, in Doe v. Miller, 405 F.3d 700, 716 (8th Cir. 2005)(Citations omitted), providing in part:

“The record does not support a conclusion that the Iowa General Assembly and the Governor acted based merely on negative attitudes toward, fear of, or a bare desire to harm a politically unpopular group. Sex offenders have a high rate of recidivism, and the parties presented expert testimony that reducing opportunity and temptation is important to minimizing the risk of re-offense. Even experts in the field could not predict with confidence whether a particular sex offender will re-offend, whether an offender convicted of an offense against a teenager will be among those who “cross over” to offend

against a younger child, or the degree to which regular proximity to a place where children are located enhances the risk of re-offense against children. One expert in the district court opined that it is just “common sense” that limiting the frequency of contact between sex offenders and areas where children are located is likely to reduce the risk of an offense. The policymakers of Iowa are entitled to employ such “common sense,” and we are not persuaded that the means selected to pursue the State’s legitimate interest are without rational basis;” and

WHEREAS, since 2007, there have been three Wisconsin state court cases addressing the legality of sex offender residency restriction ordinances: City of Franklin v. Steven R. Hanke, 07-CV-9978 (Milw. County Cir. Ct. 2007), Village of Menomonee Falls v. Ferguson, 2011 WI App 73, and City of South Milwaukee v. Kester, 2013 WI App 50; and

WHEREAS, in each of the three Wisconsin cases, the courts upheld the legality and enforceability of sex offender residency restriction ordinances; and

WHEREAS, the Village of Germantown is a place of residence for families with children; and

WHEREAS, the Village Board has determined that the establishment of sex offender residency restrictions is reasonable and necessary to protect the health, safety and welfare of the residents and the Community.

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 9.50 of the Municipal Code of Germantown is amended to read as shown on the attached Exhibit A. (NOTE: added text is double underlined; deleted text is ~~struck through~~)

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION IV

This ordinance shall take effect and be in full force upon its passage and the day after publication.

Introduced by _____ on _____, 2021.

Adopted: _____, 2021 Vote: Ayes: Nays: Absent:

Dean Wolter, Village President

ATTEST:

Deanna Braunschweig, Village Clerk

Approved as to form:

Brian C. Sajdak, Village Attorney

Published: _____

EXHIBIT A

Sec. 9.50 - RESIDENCY RESTRICTIONS FOR SEX OFFENDERS

(1) Findings, Intent and Purpose.

- (a) The Village Board has the power, pursuant to Wis. Stat. § 61.34 to enact legislation promoting the health, safety, and welfare of the public.
- (b) The Village Board has reviewed the holdings and findings of the following court cases: *McKune v. Lile*, 122 S. Ct. 2017 (2002); *Smith v. Doe*, 123 S. Ct. 1140 (2003); *Doe v. Miller*, 405 F.3d 700 (8th Cir. 2005); *Vill. of Menomonee Falls v. Ferguson*, 334 Wis. 2d 131 (Wis. Ct. App. 2011); *City of S. Milwaukee v. Kester*, 347 Wis. 2d 334 (Wis. Ct. App. 2013); *Hoffman v. Vill. of Pleasant Prairie*, 249 F. Supp. 3d 951 (E.D. Wis. 2017); *Evenstad v. City of West St. Paul*, 306 F. Supp. 3d 1086 (D. Minn. 2018); *Vasquez v. Foxx*, 895 F.3d 515 (7th Cir. 2018); and *City of Werner v. City of Green Bay*, 743 Fed. Appx. 10 (7th Cir. 2018).
- (c) Based upon a 2003 study by the United States Department of Justice, Bureau of Justice Statistics, titled *Recidivism of Sex Offenders Released from Prison in 1994*, sex offenders released from prison were four times more likely to be rearrested for a sex crime as compared to non-sex offenders released from prison. Of those individuals included in the study, forty percent (40%) of new sex crimes committed by those sex offenders released from prison had occurred within the first twelve (12) months of release. Further, child molesters who were released from prison were at least six (6) times more likely to be rearrested for another sex crime against a child as compared to a non-sex offender released from prison. Based upon a 2019 study by the United States Department of Justice, Bureau of Justice Statistics, titled *Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-14)*, released sex offenders were more than three times as likely as other released prisoners to be arrested for rape or sexual assault, and released sex offenders accounted for 5% of releases in 2005 and 16% of arrests for rape or sexual assault during the 9-year follow-up period.

- (d) The Village Board has conducted a review of other reports and studies related to creating and implementing specific desistance factors to reduce recidivism of sex offenders. The studies and reports that have been reviewed include the following: *Recidivism After Release from Prison*, State of Wisconsin Department of Corrections, Tatar, J. & Jones, M. (August 2016); *Examining the Effects of Residential Situations and Residential Mobility on Offender Recidivism*, *Crime and Delinquency* 61(3), 375-401, Steiner, B., Makarios, M. D., & Travis, L. F. (2015); *Examining Sexual Offenses through a Sociological Lens: A Socio-Cultural Exploration of Causal and Desistance Theories*, *European Journal of Probation*, 8(3), 170-184, Kyle, D. (2016); *Criminal Careers in the Short-Term: Intra-Individual Variability in Crime and Its Relation to Local Life Circumstances*, *American Sociological Review*, 60(5), 655-673, Horney, J., Osgood, W., & Marshall I.H., (1995); and *An Exploration of Protective Factors Supporting Desistance from Sexual Offending*, *Sexual Abuse: A journal of Research and Treatment*, 27(1), 16-33, Mann, R.E., de Vries Robbe, M., Maruna, S., & Thornton, D. (2015).
- (e) While acknowledging that literature on sex offender recidivism, sex offender desistance, and sex offender residency restrictions contain studies which report varying effectiveness of certain strategies, the Village Board intends to use these strategies and studies to best create a regulatory framework which protects the children of the Village of Germantown, yet allows for a constructive and safe assimilation of designated sex offenders into the community.
- (f) The Village Board finds that the risk of recidivism decreases over time from the date of the last conviction, especially in circumstances where offenders have community connections, goals, and employment. The Village Board is also aware that absent a domicile clause, the Village would have open doors for non-resident sex offender residency when other communities have closed doors, inviting a substantial increase in child sex offender placements, thereby increasing potential negative impacts on the health, safety, welfare, and additional cost to the Village and its residents. Studies show increased recidivism rates for offenders who frequently move or do not have established community networks. These studies

support maintaining a domicile clause thereby limiting designated offenders with no ties to the community and increasing the likelihood that a designated offender implements appropriate and existing community support while allowing the community to remain intelligently attentive, aware, and provide adequate and appropriate intervention if needed.

- (g) Given the high rate of recidivism for sex offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children and youth where they congregate or play in public places in addition to the protections afforded by state law near schools, day care centers and other places children and youth frequent. The Village also finds and declares that in addition to schools and day care centers, children and youth congregate or play without parental or adult supervision at public parks, pools and other public and private places of enrichment activities, recreation, entertainment and amusement.
- (h) Accordingly, the Village Board has created this regulatory measure designed to protect the health and safety of the children in the Village against the threat posed by certain designated sex offenders. Sex offenders who prey on children represent a substantial danger to victims, target a particularly vulnerable group within the community who are less able to articulate or report abuse, and create a significant impact on law enforcement time and community resources to investigate abuses and mitigate risks. This section is also intended to demonstrate the Village's resolute goal of protecting children in areas of potential vulnerability and impart the community's necessary expectation that designated sex offenders released into the community must maintain the community's confidence by demonstrating safe, productive, and law-abiding behavior while residing within the Village. It is the intent of the Village Board that this regulatory scheme is civil and non-punitive in order to serve the Village's compelling interest to promote, protect, and improve the health, safety and welfare of all citizens of the Village.

PURPOSE. ~~This Chapter is a regulatory measure aimed at protecting the health and safety of children in the Village of Germantown from the risk that convicted sex offenders may re-offend in locations close to their residences and against child victims. The Village finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter~~

society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools, day care centers and other places children frequent. The Village finds and declares that in addition to schools and day care centers, children congregate or play at public parks.

(2) **DEFINITIONS.** As used in this Chapter and unless the context otherwise requires:

- (a) Sexually Violent Offense . A "sexually violent offense" shall have the meaning as set forth in §980.01(6), Wis. Stats., as amended from time to time.
- (b) Crime Against Children . A "crime against children" shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the Federal government, having like elements necessary for conviction, and which offense was perpetrated against a victim under the age of majority, respectively:

§940.225(1)	First Degree Sexual Assault
§940.225(2)	Second Degree Sexual Assault
§940.125(3)	Third Degree Sexual Assault
§940.22(2)	Sexual Exploitation by Therapist
§940.30	False Imprisonment—Victim was minor and not the offender’s child
§940.31	Kidnapping—Victim was minor and not the offender’s child
§944.01	Rape (prior Statute)
§944.06	Incest
§944.10	Sexual Intercourse with a Child (prior Statute)
§944.11	Indecent Behavior with a Child (prior Statute)

§944.12	Enticing Child for Immoral Purposes (prior Statute)
§948.02(1)	First Degree Sexual Assault of a Child
§948.02(2)	Second Degree Sexual Assault of a Child
§948.025	Engaging in Repeated Acts of Sexual Assault of the Same Child
§948.05	Sexual Exploitation of a Child
§948.055	Causing a Child to View or Listen to Sexual Activity
§948.06	Incest with a Child
§948.07	Child Enticement
§948.075	Use of a Computer to Facilitate a Child Sex Crime
§948.08	Soliciting a Child for Prostitution
§948.095	Sexual Assault of a Student by School Instructional Staff
§948.11(2)(a) or (am)	Exposing Child to Harmful Material (felony sections)
§948.12	Possession of Child Pornography
§948.13	Convicted Child Sex Offender Working with Children
§948.30	Abduction of Another's Child
§971.17	Not Guilty by Reason of Mental Disease (of an included offense)
§975.06	Sex Crimes Law Commitment

- (c) Person. ~~A person~~ “Person” shall mean an individual who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.
- (d) Residence or Reside. “Residence” or “reside” shall mean the ~~The~~ place where a person sleeps, or which qualifies as a residence under the holdings of the Wisconsin Supreme Court, and which may include more than one location, and may be mobile or transitory.

(3) **RESIDENCY RESTRICTIONS.** A Person shall not reside within ~~2,000~~ 1,500 feet of the real property comprising any of the following:

(a) Any facility for children, which means a public or private school, a group home, as defined in §48.02(7), Wis. Stats.; a residential care center for children and youth, as defined in §48.02(15d), Wis. Stats.; a shelter care facility, as defined in §48.02(17), Wis. Stats.; a foster home, as defined in §48.02(6), Wis. Stats.; a treatment foster home, as defined in §48.02(17q), Wis. Stats.; a day care center licensed under §48.65, Wis. Stats.; a day care program established under §120.13(14), Wis. Stats.; a day care provider certified under §48.651, Wis. Stats.; or a youth center, as defined in §961.01(22), Wis. Stats.; and/or

(b) Any facility used for:

1. A public park, parkway, parkland, park facility;
2. A ~~public~~-swimming pool, beach, or other aquatic facility open to the public;
3. A public library;
4. A recreational trail, but not an on-street bike path or a sidewalk;
5. A public playground;
6. A public or private school for children in grades pre-K through 12, but not including homeschool locations;
7. Athletic fields used by children;
8. A movie theatre; or
9. ~~A day care center~~;
10. 9. Any specialized school for children, including, but not limited to a gymnastics academy, dance academy, swimming school or music school, excluding any such facility that is located within a residence for which a home occupation approval has not been granted by the Village;
11. ~~A public or private golf course or range; and~~
12. ~~Aquatic facilities open to the public~~;

The distance shall be measured from the closest boundary line of the real property supporting the residence of a ~~p~~Person to the closest real property boundary line of the applicable above enumerated use(s). A map depicting the above enumerated uses

and the resulting residency restriction distances, as amended from time to time, shall be kept on file in the office of the Village clerk and the Germantown Police Department for public inspection.

(4) **RESIDENCY RESTRICTION EXCEPTIONS.** A ~~p~~Person residing within ~~two thousand feet~~ one thousand and five hundred feet of the real property comprising any of the uses enumerated in subsection (3) above, does not commit a violation of this chapter if any of the following apply:

- (a) The ~~p~~Person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
- (b) The ~~p~~Person has established a residence prior to the effective date of this section [_____] which is within ~~2,000~~ 1,500 feet of any of the uses enumerated in subsection (3) above, or such enumerated use is newly established after such effective date and it is located within such ~~2,000~~ 1,500 feet of a residence of a ~~p~~Person which was established prior to the ~~effective date of this chapter~~ establishment of such use.
- (c) The ~~p~~Person is a minor residing with a parent or legal guardian or is a ward residing with their guardian under guardianship.

(5) **ORIGINAL DOMICILE RESTRICTION.** In addition to and notwithstanding the foregoing, but subject to subsection (4) above, no ~~p~~Person and no individual who has been convicted of, or adjudicated delinquent for, or been found guilty by reason of mental disease or defect of a sexually violent offense and/or a crime against children, shall be permitted to reside in the Village of Germantown, unless such person was domiciled in the Village of Germantown at the time of the offense resulting in the ~~p~~Person's most recent conviction for committing the sexually violent offense and/or crime against children.

(6) **CHILD SAFETY ZONES.** No ~~p~~Person shall enter or be present upon any real property upon which there exists any facility used for or which supports a use of:

- (a) A public park, parkway, parkland, park facility;
- (b) A ~~public~~ swimming pool, beach, or other aquatic facility open to the public;
- (c) A public library;
- (d) A recreational trail, but not an on-street bike path or a sidewalk;

- (e) A public playground;
- (f) A public or private school for children in grades pre-K through 12, but not including homeschool locations;
- (g) Athletic fields used by children;
- (h) A movie theatre;
- ~~(i) A day care center;~~
- ~~(j)~~ (i) Any specialized school for children, including, but not limited to a gymnastics academy, dance academy, swimming school or music school, excluding any such facility that is located within a residence for which a home occupation approval has not been granted by the Village; or
- ~~(k) A public or private golf course or range;~~
- ~~(l) Aquatic facilities open to the public; and~~
- ~~(m)~~ (j) Any facility for children, which means a public or private school, a group home, as defined in §48.02(7), Wis. Stats.; a residential care center for children and youth, as defined in §48.02(15d), Wis. Stats.; a shelter care facility, as defined in §48.02(17), Wis. Stats.; a foster home, as defined in §48.02(6), Wis. Stats.; a treatment foster home, as defined in §48.02(17q), Wis. Stats.; a day care center licensed under §48.65, Wis. Stats.; a day care program established under §120.13(14), Wis. Stats.; a day care provider certified under §48.651, Wis. Stats.; or a youth center, as defined in §96.01(22), Wis. Stats.

A map depicting the locations of the real property supporting the above enumerated uses, as amended from time to time, shall be kept on file in the office of the Village clerk or the Germantown Police Department for public inspection.

(7) CHILD SAFETY ZONE EXCEPTIONS. A ~~p~~Person does not commit a violation of subsection (6) above and the enumerated uses may allow such ~~p~~Person on the property supporting such use if any of the following apply:

- (a) The property supporting an enumerated use under subsection (6) also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to the following conditions:
 1. Entrance and presence upon the property occurs only during hours of worship or other religious program/service open to the public; and

2. Written advance notice is made from the pPerson to an individual in charge of the church and approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the pPerson; and
 3. The pPerson shall not participate in any religious education programs which include individuals under the age of 18.
- (b) The property supporting an enumerated use under subsection (6) also supports a use lawfully attended by a pPerson's natural or adopted child(ren), which child's use reasonably requires the attendance of the pPerson as the child's parent upon the property, subject to the following conditions:
1. Entrance and presence upon the property occurs only during hours of activity related to the use open to the public; and
 2. Written advance notice is made from the pPerson to an individual in charge of the use upon the property and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the pPerson.
- (c) The property supporting an enumerated use under subsection (6) also supports a polling location in a local, State or Federal election, subject to the following conditions:
1. The pPerson is eligible to vote;
 2. The designated polling place for the pPerson is an enumerated use; and
 3. The pPerson enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate; and the pPerson vacates the property immediately after voting.
- (d) The property supporting an enumerated use under subsection (6) also supports an elementary or secondary school lawfully attended by a pPerson as a student under which circumstances the pPerson who is a student may enter upon that property for the purpose of attendance at the school at which the pPerson is enrolled, as is reasonably required for the educational purposes of the school and the pPerson.

(8) **VIOLATIONS.** If a ~~p~~Person violates any provision of this section, by establishing a residence or occupying residential premises within ~~2,000~~ 1,500 feet of those premises as described therein, without any exception(s) as also set forth above, the Village Attorney, upon referral from the Chief of Police and the written determination by the Chief of Police that upon all of the facts and circumstances and the purpose of this chapter, such residence occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others, shall bring an action in the name of the Village in the Circuit Court for Washington County to permanently enjoin such residency as a public nuisance. If a ~~p~~Person violates any provision of this chapter, in addition to the aforesaid injunctive relief, such ~~p~~Person shall be subject to the general penalty provisions set forth under section 25.04 of the Germantown Code. Each day a violation continues shall constitute a separate offense.

(9) Appeal. A Person may request an exemption from this section.

(a) Procedure. A Person may request an exemption from this section by submitting a written request for exemption, including any pertinent rationale for an exemption, to the Germantown Police Department prior to establishing a residence that would be in violation of this section or within fifteen (15) days after notification that the Person is in violation of this section. If the exemption requested is to the Original Domicile provisions of subsection (5), a Person may make a generalized request to reside anywhere outside of the 1,500 foot residency restricted zone without a specific address. All requests within the 1,500-foot residency restriction zone shall include the specific address at which the Person intends to reside. The Chief of Police or their designee shall conduct a review of the request for an exemption using any pertinent information and the criteria set forth in subsection (c) below. The Chief of Police or their designee shall approve, approve an exemption subject to necessary conditions (hereafter "conditional exemption"), or deny the request. The Chief of Police or their designee shall issue the decision within thirty (30) days of receiving the request for exemption and shall provide a written copy of that decision to the Person, the Village Clerk, and the Village Attorney. Any request for an exemption which has not been approved, approved for a conditional

exemption, or denied by the Chief or their designee within thirty (30) days of the request shall be deemed to be denied for the purposes of this section.

(b) The decision by the Chief of Police or their designee may be appealed by the Person within thirty (30) days by submitting a written appeal to the with the Village Clerk's office. Upon receipt of an appeal, the Village President shall establish an ad hoc committee of three members to hear such appeal (hereafter "the Board"). The chair of each of the Village's three standing committees (General Government and Finance, Public Safety, and Public Works and Highways) shall each, within 14 days of receipt of the appeal, appoint one resident of the Village to the Board. Such appointments shall not require confirmation by the Village Board. In the event that no appointment is made, the official who does not make an appointment shall serve on the Board. The Board shall hold a hearing on each appeal, during which the Board may review any pertinent information and may accept oral and written statements from any person.

(c) The Chief of Police or their designee and/or the Board shall base their decision upon any factors related to the Village's interest in promoting, protecting, and improving the health, safety, and welfare of the community, including but not limited to:

1. The nature of the predicate offense causing the appellant to be a designated offender including the relationship of the offender to the victim, the presence or use of force, and the presence of enticement.
2. Police reports related to the predicate offense if available.
3. Proximity of the requested residence to the victim or a child safety zone.
4. The age of the offense, offender, and victim.
5. Recommendation of the probation or parole officer, if one exists.
6. Recommendation of the Police Department.
7. Recommendation of any treatment practitioner.
8. Proposals for safety measures and assurances by the Person.
9. Conditions to be placed on any exception or variance from the requirements of this section.

10. Support systems in place for the Person.
 11. Who the Person will be or is living with at the prohibited location.
 12. Statements of the surrounding community or victim.
 13. Treatment, sobriety, or rehabilitative measures taken by the Person.
 14. The Person's current employment or social activities.
 15. The Person's criminal history.
 16. The Person's level of credibility and remorse.
 17. Alternative options for housing.
 18. The need to protect the victim or similarly situated individuals.
- (d) The Board shall issue a decision by a majority vote. The Board may decide to deny an exemption, issue an exemption, or issue a conditional exemption. A written copy of the decision shall be provided to the Person. The Person must consent to the terms of the conditional exemption for the conditional exemption to be valid, and must demonstrate acceptance of the terms of the conditional exemption by signing and dating a copy of the Board's decision and conditions. The Person must provide a copy of the signed conditional exemption to the Village Clerk's Office and the Germantown Police Department. The Person will have fourteen (14) days from the date the written conditional exemption is issued to accept and return a signed copy to the appropriate locations or the conditional exemption will be deemed as void and the appeal denied by the Board. The Person need not sign an exemption that has been denied by the Board or an exemption approved without any necessary conditions by the Board.
- (e) A conditional exemption may include, but is not limited to, the following terms:
1. Curfew restrictions.
 2. Cohabitant restrictions or requirements.
 3. Sobriety restrictions.
 4. Conduct restrictions.
 5. Residency restrictions.
- (f) If an exemption or conditional exemption is granted by the Chief or their designee or the Board, that exemption will only apply to the specific Person who had

applied for the exemption at the requested residence and shall not be transferable to any other Person or to any other location.

- (g) An exemption expires when the Person who was granted said exemption changes their domicile and/or changes their residence, whether within the Village or outside the Village.
- (h) An exemption or conditional exemption issued by the Chief or their designee or the Board may be revoked by the Chief or their designee if the Person is found to have violated the conditions or there is probable cause to believe the Person has committed (an) additional act(s), which had occurred either before or after the exemption or conditional exemption was issued, that would cause a Person to be classified as a designated offender. The Chief or their designee shall provide written notice to the Person that the exemption or conditional exemption has been revoked. This notice shall be deemed properly delivered if sent by either first class mail or hand delivered to the Person's last known address. If the Person cannot be located, the notice shall be deemed to be properly delivered if a copy is left at the Person's address which had been exempted in the presence of some competent member of the family at least fourteen (14) years of age or a competent adult currently residing there. The revocation of an exemption may be appealed to the Board pursuant to the above procedure.
- (i) For the purposes of this section, pursuant to Wis. Stat. § 68.16, the Village of Germantown is specifically electing not to be governed by Chapter 68 of the Wisconsin Statutes.
- (j) If the Board denies the request for exemption or upholds a revocation of exemption or conditional exemption, the Person may appeal the decision within thirty (30) days to the Washington County Circuit Court.
- (10) Exception for placements under Wis. Stat. Chapter 980. To the extent required by Wis. Stat. § 980.135, a Person who is subject to supervised release under Wis. Stat. § 980.08 shall not be governed by the foregoing provisions of this section restricting or prohibiting a Person from residing in certain locations, but shall instead be subject to all of the following:

- (a) A Person who is on supervised release under Wis. Stat. § 980.08 shall not reside within 1,500 feet of the real property comprising any school premises, child care facility, public park, place of worship, or youth center. A person is not in violation of this provision if any school premises, child care facility, public park, place of worship, or youth center is established within 1,500 feet from the Person's residence after they are placed in the residence under this section;
- (b) In addition, if the Person who is on supervised release under Wis. Stat. § 980.08 is also a serious child sex offender, as defined in Wis. Stat. § 980.01(4m), such Person is further prohibited from residing on a property adjacent to a property where a child's primary residence exists. For the purpose of this subsection, adjacent properties are properties that share a property line without regard to a public or private road if the living quarters on each property are not more than 1,500 feet apart. A Person is not in violation of this provision if a child establishes primary residence in a property adjacent to the Person's residence after the Person is placed in the residence under this section; and
- (c) This subsection (10) shall apply only so long as the Person is subject to supervised release under Wis. Stat. Chapter 980, is residing where they are ordered to reside under Wis. Stat. § 980.08, and the Person is in compliance with all court orders issued under Wis. Stat. Chapter 980.

VILLAGE OF MENOMONEE FALLS, Plaintiff–Respondent,

v.

Jason R. FERGUSON, Defendant–Appellant.

No. 2010AP2167.

Submitted on Briefs Feb. 4, 2011. Opinion Filed April 27, 2011.

Synopsis

Background: Defendant was found in violation of village's sex offender residency restriction ordinance in the municipal court, Bradley W. Matthiesen, J. Defendant appealed, and the Circuit Court, Waukesha County, Linda M. Van de Water, J., affirmed. Defendant appealed.

Holding: The Court of Appeals, Anderson, J., held that defendant, whose former residence was covered by the grandfather clause in sex offender residency restriction ordinance, was required to abide by ordinance when he moved to a new residence.

Affirmed.

West Headnotes (7)

1 Appeal and Error Local law; ordinances

Interpretation of a municipal ordinance is a question of law that is ordinarily reviewed de novo.

1 Case that cites this headnote

2 Appeal and Error Local law; ordinances

De novo review of a municipal ordinance is especially appropriate when its interpretation will likely have a statewide impact as a result of ordinances in other municipalities with similar language.

1 Case that cites this headnote

3 Municipal Corporations Applicability of statutory construction rules

The rules of interpretation for a municipal ordinance are the same as those for a statute.

4 Statutes Purpose

Statutes Unintended or unreasonable results; absurdity

The objective in interpreting legislation is to reach a reasonable construction that will effectuate the purpose of the legislation at issue.

5 Municipal Corporations Plain, ordinary, or common meaning

If the language of the ordinance is plain and clearly understood, the court should apply its ordinary and accepted meaning.

6 Mental Health Effect of assessment or determination; notice and registration

Grandfather clause in village's sex offender residency restriction ordinance, which exempted the new residency restrictions for sex offenders who established a residence within a prohibited area prior to the enactment of the new ordinance, applied to the residence rather than the individual, and thus, sex offender, whose former residence was covered by the grandfather clause, was required to abide by ordinance when he moved to a new residence.

1 Case that cites this headnote

7 Zoning and Planning Continuance or change of use in general

As a matter of law, when an owner of a nonconforming use modifies that use, the municipality is entitled to terminate the entire nonconforming use.

Attorneys and Law Firms

****473** On behalf of the defendant-appellant, the cause was submitted on the briefs of Daniel P. Fay of Oakton Avenue Law Offices, S.C., Pewaukee.

On behalf of the plaintiff-respondent, the cause was submitted on the brief of H. Stanley Riffle and Julie A. Aquavia of Arenz, Molter, Macy & Riffle, S.C., Waukesha.

****474** Before NEUBAUER, P.J., ANDERSON and REILLY, JJ.¹

Opinion

ANDERSON, J.

***133** Jason R. Ferguson appeals from the circuit court's judgment finding him guilty of violating the Village of Menomonee Falls sex offender residency restriction ordinance (Village Ordinance). VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES § 62–51(c)(1) (2007).² The circuit court did not err. We affirm.

I. Facts

¶ 2 The facts of this case are undisputed. On June 18, 2001, Ferguson was convicted of second-degree sexual assault of a child in violation of WIS. STAT. § 948.02. In October 2003, Ferguson moved to an apartment on Main Street in the Village of Menomonee Falls, which was located within 1500 feet of school facilities for children. Ferguson registered himself as a sex offender and his Main Street address with Wisconsin's Sex Offender Registry. On June 18, 2007, the Village of Menomonee Falls passed a Village Ordinance, which in part provides that “[a]n offender shall not reside within 1,500 feet of real property that supports or upon which ***134** there exists ... [a]ny facility for children.” VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES § 62–51(c)(1)a.

¶ 3 Also, within the ordinance, is a grandfather clause exception, which, in relevant part, states: (3) An offender residing within 1,500 feet of real property that supports or upon which there exists any of the [identified] uses ... does not commit a violation of this section if ... a. The offender is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility. [or] b. The offender has established a permanent or temporary residence and reported and registered that residence pursuant to WIS. STATS. § 301.45 prior to the effective date of [the residency restriction]. VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES § 62–51(c)(3)a., b. Therefore, because Ferguson was residing at the Main Street residence prior to the enactment of the Village Ordinance, he was excepted from the residency restriction by the ordinance's grandfather clause.

¶ 4 Some time after the enactment of the statute, Ferguson moved from his Main Street residence to a Menomonee River Parkway residence, also located within the Village of Menomonee Falls. Ferguson's Menomonee River Parkway residence is located less than one mile from his former Main Street residence and is also within 1500 feet of public facilities for children.

¶ 5 On December 10, 2008, following Ferguson's change in residence, a Village of Menomonee Falls police detective made face-to-face contact with Ferguson at the Menomonee River Parkway residence and advised him that because of his change in residence, he was now in violation of the Village Ordinance and had ***135** thirty days to vacate the Menomonee River Parkway residence. After the thirty days had passed, the detective again made face-to-face contact with Ferguson at the Menomonee ****475** River Parkway residence, and on February 2, 2009, because Ferguson had not vacated the residence, the detective issued him a citation for violating the Village Ordinance's residency restriction.

¶ 6 Ferguson challenged the ordinance violation in Menomonee Falls municipal court; on November 11, 2009, Municipal Judge Bradley W. Matthiesen upheld the citation.

¶ 7 Ferguson appealed the ruling to the Waukesha county circuit court on December 4, 2009. On February 3, 2010, Ferguson filed a motion to dismiss, alleging that although his Menomonee River Parkway residence was within 1500 feet of a child safety zone as prohibited by the Village Ordinance, he was excepted by the ordinance's grandfather clause provisions because he had “established a permanent or

temporary residence and reported and registered that residence pursuant to WIS. STATS. § 301.45 prior to the effective date of [the residency restriction]” as provided by VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES § 62–51(c)(3)b. Ferguson argued that the grandfather clause exception, which allowed him to reside in the Main Street residence, also allowed him to reside in the Menomonee River Parkway residence because “an individual does not commit a violation if he has established a permanent or temporary residence and registered that residence” prior to the enactment of the ordinance.

¶ 8 In response, the Village filed a Reply Brief in Opposition to Motion to Dismiss Citation on April 29, 2010. In its brief, the Village agreed that Ferguson's Main Street residence had been excepted by VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES ***136** § 62–51(c)(3)b. However, the Village argued that once Ferguson moved to the Menomonee River Parkway residence, he lost the protection of the grandfather clause exception in effect for the Main Street residence. The Village argued that the Village Ordinance's grandfather clause excepts only the residence, not the sex offender, and thus Ferguson violated the Village Ordinance when he moved from the excepted Main Street residence to the unexcepted Menomonee River Parkway residence.

¶ 9 The circuit court denied Ferguson's motion to dismiss on May 24, 2010. The court held that the Village Ordinance's grandfather clause exception allowed Ferguson to reside at the Main Street residence. However, the court interpreted the grandfather clause exception to mean that a sex offender is no longer immune if he or she moves to another residence after the ordinance's date of enactment. The matter proceeded to trial.

¶ 10 At trial on July 15, 2010, Ferguson stipulated that he was an offender as the term is used throughout the Village Ordinance. Ferguson also admitted that from December 10, 2008, to the date of the trial, July 15, 2010, he resided at the Menomonee River Parkway residence and registered that residence with Wisconsin's Sex Offender Registry. However, Ferguson argued that although the Menomonee River Parkway residence was within 1500 feet of a child safety zone as prohibited by the Village Ordinance, he was excepted by its grandfather clause. Specifically, because he was an offender “required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution,” VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES § 62–51(c)(3)a, and had also “established a permanent or temporary residence and reported and registered that residence pursuant to WIS. STATS. § 301.45 prior to ***137** the effective date of [the residency restriction].” VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES § 62–51(c)(3)b.

¶ 11 In response, the Village noted that the latter half of Ferguson's argument— ****476**that his establishment of permanent or temporary residence allowed him to move throughout the child safety zone—had been dismissed by the court at the motion hearing on May 24, 2010, and was no longer at issue. The Village argued that if the court accepted the former half of Ferguson's argument—that his time at jail, prison, juvenile facility, or correctional institution allowed him to move throughout a child safety zone—it would contravene the very purpose of the Village Ordinance and lead to an absurd conclusion.

¶ 12 The court determined that Ferguson's Menomonee River Parkway residence was not protected by the Village Ordinance's grandfather clause exception. The court reasoned that the Village Ordinance's grandfather clause exception does not travel with the sex offender to allow him or her to move wherever he or she wants within the prohibited 1500 foot area. Moreover, the court held that if it accepted Ferguson's argument—that his time at jail, prison, juvenile facility, or correctional institution allowed him to move throughout a child safety zone—it would cause an absurd result by which any offender who was convicted and served time pursuant to any offense listed within the Village Ordinance would be excepted from the ordinance. Therefore, the court upheld the Menomonee Falls municipal court's ruling and found Ferguson guilty of violating the Village Ordinance.³

¶ 13 Ferguson appeals.

***138** II. Standard of Review

1,2 ¶ 14 This matter requires interpretation of a municipal ordinance, which is a question of law we ordinarily review de novo. *Board of Regents v. Dane Cnty. Bd. of Adjustment*, 2000 WI App 211, ¶ 12, 238 Wis.2d 810, 618 N.W.2d 537 (citing *Marris v. City of Cedarburg*, 176 Wis.2d 14, 32, 498 N.W.2d 842 (1993)). De novo review of an ordinance is especially appropriate when its interpretation will likely have a statewide impact as a result of ordinances in other municipalities with similar language. See *Board of Regents*, 238 Wis.2d 810, ¶ 12, 618 N.W.2d 537.

3,4,5 ¶ 15 The rules of interpretation for a municipal ordinance are the same as those for a statute. *State v. Ozaukee Cnty. Bd. of Adjustment*, 152 Wis.2d 552, 559, 449 N.W.2d 47 (Ct.App.1989). The objective in interpreting legislation is to reach a reasonable construction that will effectuate the purpose of the legislation at issue. *State ex rel. Melentowich v. Klink*, 108 Wis.2d 374, 380, 321 N.W.2d 272 (1982). If the language of the ordinance is plain and clearly understood, the court should apply its ordinary and accepted meaning. See *Maier v. Kalwitz*, 134 Wis.2d 207, 209–10, 397 N.W.2d 119 (Ct.App.1986).

III. State Residency Restrictions Limit Grandfather Clauses

¶ 16 At issue here is a municipal residency restriction ordinance. See VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES § 62–51(c)(1), (3). In Wisconsin, sex offenders must register themselves and their address with the department of corrections, WIS. STAT. § 301.45(1g), (2). However, Wisconsin does not have a sex offender residency restriction statute. Instead, Wisconsin ***139** municipalities are allowed and commonly do enact sex offender residency restriction ordinances. See generally CITY OF BROOKFIELD, WIS., MUNICIPAL CODE § 9.34.030 (2011); VILLAGE OF BROWN DEER, WIS., CODE OF ORDINANCES § 34–3 (2010); VILLAGE OF GERMANTOWN, WIS., MUNICIPAL CODE § 9.50 (2010); VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES § 62–51.

****477** 6 ¶ 17 Here, the unambiguous language of the ordinance's grandfather clause exception, “[t]he offender has established a permanent or temporary residence and reported and registered that residence ... prior to the effective date” leads to the inescapable conclusion the exception is for the residence and not the individual. See VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES § 62–51(c)(3)b.

¶ 18 This conclusion is supported by reviewing how other jurisdictions have handled similar sex offender residency restrictions. We found particularly persuasive the Iowa Supreme Court's interpretation of an Iowa statute very similar to Menomonee Falls' Village Ordinance.

¶ 19 Iowa's statute prohibited convicted sex offenders from living within 2000 feet of a school or child care facility. *State v. Finders*, 743 N.W.2d 546, 548 (Iowa 2008). Like the Village Ordinance, the statute contained a grandfather clause exemption for sex offenders who established a residence within a prohibited area prior to the enactment of the statute. See *id.* Prior to the enactment of the statute, the defendant was found guilty of a sexual offense against a minor and was subjected to the state's sex offender registration laws. *Id.* at 547. Also prior to the enactment of the statute, the defendant had established a residence within a zone subsequently prohibited by the statute. *Id.* As a result, ***140** the defendant's residence was exempted under the statute's grandfather clause. *Id.* Following the enactment of the statute, the defendant moved to another residence in the same prohibited area, within 2000 feet of a school or childcare facility. See *id.* Because he no longer resided at an exempted residence, the defendant was charged with violating the statute's residency restrictions and was found guilty. *Id.*

¶ 20 On appeal, the Iowa Supreme Court affirmed the lower court's ruling. *Id.* at 550. It held that the grandfather clause exemption within a state sex offender residency restriction statute only exempted an individual sex offender from the statute if the offender maintained the residence he or she had prior to the enactment of the statute. *Id.* It explained its role in interpreting a criminal statute was to “seek a reasonable interpretation that will best affect the legislative purpose and avoid absurd results.” *Id.* at 548 (citations omitted). Thus, looking to the language of the statute, it concluded that the grandfather clause exemption applied to sex offenders who established “a residence,” meaning a specific residence, and that it did not apply to a sex offender’s “residency” or “any residence” for that matter. *Id.* at 549. Therefore, the grandfather clause exemption did not apply to a sex offender who once resided in an exempted residence but moved to a new residence, even if the new residence was within the same prohibited area. *See id.*

¶ 21 The Iowa Supreme Court further explained that if it applied the grandfather clause exemption to the individual instead of the residence, it would cause an absurd result: allowing sex offenders to move in and out of the same prohibited zone with impunity. *Id.* It stated that the purpose of the residency restriction statute was to “reduce the high risk of recidivism posed *141 by sex offenders,” and the purpose of the grandfather clause was to “avoid the harsh effect of the retroactive application of the two thousand foot rule.” *Id.* If the court were to interpret the grandfather clause exemption to apply to the individual over the residence, it would undermine the purpose behind the residency restriction statute. *See id.*

¶ 22 Similarly, if this court were to interpret the Village Ordinance's grandfather **478 clause to apply to Ferguson as an individual instead of his residence, the purpose of the Village Ordinance would be undermined. The purpose and intent behind the Village Ordinance is to address recidivism “reducing opportunity and temptation” for sex offenders and “to protect children where they congregate or play in public places.” VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES § 62–51(a)(1). To achieve the ordinance's purpose and intent, “certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence” in areas around locations “where children regularly congregate in concentrated numbers.” Sec. 62–51(a)(2). Several municipalities surrounding the Village of Menomonee Falls passed sex offender residency restriction ordinances with language similar to that of the Village Ordinance, including its grandfather clause exception. *See generally* CITY OF BROOKFIELD, WIS., MUNICIPAL CODE § 9.34.030 (2011); Village of Brown Deer, Wis., Code of Ordinances § 34–3 (2010); VILLAGE OF GERMANTOWN, WIS., MUNICIPAL CODE § 9.50 (2010).

¶ 23 We agree with the rationale of the Iowa Supreme Court in *Finders*. If we were to interpret the Village Ordinance's grandfather clause exception to extend to an individual sex offender instead of his or her residence, it would lead to an absurd result undermining the very purpose of the Village Ordinance. We *142 will not adopt such an absurd interpretation. Though we could end our discussion here, it is relevant to note that our interpretation of grandfather clauses in Wisconsin zoning ordinances also supports a narrow interpretation of the Village Ordinance's grandfather clause.

IV. Wisconsin Zoning Ordinances Limit Grandfather Clauses

¶ 24 Although there is no Wisconsin sex offender residency restriction statute or any law on the subject of grandfather clauses in municipal sex offender residency restriction ordinances, such restrictions are similar in nature to zoning ordinances, many of which also contain grandfather clause exceptions. This court has previously held that a zoning ordinance's grandfather clause exception ends once there is a change of use within that zoning area, thus, supporting a narrow interpretation of the Village Ordinance's grandfather clause.

¶ 25 In *Waukesha County v. Pewaukee Marina, Inc.*, 187 Wis.2d 18, 21, 24, 522 N.W.2d 536 (Ct.App.1994), this court analyzed a zoning ordinance with a grandfather clause exception in the context

of conforming building and premises usage. In *Pewaukee Marina*, a county brought an action against a marina owner for expanding and enlarging the use of his property, which invalidated a county ordinance exception that allowed the owner to maintain the property as a nonconforming use. *Id.* at 20, 522 N.W.2d 536. The marina owner argued that under Wisconsin statute, the county lacked valid authority to invalidate his expansion or enlargement of his marina as an excepted nonconforming use. *Id.* Moreover, he alleged that the expansion or enlargement was valid because the marina's nonconforming use was not changed, but instead, improved. *Id.* The county, however, *143 alleged that although it lacked statutory authority, the purpose behind the relevant Wisconsin statute was to protect the original use of premises, and thus, the county had implied authority to restrict nonconforming uses of the particular premises under the county ordinance. *Id.* at 22–23, 522 N.W.2d 536.

¶ 26 We held that the county had the power to enact an ordinance that prohibited nonconforming building and premise uses. *Id.* at 20, 24, 522 N.W.2d 536. **479 However, we also concluded that the county could not prohibit nonconforming uses where that nonconforming use existed prior to the enactment of the ordinance. *Id.* at 23–24, 522 N.W.2d 536 (citing *State ex rel. Brill v. Mortenson*, 6 Wis.2d 325, 330, 94 N.W.2d 691 (1959)). We then reasoned that because the county had the authority to regulate new, prohibited uses in effect after the enactment of the ordinance, the owner's expansion and enlargement of his marina, which changed its excepted nonconforming use, violated the ordinance and was subject to county regulation. *Pewaukee Marina*, 187 Wis.2d at 20, 24, 27, 522 N.W.2d 536. In short, we concluded that, although a nonconforming use that was established before the enactment of the ordinance is excepted from that ordinance, once that nonconforming use is altered, it loses its protection. *See id.* at 24, 522 N.W.2d 536.

7 ¶ 27 Similar to the underlying purpose of zoning laws, sex offender residency restriction ordinances aim to restrict and eliminate nonconforming uses, i.e., sex offenders residing in prohibited areas. *See id.* at 29, 522 N.W.2d 536 (citing *Waukesha Cnty. v. Seitz*, 140 Wis.2d 111, 116, 409 N.W.2d 403 (Ct.App.1987)). Thus, according to *Pewaukee Marina*, if an excepted but nonconforming use is altered, both the once excepted, nonconforming use and the subsequent change of that use are invalid. *144 *Pewaukee Marina*, 187 Wis.2d at 30–31, 522 N.W.2d 536. “As a matter of law, when an owner of a nonconforming use modifies that use, the municipality is entitled to terminate the entire nonconforming use.” *Village of Menomonee Falls v. Preuss*, 225 Wis.2d 746, 748, 593 N.W.2d 496 (Ct.App.1999).

¶ 28 In this case, the nonconforming use of Ferguson's Main Street residence—housing a sex offender within an area prohibited by the Village Ordinance—was excepted by the ordinance's grandfather clause until Ferguson modified the excepted, nonconforming use by changing his residence. Therefore, the Village of Menomonee Falls is entitled to restrict Ferguson's nonconforming use and penalize him for violating the Village Ordinance.

¶ 29 We conclude that the circuit court did not err when it denied Ferguson's motion to dismiss and issued a judgment finding Ferguson guilty of violating VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES § 62–51. The Village Ordinance's grandfather clause exception applies to the sex offender's residence, not the individual sex offender. Analogous to this court's jurisprudence on zoning laws, once an excepted nonconforming use alters that use, it is no longer excepted and the municipality has the authority to punish that violation. Therefore, once Ferguson, whose Main Street residence was excepted under the ordinance, changed his residence to the Menomonee River Parkway residence, he lost the protection of the exception and is prohibited from establishing a new residence within 1500 feet of a child safety zone, even within the same child safety zone. Judgment affirmed.

Vill. Of Menomonee Falls v. Ferguson, 334 Wis.2d 131 (Wis. Ct. App. 2011)

Footnotes

1 The chief judge of the court of appeals converted this from an appeal decided by one judge to a three-judge panel by order dated March 23, 2011. *See* WIS. STAT. RULE 809.41(3) (2009–10). All references to the Wisconsin Statutes are to the 2009–10 version unless otherwise noted.

2 VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES, § 62–51 was enacted June 18, 2007, and the most recent version, codified through December 20, 2010, remains unchanged. All references to § 62–51 of the VILLAGE OF MENOMONEE FALLS, WIS., CODE OF ORDINANCES are to the 2007 version, under which Ferguson was initially excepted.

3 Additionally, the court imposed a fine of \$1164 on Ferguson.

743 Fed.Appx. 10

This case was not selected for publication in West's Federal Reporter. See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 7th Cir. Rule 32.1. United States Court of Appeals, Seventh Circuit.

Patrick James WERNER,
Plaintiff-Appellant,

v.

CITY OF GREEN BAY,
Defendant-Appellee.

No. 17-2426

|

Submitted July 30, 2018*

|

Decided July 30, 2018

Municipal ordinances that restricted where sex offender could reside while he was on parole did not violate Ex Post Facto Clause, even though ordinances were enacted after he was convicted, where ordinances had no retroactive effect, and \$500 penalty for violating ordinance was minor. U.S. Const. art. 1, § 9, cl. 3.

[2] **Constitutional Law** 🔑 Classification and registration; restrictions and obligations

Mental Health 🔑 Effect of assessment or determination; notice and registration

City sex offender residence board's denial of sex offender's requests to reside at one specific residence while on parole did not violate his procedural due process rights, where board gave offender several hearings for individualized risk assessments, and eventually city changed its residency restrictions to categorically exempt halfway house where he wanted to live. *U.S. Const. Amend. 14*.

Appeal from the United States District Court for the Eastern District of Wisconsin. No. 15-CV-216, *Nancy Joseph, Magistrate Judge*.

Attorneys and Law Firms

Patrick J. Werner, Pro Se

Ann C. Wirth, Attorney, Gunta & Reak, S.C., Wauwatosa, WI, for Defendant-Appellee

Before *DIANE P. WOOD*, Chief Judge, *ILANA DIAMOND ROVNER*, Circuit Judge, *DIANE S. SYKES*, Circuit Judge

*11 ORDER

Patrick Werner, a sex offender who is now incarcerated, challenges municipal ordinances that restricted where he could reside while he was on parole. The district court entered summary judgment for the City. Because the ordinances do not impose retroactive punishment and Werner was not deprived of due process, we affirm the judgment.

Our decision in Werner's prior appeal recounts his struggle to secure housing as a sex offender. *See Werner v. Wall*, 836 F.3d 751 (7th Cir. 2016). As relevant here, Werner was convicted in 1999 of second-degree sexual assault of a child and attempted child enticement. Since being paroled initially in 2004, he has been reincarcerated at least four times for violating conditions of supervision. When Warner has not been incarcerated, his probation officers have required him to live in Brown County (Wisconsin), the county where he was convicted. *See id.* at 754; *Wis. Stat. § 301.03(20)(a)(1)*. But Werner's housing options there have been limited since 2007, when the City of Green Bay enacted residency restrictions for sex offenders. *See* Green Bay Mun. Code § 27.620 (repealed). The relevant ordinance prohibited sex offenders from residing within 2,000 feet of certain designated places where "children are known to congregate." It exempted residences that offenders share with relatives, and it contained procedures for seeking additional exemptions from the City's Sex Offender Residence Board.

On several occasions from 2009 to 2012, Werner sought permission to live at a particular halfway house within the restricted area. Each time the Sex Offender Residence Board, after a hearing, denied Werner's request. These denials affected Werner most significantly beginning in March 2010, when his inability to find appropriate housing resulted in his being detained in the Brown County Jail for more than a year

beyond his scheduled release date. During that period, Werner was let out of jail for four hours each weekday to look for housing and employment, yet not until July 2011 did Werner finally secure housing in Bellevue, a village just outside of Green Bay. In 2012 Green Bay replaced its ordinance with a similar one that categorically exempts halfway houses from the residency restrictions. Green Bay Mun. Code § 27.622. Werner later moved to the halfway house in Green Bay, where he lived until his most recent parole revocation in January 2013.

Werner alleges in this suit under 42 U.S.C. § 1983 that the application of these ordinances to him violates both the ex post facto clause of the Constitution and his right to procedural due process. A magistrate judge, presiding by consent, entered summary judgment for the City. The judge ruled that although the ordinances applied “retroactively to his convictions,” that did not pose an ex post facto problem because the effects of the ordinance were not punitive. See *Smith v. Doe*, 538 U.S. 84, 92-106, 123 S.Ct. 1140, 155 L.Ed.2d 164 (2003). The judge also rejected Werner’s due-process claim, reasoning that he was not entitled to due process regarding the enactment of the ordinances, see *Conn. Dep’t of Pub. Safety v. Doe*, 538 U.S. 1, 7-8, 123 S.Ct. 1160, 155 L.Ed.2d 98 (2003), and Werner’s hearings before the Sex Offender Residence Board comported with the basic requirements of due process, i.e., notice and an opportunity to be heard, see *Goss v. Lopez*, 419 U.S. 565, 579, 95 S.Ct. 729, 42 L.Ed.2d 725 (1975).

On appeal Werner maintains that the ordinances are impermissible ex post facto ^{*12} laws and violate his right to procedural due process. But we recently rejected nearly identical arguments in *Vasquez v. Foxx*, No. 17-1061, 895 F.3d 515, 2018 WL 3372403 (7th Cir. July 11, 2018). In *Vasquez* we considered a challenge to an Illinois statute that made it a felony for a sex offender to live within 500 feet of a day-care home. *Id.* at 517–18, at ^{*1}. After noting that “a statute is not an impermissible ex post facto law unless it is *both* retroactive *and* penal,” *id.* at 520–21, at ^{*3} (citing *United States v. Leach*, 639 F.3d 769, 773 (7th Cir. 2011)), we explained that the Illinois statute raised no ex post

facto concerns because it had no retroactive effect at all; it applied “only to conduct occurring *after* its enactment—i.e., knowingly maintaining a residence within 500 feet of a child day-care home or group day-care home,” *id.* After considering the factors in *Smith*, we added that the statute was not punitive. *Id.* at 520–23, at ^{*3-5}. And responding to the plaintiffs’ procedural due-process argument that the statute was enforced against them without a hearing to assess whether they actually posed a threat to children, we concluded that no hearing was required because the statute applied to “*all* child sex offenders regardless of their individual risk of recidivism.” *Id.* at 524, at ^{*6}.

[1] Werner’s challenges to the Green Bay ordinances fail for the same reasons. That the City of Green Bay enacted the ordinances after Werner’s convictions does not pose an ex post facto problem because the ordinances have no retroactive effect. See *id.* at 520–51, at ^{*3}. Moreover, the penalty for violating the ordinance—a \$500 fine—is minor compared to the possible three-year prison sentence faced by the plaintiffs in *Vasquez*, underscoring that the Green Bay ordinances were not punitive. *Id.* at 520–23, at ^{*3-5}.

[2] Likewise, Werner is wrong when he asserts that the Board’s denial of his requests “to reside at one specific residence ... requires a finding of [the] denial of due process.” Werner is not entitled to any “hearing for an individualized risk assessment.” See *id.* at 524, at ^{*6}; see also *Conn. Dep’t of Pub. Safety*, 538 U.S. at 4, 123 S.Ct. 1160. Yet here the Sex Offender Residence Board gave Werner several such hearings, and eventually the City changed its residency restrictions to categorically exempt the halfway house where Werner wanted to live. Moreover, Werner does not articulate any coherent argument for why he thinks the Board’s procedures were inadequate.

AFFIRMED

All Citations

743 Fed.Appx. 10

Footnotes

- * We agreed to decide this case without oral argument because the briefs and the record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. See Fed. R. App. P. 34(a)(2)(C).

End of Document

© 2021 Thomson Reuters. No claim to original U.S.
Government Works.

...



Criminal Careers in the Short-Term: Intra-Individual Variability in Crime and Its Relation to Local Life Circumstances

Julie Horney; D. Wayne Osgood; Ineke Haen Marshall

American Sociological Review, Vol. 60, No. 5. (Oct., 1995), pp. 655-673.

Stable URL:

<http://links.jstor.org/sici?sici=0003-1224%28199510%2960%3A5%3C655%3ACCI%3E2.0.CO%3B2-1>

American Sociological Review is currently published by American Sociological Association.

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/about/terms.html>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/journals/asa.html>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

The JSTOR Archive is a trusted digital repository providing for long-term preservation and access to leading academic journals and scholarly literature from around the world. The Archive is supported by libraries, scholarly societies, publishers, and foundations. It is an initiative of JSTOR, a not-for-profit organization with a mission to help the scholarly community take advantage of advances in technology. For more information regarding JSTOR, please contact support@jstor.org.

CRIMINAL CAREERS IN THE SHORT-TERM: INTRA-INDIVIDUAL VARIABILITY IN CRIME AND ITS RELATION TO LOCAL LIFE CIRCUMSTANCES*

Julie Horney

University of Nebraska at Omaha

D. Wayne Osgood

University of Nebraska-Lincoln

Ineke Haen Marshall

University of Nebraska at Omaha

We analyze month-to-month variations in offending and life circumstances of convicted felons to understand change in criminal behavior. We extend previous applications of social control theory by considering whether local life circumstances that strengthen or weaken social bonds influence offending over relatively short periods of time. We seek to determine whether formal and informal mechanisms of social control affect the likelihood of committing nine major felonies. We employ a hierarchical linear model that provides a within-individual analysis as we explore factors that determine the pattern of offending. The results suggest that meaningful short-term change in involvement in crime is strongly related to variation in local life circumstances.

Issues of continuity and change have recently come to the fore in criminology. Two influential theoretical statements have focused on the continuity in criminal behavior and challenged the importance of social factors during adulthood (Wilson and Herrnstein 1985; Gottfredson and Hirschi 1990). Both theories assume that a basic propensity to commit crime is *established early in life and persists throughout the life course*. This propensity is the key to understanding criminal behavior. This view implies that life events after childhood are of little, if any, explanatory importance. Thus, events such as

changes in position in the social structure or assumption of new roles that increase social integration would have no bearing on adult crime.

Sampson and Laub (1993) took a very different perspective in their life-span approach to the study of crime. While they acknowledged that measures of illegal behavior are highly correlated over time, they argued that such continuity does not preclude large and systematic changes for many individuals. Their empirical research, which tracked individuals across large segments of the life-span, documented substantial changes in offending. They explain these patterns of change in terms of variation in social control.

* Direct all correspondence to Julie Horney, Department of Criminal Justice, Annex 37, University of Nebraska at Omaha, Omaha, NE 68182 (Internet: JHORNEY@FA-CPACS.UNOMAHA.EDU). This research was supported by grant # 89-IJ-CX-0030 from the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice. The authors thank the administration and staff of the Diagnostic and Evaluation Unit of the Nebraska Department of Corrections for facilitating the in-

terviews; the respondents who participated in interviews; Allison Brown-Corzine, Mickey Coffey, Kelly Green, Tara Ingram, Lisa Lannin, Kit Lemon, Carol Marshall, and Mike Mead for their valuable research assistance; Stephen Raudenbush for providing statistical software and valuable advice; and three anonymous ASR reviewers for offering helpful suggestions. An earlier version of this paper was presented to the American Society of Criminology in November 1993. [Reviewers acknowledged by the authors include Daniel S. Nagin. —Ed.]

The purpose of the present study is to fill an important gap in our knowledge about change in criminal behavior during adulthood. Rather than examine extended time periods, we conduct a fine-grained analysis of month-to-month change in criminal behavior over three years for a sample of serious offenders. Thus, we forego the broad sweep of trajectories over the life-span in favor of a more detailed mapping of the correspondence between offending and current circumstances.

SOCIOLOGICAL THEORY AND CRIME BY ADULTS

Although the sociological tradition is compatible with the study of changes in offending during adulthood, most work on this topic stems from other traditions, such as developmental perspectives (Moffitt 1993; Patterson and Yoerger 1993) and the criminal careers perspective (Blumstein, Cohen, Roth, and Visser 1986). The limited role of sociology in this area is perhaps understandable in that prominent sociological theories primarily concern juvenile delinquency rather than adult crime. For instance, Shaw and McKay's (1942) classic theory of social disorganization portrayed delinquency as arising from adults' inability to supervise their children's activities, and there is no obvious generalization to crime by adults.

Other sociological theories are more pertinent to adult offending, either because they entail types of socialization that have long-term implications or because they specify general social processes that are not limited to a particular age. An example of the first type of theory is Cohen's (1955) strain theory, which explains delinquency as stemming from socialization that leaves lower-class adolescents unprepared to compete by middle-class standards. Differential association theory (Sutherland and Cressey 1955) and its social learning variations (Akers 1985; Elliott, Huizinga, and Ageton 1985) exemplify the second type of theory—they predict that changing from a conventional peer or reference group to a deviant one leads to crime, regardless of age. It is not simply associations that create change, but rather the learning or influence that follows from such associations, which takes time. These two

types of theory imply that change in criminal behavior is nonexistent or very gradual. Thus, these theories do not predict the month-to-month correspondence between offending and social factors that we investigate in the present study.

Two other veins of sociological theory imply more immediate effects of changing life circumstances during adulthood. Social control theory, as described in Hirschi's early work, proposes that social bonds prevent crime and deviance (Hirschi 1969). Because crime results directly from the absence of bonds rather than from some mediating process, social control theory predicts relatively rapid changes in criminal behavior in response to changing life circumstances. Immediate effects also follow from rational choice or opportunity theories, such as routine activities theory (Cohen and Felson 1979). This approach emphasizes the role of social conditions in creating situations conducive to crime. When applied to individual offending, routine activities theory predicts that adults' involvement in crime will increase or decrease as their roles and relationships change their "daily round" of activities so as to present more or fewer opportunities for offending.

LONGITUDINAL DESIGNS AND THE ANALYSIS OF CHANGE

A reliance on cross-sectional designs has limited the ability of criminologists to study change. Cross-sectional designs preclude separating the effects of extrinsic variables from the effects of enduring individual differences. For example, the finding that men in stable marriages commit fewer crimes than those not involved in such relationships can be interpreted either as evidence of the social control function of marriage or as evidence that offending and failure to develop a stable marriage are both indicators of a single underlying trait, such as self-control. Thus, Farrington (1988, 1992) and others have argued that longitudinal research designs are needed to appropriately address questions relating to change in criminal behavior.

Even when longitudinal data have been collected, analyses have rarely assessed within-individual change, such as determin-

ing whether individuals commit more crimes when unemployed than when employed. Most longitudinal data currently available for studying criminal behavior were obtained infrequently, thus making the analysis of within-individual change difficult, if not impossible. With widely spaced waves of data collection and correspondingly few alternations of conditions, there must be greater dependence on aggregation in order to have enough variability to study. Nagin and Farrington (1992a, 1992b) demonstrated how relationships detected through the cross-sectional analysis of longitudinal data can be spurious and suggested the use of statistical methods that control for "persistent unobserved heterogeneity" (i.e., stable individual differences in rates of offending).

Gottfredson and Hirschi (1990) argued that longitudinal designs intended to study changes in offending offer no real advantage and waste resources because there is *little reason to believe that ordinary events are important determinants of offending*. In fact, they contended "that crime-relevant characteristics of people cause all of these events" (p. 237). Testing this contention requires analyses of within-individual change.

CONCEPTIONS OF CHANGE IN CRIMINAL BEHAVIOR

One of the most comprehensive longitudinal data sets in criminological research was collected by Glueck and Glueck (1950). Challenging the notion that ordinary events do not matter, Sampson and Laub (1990, 1993; Laub and Sampson 1993) re-analyzed the Gluecks' data using more sophisticated techniques and evaluated the findings in light of current theory. In their "sociogenic" theoretical model, they proposed that regardless of an individual's delinquent or antisocial background, criminal behavior would still be influenced in adulthood by institutions of informal social control, such as family or work. Thus, from a social control approach, Sampson and Laub (1990) suggested that "childhood pathways to crime and deviance can be significantly modified over the life course by adult social bonds" (p. 611).

The Gluecks' data came from interviews at ages 14, 25, and 32 with delinquent and nondelinquent boys matched on a number of

social variables. Sampson and Laub (1990, 1993) constructed an overall measure of crime frequency and considered its relation to three key independent variables: job stability, commitment (a combined measure of the respondent's work, education, and economic ambitions), and attachment to spouse. They controlled for criminal "propensity" by performing separate analyses for the delinquent and nondelinquent samples and by studying relationships within a given age range while controlling for delinquency at earlier ages. Although they found clear evidence of stability of offending over time, job stability and marital attachment emerged as significant predictors of adult crime and deviance, even after childhood delinquency and crime in young adulthood were controlled. Accordingly, Sampson and Laub (1990) concluded that "both continuity and change are evident, and that trajectories of crime and deviance are systematically modified by social bonds to adult institutions of informal social control" (p. 625).

Laub and Sampson (1993) discussed the nature of change and provided illustrations of three kinds of change. What Caspi and Moffitt (1993) refer to as "systematic" or "deep" change is depicted by a high-rate offender who ceases offending completely, whereas what Laub and Sampson called "modified" change is exemplified when a high-rate offender starts offending at a lower rate. A third kind of change is illustrated by an offender switching from burglary to robbery. Although Laub and Sampson were most interested in the first two kinds of change, all fit within their conceptualization of change. Appropriate to their life-course perspective and their focus on the alteration of life trajectories, they implicitly conceptualize change as an enduring modification of behavior patterns.

Laub and Sampson's (1993) perspective also led them to look to the role of institutions, such as employment and marriage, to understand how social bonds structure the process of change. Transitions into such institutions are traditionally considered to be unidirectional (i.e., these transitions represent stages of development or permanent changes in state). A young man joins the work force or marries and starts a family, and his social investment in these institutions ac-

cumulates from that point on. Nevertheless, adult lives are not always so orderly, especially the lives of serious criminal offenders. Not only do role transitions often fail to follow an orderly progression (Rindfuss, Swicegood, and Rosenfeld 1987), but reversals of transitions may be common, as when employment is terminated or a marriage is dissolved. In their qualitative analysis of the life-history records of men from the Gluecks' study, Laub and Sampson (1993) described how some men experienced declines in job stability when the labor market changed and how others, who had married and initially got along well with their spouses, had marriages unravel ("there were separations, followed by reconciliations, followed by further separations" [p. 317]). When these scenarios were played out, "crime and deviance became more pronounced over time due to the severing of social ties to work and family" (p. 317).

Sampson and Laub (1990, 1993) have made a major contribution to criminology by showing that a focus on stability or continuity of offending is insufficient for understanding adult criminal behavior. By showing how adult social bonds can alter life trajectories, they demonstrated that change matters. The long-term view of change Sampson and Laub provided can be seen only when looking back on a relatively long segment of an individual's life course. It is also the only picture of change that can emerge when our view of the life course is constructed from infrequent measurements. We believe it may also be productive to consider a short-term view of change and ask whether levels of criminal activity shift in response to alterations in "local life circumstances." We introduce the term "local life circumstances" to emphasize conditions in an individual's life that can fluctuate relatively frequently. Because these life circumstances may be constantly shifting, any resulting changes in criminal behavior may be transient rather than enduring. The same circumstances that lead one person to an altered life trajectory because the circumstances endure (a stable marriage, for example), may produce only transient change in another individual if the circumstances are fleeting (a marriage that lasts only a few months or years).

LOCAL LIFE CIRCUMSTANCES AND SHORT-TERM VARIATION IN CRIMINAL CAREERS

Within the criminal careers paradigm (Blumstein et al. 1986), the study of change has emphasized the determinants of career initiation or termination; persistence in offending has generally been viewed simply as the converse of desistance. Research on persisting careers has focused almost exclusively on the frequency of committing crimes (incidence) and has generally assumed that offending occurs at a constant rate.

There have been few attempts to look at within-individual variability in offending over relatively short periods of time. Horney and Marshall (1991) found that incarcerated offenders described considerable month-to-month variability in levels of offending, and that activity patterns varied by type of crime. Nagin and Land (1993) found that models of offending that incorporate an intermittency parameter that allowed for periods of activity and inactivity performed better than models without such a parameter. Thus, they established that there is genuine within-individual change over time in offending. They observed, however, that "notwithstanding its contribution to the model fit, the concept of intermittency is problematic because a promising theoretical explanation for why it should occur has yet to be offered" (p. 357).

We believe one plausible explanation for intermittency is that the same kind of social control variables that Sampson and Laub (1990, 1993) found to alter trajectories of criminal offending are also responsible for short-term variation in criminal behavior. In other words, whether an individual offends at a particular time depends on whether he or she is employed, married, or going to school at that time. Although a persistent underlying trait like self-control can influence both an individual's overall level of offending and his or her overall stability of marriage and employment, that shared influence does not mean that a relationship between offending and the life circumstance is necessarily spurious. It is still possible that involvement in those social institutions influences the likelihood of offending *during the time of involvement*. The high crime rate of the most persistent offender, rather than in-

dicating a total lack of investment in social institutions, may instead reflect alternating periods of criminal activity and inactivity. A coherent causal pattern would be indicated if the relatively infrequent and brief periods of inactivity correspond to sporadic episodes of social bonding.

Some theorists have dealt with the role of more localized life circumstances in determining criminal offending. Farrington (1992), for example, asserted that

... short-term, situationally-induced motivating factors that are conducive to offending include boredom, frustration, alcohol consumption, getting fired from a job, or quarrelling with a wife or girlfriend. Slightly longer-lasting life circumstances or events may also be important, such as unemployment, drug addiction, and shortage of money. (P. 278)

Unfortunately, empirical evidence of relationships between such factors and offending is scarce.

Farrington, Gallagher, Morley, St. Ledger, and West (1986) analyzed data from the Cambridge Youth Study, which was collected in two-year waves, and found that boys in their sample had higher crime rates during periods of unemployment than they did during periods of employment. Unfortunately, their analysis was hampered by the fact that only 95 of the 399 youths had committed offenses, and only 11 had at least one offense when unemployed and one offense when employed. The authors appropriately noted a self-selection problem—that the youths who were unemployed could differ in many ways from those who were employed, and the higher crime rate during unemployment could occur because both variables were related to some other causal factor. They attempted to control for this possibility by restricting the analysis to youths who had been unemployed and had committed officially recorded crimes, but this resulted in very small numbers of youths. When, in their “most important test of the effect of unemployment” (p. 345) they also required minimum periods of unemployment, the resulting analysis was based on only 36 youths. The authors suggested that to determine whether individual offending varies with conditions like employment, larger samples and samples of persons with relatively high offending rates must be studied.

THE CURRENT STUDY

In the current study, we explore the role of local life circumstances as determinants of change in criminal behavior. Our data were obtained through a retrospective survey in which more than 600 serious offenders provided a month-by-month account of criminal offenses and local life circumstances. Our analysis extends Sampson and Laub's (1993) application of social control theory to criminal career trajectories by considering whether local life circumstances that strengthen or weaken social bonds influence offending over relatively short periods of time. We focus on informal mechanisms of social control and ask if the likelihood of offending is affected by going to school, being employed, living with a wife or girlfriend, drinking heavily, or using drugs. We also consider the impact of formal social control mechanisms by asking whether individuals are less likely to offend when they are on probation or parole. We employ hierarchical linear modeling to obtain a within-individual analysis of factors that determine the patterning of offending.

METHODOLOGY

The data presented here are based on interviews conducted with 658 newly convicted male offenders sentenced to the Nebraska Department of Correctional Services during a nine-month period in 1989–1990. A few inmates incarcerated during that time could not be interviewed for various logistical reasons; 94 percent of those invited to participate completed interviews. This sample was 57.3 percent White and had a mean age of 28.1 years. Although this sample is not representative of the general population, it is suited to addressing the impact on criminal behaviors of changes in local life circumstances. The short-term variability we wish to study is far greater in this sample than it is in most others, owing to the prison respondents' high rates of offending and the considerable instability of their lives in terms of marriage, employment, and so forth.

Because we sampled incarcerated offenders, our sample is not representative of the general population of offenders. We must assume we have oversampled men who com-

mit more crimes, those who commit crimes for which it is easier to be caught and convicted, and those who are less able to avoid detection.

Survey Instrument

We used a modified version of a survey instrument used in the RAND Corporation's Second Inmate Survey (Chaiken and Chaiken 1982). The 48-page instrument generally required a 45- to 90-minute interview. In the critical section of the interview, two calendars—an "event calendar," and a "crime calendar"—were used to establish the reference period and to record detailed information. Respondents were asked to consider a reference period based on the date of the arrest that led to the current incarceration. The reference period included the months up to and including the month of arrest for the calendar year of arrest and the two calendar years preceding the year of arrest. The measurement periods thus varied across respondents from 25 months to 36 months. All months outside the reference period as well as any months during which the respondent had been locked up were crossed out on the calendars. The remaining months were considered "street months."

The event calendar was then used to record various life circumstances. The respondent was asked to identify those street months during which he had been on probation, on parole, going to school, working, living with a wife, living with a girlfriend, drinking heavily, or using drugs (other than prescription drugs or marijuana). The interviewer placed a check beside the appropriate items for those months. The crime calendar was created in the same manner to determine the months during which the respondent committed any burglaries, personal robberies, business robberies, assaults, thefts, auto thefts, frauds, forgeries, or drug deals.

Research indicating that personal memories are organized as "autobiographical sequences" (Bradburn, Rips, and Shevell 1987) suggests that the use of life-history calendars helps to facilitate recall. Evidence of the reliability of retrospective data collected through life-history calendars is available from studies that have gathered the retrospective data within a longitudinal research

design. Freedman, Thornton, Camburn, Alwin, and Young-DeMarco (1988) found that 91 percent of respondents gave identical answers about 1980 school attendance (whether attending school in a particular month) in 1980 interviews and 1985 interviews, while 83 percent gave identical responses about employment.

In a similar study, Caspi and Amell (1994) used a life-history calendar to obtain retrospective data about monthly life events that had been concurrently reported three years earlier. They compared reports of whether the respondent was living with parents, cohabiting with a partner, the primary caregiver for a child, attending school, involved in job training, employed, and searching for employment or receiving unemployment benefits. Over 90 percent of the reports matched with regard to status for the month of the first interview.

Statistical Model

Hierarchical linear modeling (HLM), a generalization of multiple regression for nested or repeated-measures data, was developed by Bryk and Raudenbush (1992) and other statisticians. Raudenbush (1993) presented a binomial version of the model that is suited to a research design like ours, which includes many waves of dichotomous data for each subject. We will first describe the HLM model for continuous data. Then we will turn to the distinctive features of the binomial version.

HLM is one of several methods developed in recent years for analyzing data containing multiple observations for each individual. These methods provide a general format for analyses that allow effects to vary randomly across cases (Goldstein 1987; Mason, Wong, and Entwistle 1983), and they follow from earlier statistical developments extending random-coefficient models (Hsiao 1986, chap. 6, esp. pp. 151–53). These models can also be viewed as extensions or generalizations of analysis of variance for repeated-measures designs (Bryk and Raudenbush 1992:chap. 2) and as elaborations of models for "pooled time-series and cross-sections" found in econometrics (Sayrs 1989). We have chosen Bryk and Raudenbush's HLM because it is flexible and is described well in

available publications. Also, a computer program for implementing the version of the method for continuous data is commercially available (Bryk, Raudenbush, and Congdon 1993), and a version of HLM for dichotomous data has been developed.

Within-person model. HLM separates within-person and between-persons models, as in repeated-measures analysis of variance. These models are distinct, but closely linked, linear models. In an HLM analysis, the within-person model must be considered first because it determines the meaning of the between-persons model. Equation 1 presents the basic elements of the within-person models used in our analysis:

$$Y_{ij} = \beta_{0,i} + \beta_{1,i}T_{ij} + \beta_{2,i}X_{ij} + r_{ij}, \quad (1)$$

where i is the index for persons, j is the index for occasions, T is an interval measure of time (months in our study), and X is an explanatory variable that varies over time for at least some of the respondents. In our application the explanatory variable is a local life circumstance like employment or marriage.

Notice that the parameters, β , can take different values for different individuals because they carry the subscript i . $\beta_{0,i}$ is the individual's intercept, which will be the fitted value of the dependent variable, crime, when both T and X equal 0; $\beta_{1,i}$ is the amount this person's level of crime (Y) changes per unit of time; and r_{ij} corresponds to the unexplained variance for this specific observation on Y . Against the backdrop of the time trend for each individual, the outcome also varies as a function of the local life circumstance, and $\beta_{2,i}$ reflects the magnitude of this relationship.

Between-persons model. In most applications, including ours, the primary results of interest are the parameters of the between-persons model. In HLM, the individual-level parameters from the within-person model serve as dependent variables for the between-persons model, leading to a separate equation for each parameter:

$$\beta_{0,i} = \gamma_{0,0} + u_{0,i}; \quad (2)$$

$$\beta_{1,i} = \gamma_{1,0} + u_{1,i}; \quad (3)$$

$$\beta_{2,i} = \gamma_{2,0}. \quad (4)$$

In the general HLM model, these between-persons equations may include additional explanatory variables for characteristics that do not change over the period of study (e.g., race and sex), but this feature plays a minor role in the present study because our theoretical interests involve change in local life circumstances.¹ In the present study, the between-persons models are simple because each model involves a single parameter, γ (with one exception discussed below). In this case, the γ parameters reflect the average level of the corresponding within-person parameters, which in turn indicate individual-level intercepts, time trends, and effects of the local life circumstance.

Error terms. In equations 2 and 3, the person-specific error terms, $u_{0,i}$ and $u_{1,i}$, mean that the between-persons model treats $\beta_{0,i}$ and $\beta_{1,i}$ as random effects (i.e., as having meaningful variance across individuals). The error term in equation 2, $u_{0,i}$, allows for random variation in the form of individual differences in the average level of offending, which typically is the principal source of correlated error when applying ordinary least squares regression to panel data. This term appears in the variance-components models found in the pooled time-series literature (Sayrs 1989) and is equivalent to the persistent heterogeneity that is a central feature of Nagin and Farrington's work (1992a, 1992b).

Equation 3 shows how HLM generalizes this principle to other elements of the within-person model, making this a "random coefficients" model. In this case, the error term, $u_{1,i}$, reflects unexplained variability in linear time trends. Thus, including this error term allows the linear time trends to vary across individuals. This term helps correct for a second type of problem of independence because it allows for gradual change over time, which is a major source of serially correlated error. Equation 4 does not contain an error term because there is no a priori reason to assume that the effects of local life circumstances vary across individuals.

We can form an overview of the between-persons model by substituting equations 2, 3, and 4 into equation 1:

¹ Elaborating this aspect of the models, to assess whether the impact of local life circumstances varies across groups, would be an appropriate direction for future research.

$$Y_{ij} = \underbrace{(\gamma_{0,0} + \gamma_{1,0}T_{ij} + \gamma_{2,0}X_{ij})}_{\text{[Effects on } Y\text{]}} + \underbrace{(u_{0,i} + u_{1,i}T_{ij} + r_{ij})}_{\text{[Composite error term]}}. \quad (5)$$

This arrangement makes apparent the composite error term, which resolves the problems of independence that arise with multiple measures of Y for each respondent. Similar composite error terms are characteristic of repeated-measures analysis of variance and variance components models for pooled time-series.

Within-person change. The estimate of the impact of the local life circumstance X that is captured by $\gamma_{2,0}$ in equation 4 represents the combined effects of differences between individuals in their average circumstances and within-person change over time in this circumstance (Bryk and Raudenbush 1992: 117–23). This is inappropriate because our substantive interest is in change. An estimate that is restricted to within-person change can be obtained by two modifications to the preceding equations. First, the values for X in equation 1 are transformed to deviations from each individual's mean calculated across the entire period of observations:

$$X_{ij}^* = X_{ij} - \bar{X}_i.$$

Second, the individual means, $\bar{X}_i$, are included as an explanatory variable in the equation for overall individual differences (equation 2):

$$\beta_{0,i} = \gamma_{0,0} + \gamma_{0,1}\bar{X}_i + u_{0,i}.$$

Under this formulation, $\gamma_{0,1}$ reflects the effects of between-persons differences in average local life circumstances, while $\gamma_{2,0}$ (from equation 4) satisfies our need for an estimator that reflects the effects of within-person change.²

² Fixed-effects estimators for panel data also restrict the analysis to within-individual change. Both the fixed-effects approach and our approach limit the analysis to deviations from individual means on X . In fixed-effect models the same transformation is applied to Y , whereas we accomplish the same result with random effects by including the individual mean of X as a predictor. The fixed-effects approach is difficult to apply to discrete outcomes when there are more than a few waves of data (Greene 1990:686–88), but our model gives us one of its principal advantages.

Model estimates. An HLM analysis yields estimates of the between-persons parameters, their standard errors, and their statistical significance. The results also include estimates of the magnitude and reliability of the variance components of random effects. HLM uses the covariances among the errors of the β s to derive generalized least squares estimates of the γ s. In this fashion, HLM capitalizes on any interdependence among the within-person components to increase the efficiency of the estimates and to gauge their standard errors. Bryk and Raudenbush (1992) presented the statistical theory underlying HLM in an extended treatment that is not highly technical. The method relies on iterative estimates of the true variance and the error variance of the $\beta_{k,i}$, which are derived through a Bayesian weighting of information from the within-person and between-persons portions of the analysis. HLM also capitalizes on the EM algorithm, developed by Dempster et al. (1977), to make use of data from all respondents, including respondents with insufficient data for separate estimation of the within-person parameters. As with most methods for analyzing continuous dependent variables, HLM assumes that errors for particular observations, r_{ij} , are normally distributed. Furthermore, treatment of the within-person parameters as random effects requires specification of their error distributions, and these error terms, $u_{1,i}$, are also assumed to be normally distributed.

The HLM model does not require that each person provide data on any particular set of occasions, which means that the method is suitable for irregular data sets, unlike many other approaches to analyzing panel data. This flexibility arises because the parameters of interest, the between-persons parameters, γ , are defined in relation to the within-person parameters, β . Thus, the analysis does not hinge on having a particular set of observation times for Y , but rather on the available observations of Y providing enough information to estimate the individual-level β s. HLM gauges the precision of these person-specific estimates from information such as the number of data points and the variances of Y , T , and X for the respondent.

Binomial HLM. The statistical model for the binomial version of HLM closely follows the format of the basic HLM model (Rau-

denbush 1993). The within-person model becomes a logistic regression:

$$\log_n[\text{odds}(Y_{ij} = 1)] = \beta_{0,i} + \beta_{1,i}T_{ij} + \beta_{2,i}X_{ij}. \quad (6)$$

Thus, the fitted values from the within-person model no longer refer directly to levels of Y . Instead this is a linear model of the logit, which is the natural logarithm of the odds that the dichotomous Y variable will take on the value 1, (i.e., an offense occurred this month) rather than the alternative value of 0 (i.e., no offense this month). Also, the within-person model no longer includes an error term because the logistic model is inherently probabilistic. This use of the logistic regression model brings to HLM a standard approach for correcting the problems that would result from applying ordinary least squares regression to a dichotomy.

Equations 2, 3, and 4 still define an appropriate between-persons model, despite the change to the logistic within-person model.³ Of course, these equations now reflect average values of β s that are logistic coefficients rather than ordinary regression coefficients. No change in the between-persons model is necessary, however, because the within-person coefficients (which serve as the dependent variables) are continuous and have meaningful intervals. The generalized least squares derivation of the estimates of the between-persons parameters remains applicable, although the weighting of the variance components changes according to the precision of logistic regression estimates. Because the logistic regression model is nonlinear in relation to the observed values of Y , the estimation requires an iterative reweighting of the within-person data.

Our full model. Our analysis extends the simple model presented above in two re-

spects. First, the analyses included seven local life circumstances rather than the single X in the example. All life circumstances are dichotomies (coded 1 if the feature is present and 0 if not) extracted from the event calendars in the same fashion as the measures of offending. The specific life circumstances are supervision by the justice system (probation or parole), attending school, working, living with a wife, living with a girlfriend, heavy alcohol use, and use of illicit drugs other than marijuana.

We also extended the simple model by including a more elaborate control for individual time trends. Because the analysis includes up to 36 waves of data for each respondent, it would be unreasonable to assume that individual time trends are so consistent as to be linear. Instead, the basic model allows greater flexibility in the time trend through a third-order polynomial function of time. The within-person intercept and all three powers of time were specified as random effects. As a result, changes over time in offending are attributed to substantive variables only if offending closely tracks that variable over time. More gradual or diffuse changes are instead attributed to the individual time trend.

The final element of the model is a dummy variable indicating the month of the arrest leading to the current incarceration.⁴ This variable corrects the offense rate for this specific month, which is artificially high due to our sample selection criteria.

³ The coefficients for the between-persons model represent conditional relationships in that the analysis controls for individual differences in overall rates of offending. Because the binomial model is nonlinear in relation to probabilities, these conditional within-individual relationships tend to be stronger than the marginal relationship of the explanatory variables to the average rates of offending for the entire population (Zeger, Liang, and Albert 1988). We report only conditional relationships because our focus is on change within individuals over time.

⁴ The time variables were transformed to reduce the correlations among the components and improve the efficiency of the estimation of the model. These transformations have no impact on the substantive results of the model, but they must be taken into account in order to reproduce the average time curves. The last wave of data collection was given a value of 0 on the components of the polynomial of time, making the dummy code for the last month orthogonal to the other time components. To give the linear component a mean of 0 across persons, a value of 0 was assigned to 15.4 months before the final month. The squared term for month was this value multiplied by itself and divided by 10 (to reduce its range and place its coefficient in a more useful range). We subtracted 8 from the result, to give it a mean of 0. Finally, the cubed power of time was formed as the product of the linear and squared terms, divided by 10.

Fifty-three percent of the sample reported one or more offenses for this month versus 32 percent for all other months.⁵ Because this variable refers to a single month, it was defined as a fixed effect.

RESULTS

The analysis was limited to respondents who contributed information on the full set of variables for at least 10 "street months." Though HLM does not require any minimum number, respondents with fewer months of data would contribute little to the analysis. Only 41 of the 658 respondents failed to meet this criterion; the remaining 617 respondents provided data for an average of 28.36 months.

The analysis was conducted separately for each of four measures of offending. The first measure, "any crime," was coded 1 for months in which a respondent reported committing at least one of the nine felonies. The other measures of offending referred to specific crimes: property crime (burglary, personal robbery, business robbery, theft, auto theft, forgery, and fraud), assault, and drug crime (dealing). Table 1 reports descriptive information on the measures used in the analysis.

Because our analysis focuses on within-person change, our ability to detect the impact of local life circumstances is largely dependent on the number of respondents who experience change on those variables. Column 2 of Table 1 reports the proportion of respondents who had at least one transition during the period of study for each of the local life circumstances (e.g., from student to nonstudent or nonstudent to student, as opposed to always a student or never a student). Fully 85 percent of the sample experienced at least one transition over this interval of no more than three years, and over one-half experienced two or more transitions.

Table 1. Descriptive Statistics for Variables Used in the Analyses: Male Offenders in Nebraska, 1989–1990

Variable	Proportion of Months	Proportion of Sample with Change in Status
<i>Measures of Offending</i>		
Any crime	.33	
Property crime	.11	
Assault	.06	
Drug crime	.23	
<i>Explanatory Variables</i>		
Probation or parole	.11	.25
School	.11	.25
Work	.65	.58
Live with wife	.19	.12
Live with girlfriend	.29	.30
Heavy drinking	.28	.19
Illegal drug use	.24	.22

Note: N = 617 individuals; 17,500 street months.

Summary Statistics for Change in Offending

Table 2 presents some simple summary statistics about the changes in offending following changes in local life circumstances. These statistics reflect periods that begin with a change in a local life circumstance (e.g., starting school) and end with either a change in offending (for our "any crime" measure), a subsequent change in that local life circumstance (e.g., stopping school), or the end of the period of observation. The odds of starting crime is computed for periods preceded by a month for which no crime was reported; it is the ratio of the number of instances in which a subsequent crime was reported divided by the number of instances in which no offense was reported throughout the period. The odds of stopping crime is the comparable ratio for periods preceded by a month in which an offense occurred. The odds ratios and log odds in Table 2 indicate that changes in offending depend on changes in local life circumstances. Thus, for men on probation or on parole, the odds ratio of .42 for starting crime (.69 divided by 1.63) indicates that the odds of starting to offend are

⁵ The rate still falls well below 100 percent because: (1) arrest could occur more than a month after the actual offense; (2) a small proportion of respondents were incarcerated for offenses not included in the measure (e.g., drunk driving); and (3) some respondents claimed not to have committed the offense for which they were incarcerated, although they admitted to other offenses.

over twice as high after probation or parole stops as after the supervision starts. The odds ratio of .74 for stopping crime (.49 divided by .66) indicates that the odds of stopping crime are greater after probation or parole stops than after the supervision starts.

The results presented in Table 2 suggest that changes in offending systematically follow changes in local life circumstances. Typically, the odds of a change in offending roughly double (or are halved) following a change in a local life circumstance, such as marriage, employment, or drug use. Furthermore, the two directions of change in the explanatory variables typically have comparable relationships with criminal behavior, as is assumed in the HLM analysis. For instance, moving in with one's wife doubles the odds of stopping offending (compared to moving away), and moving away from one's wife doubles the odds of starting to offend (compared to moving in). The largest discrepancy is for living with a girlfriend. The odds of stopping offending were considerably lower after moving away from a girlfriend, but starting to offend was unrelated to this variable. The presence of a single discrepancy of this limited magnitude is not surprising from such a simple and ad hoc summary of the data.

Variance Components

The HLM analyses provide greater statistical control and allow us to gauge the precision of our results. Table 3 shows results for the variance components of the model. Estimates of variance components are provided for unconditional models, which include the time trends but not the explanatory variables, and conditional models, which include all variables. Preliminary analyses indicated that the higher-order elements of the polynomial time trend were not justified for some of the measures of offending. For all measures, there was substantial variation in average level of offending, as reflected by the size and reliability of the variance components for the within-person intercepts. This replicates Nagin and Farrington's (1992a, 1992b) finding that there are substantial individual differences in propensities to offend, and extends that finding to a prison population with a much higher overall rate of offending.

Table 2. Odds of Changes in Offending Following Changes in Local Life Circumstances: Male Offenders in Nebraska, 1989-1990

Life Circumstance	Odds of Crime Starting	Odds of Crime Stopping
<i>Probation or Parole</i>		
Starts	.69	.66
Stops	1.63	.49
Odds ratio	.42	.74
Log odds	-.86	-.30
<i>School</i>		
Starts	.33	.36
Stops	.76	.25
Odds ratio	.43	.70
Log odds	-.84	-.35
<i>Work</i>		
Starts	.33	.36
Stops	.76	.25
Odds ratio	.43	.70
Log odds	-.84	-.35
<i>Live with Wife</i>		
Starts	.62	.75
Stops	1.20	.42
Odds ratio	.52	.56
Log odds	-.66	-.59
<i>Live with Girlfriend</i>		
Starts	1.02	.25
Stops	1.11	.66
Odds ratio	.92	2.64
Log odds	-.09	.97
<i>Heavy Drinking</i>		
Starts	.51	.42
Stops	.25	1.12
Odds ratio	2.09	2.67
Log odds	.74	.98
<i>Illegal Drug Use</i>		
Starts	.59	.20
Stops	.27	.37
Odds ratio	2.16	1.86
Log odds	.77	.62

Note: Odds ratios greater than 1 and positive log odds indicate greater odds of starting crime after the local life circumstance starts and greater odds of stopping crime after the local life circumstance stops.

Table 3. Variance Components for Random Effects in Binomial Hierarchical Linear Models: Male Offenders in Nebraska, 1989–1990

Type of Crime and Model Term	Unconditional Model			Conditional Model		
	Reliability	Variance	χ^2	Reliability	Variance	χ^2
<i>Any Crime</i>						
Intercept	.81	11.298	4,398.2*	.76	8.750	4,498.3*
Month	.42	.026	1,202.9*	.40	.025	1,157.0*
(Month) ²	.26	.011	763.0*	.24	.011	715.0*
(Month) ³	.16	.007	465.3	.14	.006	432.1
<i>Property Crime</i>						
Intercept	.66	7.061	4,781.6*	.62	6.161	3,957.4*
Month	.22	.008	628.9	.21	.008	623.2
(Month) ²	.16	.007	513.3	.16	.007	507.8
<i>Assault</i>						
Intercept	.56	4.799	3,922.4*	.53	4.617	3,509.6*
Month	.17	.007	429.6	.17	.007	427.3
<i>Drug Crime</i>						
Intercept	.72	14.324	5,445.0*	.66	12.701	5,015.8*
Month	.32	.020	1,035.8*	.30	.022	932.2*
(Month) ²	.21	.013	624.7	.18	.012	523.7

* $p < .05$ (two-tailed tests)

Note: All terms had 616 degrees of freedom, except the intercepts in the conditional models, which had 609.

Effects of Local Life Circumstances

Table 4 reports the estimates of the within-person effects of local life circumstances from the binomial HLM analyses. The table includes the logistic coefficients, γ (as in $\gamma_{2,0}$ in equation 4), their standard errors, and the odds ratios corresponding to the coefficients. (Coefficients for the time trends and between-persons differences in the local life circumstances, which are not of substantive interest for this analysis, are available on request from the authors.)

Use of illegal drugs was related to all four measures of offending. Use of drugs had an especially strong association with involvement in drug dealing—the logistic coefficient of 2.75 corresponds to a 15-fold increase in the odds of drug crime during months of drug use. Although the relationship of illegal drug use to property crimes and assaults is less extreme, it is still substantial. During months of drug use, the odds of committing a property crime increased by

54 percent, and odds of committing an assault increased by over 100 percent. Combining these for the summary index, illegal drug use increased the odds of committing any crime by sixfold.

Our findings on the impact of drug use are consistent with studies of heroin addicts that have compared periods of addiction with periods of nonaddiction. Ball, Shaffer, and Nurco (1983) and Anglin and Speckart (1986) found substantially higher self-reported crime-commission rates during periods of addiction. Our results indicate that drug use apparently has the same kind of deleterious effects, even when a criterion less stringent than addiction is used (i.e., monthly use) and when drugs other than heroin are considered (i.e., illegal drugs other than marijuana; very few of our respondents used heroin).

Heavy drinking was positively related to the four measures of offending, significantly so for property offenses. Indeed, heavy drinking was more strongly related to commission of property crimes than was illicit

Table 4. Logistic Coefficients (γ) and Odds Ratios from Binomial Heirarchical Linear Models of Monthly Offending in Relation to Change in Life Circumstances: Male Offenders in Nebraska, 1989–1990

Life Circumstance	Any Crime		Property Crime		Assault		Drug Crime	
	γ	Odds Ratio	γ	Odds Ratio	γ	Odds Ratio	γ	Odds Ratio
Probation or parole	-.21 (.20)	.81	-.27 (.20)	.76	.06 (.22)	1.06	.08 (.28)	1.08
School	-.73* (.18)	.48	-.25 (.20)	.78	-.17 (.23)	.84	-.94* (.24)	.39
Work	.13 (.11)	1.14	.25* (.12)	1.28	-.28 (.16)	.76	.11 (.15)	1.11
Live with wife	-.52 (.29)	.59	-.19 (.31)	.82	-.84* (.38)	.43	-.48 (.39)	.62
Live with girlfriend	.50* (.17)	1.64	.25 (.18)	1.28	-.06 (.23)	.94	.49* (.21)	1.63
Heavy drinking	.39 (.21)	1.48	.63* (.23)	1.88	.31 (.29)	1.36	.53 (.29)	1.71
Illegal drug use	1.81* (.19)	6.10	.43* (.20)	1.54	.73* (.27)	2.07	2.75* (.25)	15.70

* $p < .05$ (two-tailed tests)

Note: Numbers in parentheses are standard errors.

drug use. Although not statistically significant, coefficients relating heavy drinking to commission of any crime and to commission of a drug crime are sizable as well. Their relatively large standard errors result from the limited number of individuals who had changes in their heavy drinking status (see Table 1).

Table 4 shows that living with a wife is associated with lower levels of offending, but living with a girlfriend is associated with higher levels. Living with a girlfriend significantly raised the odds of offending by over 64 percent for commission of any crime and for commission of a drug crime. The relationship of living with a wife to these measures of offending was of equal magnitude, but was not statistically significant (again because of the small number of individuals with change on this variable). There was a statistically significant decrease of 57 percent in the odds of committing an assault when living with a wife.

These results are in accord with Sampson and Laub's (1993) finding that marital attachment was one of the strongest predictors of adult criminality, even after childhood delinquency and early adult criminality were controlled. Their composite measure of marital attachment was based on interview data

and included the respondent's assessment of the general marital relationship, his attitude toward marital responsibility, and, for the final wave of data, a measure of family cohesiveness. Although we do not have measures of marital attachment, we do have the comparison of living with a wife and living with a girlfriend. If we assume that formalizing a relationship through marriage indicates attachment, then the lesser attachment may explain why living with a girlfriend does not lower the odds of offending. We have no explanation for the unexpected increase in the odds of offending associated with living with a girlfriend.

Changing life circumstances in the domains of work and school also contributed to the odds of offending in any given month. Attending school had uniformly beneficial consequences, significantly reducing the odds of involvement in any crime by 52 percent and the odds of involvement in drug crimes by 61 percent. Working was only weakly related to all of the measures of offending. Surprisingly, the odds of committing a property crime increased by 28 percent in the months when men worked. Though this was statistically significant, it is exceeded by an opposite, but not significant, coefficient for commission of assault. Because changes

in work status were common, these coefficients have the smallest standard errors.

We viewed employment as an important aspect of social bonding that should reduce the likelihood of offending. Our crude measure (respondents simply reported whether they worked during a given month) may be responsible for the weak results on lowered odds of offending. We measured none of the aspects of attachment to a job that Sampson and Laub (1993) considered; our measure did not even distinguish part-time from full-time employment, or temporary from permanent work. The surprising increase in the odds for commission of a property crime may reflect the increased opportunities for theft and perhaps also for forgery or fraud that are available in the workplace. The only aspect of local life circumstances that was not related to any of the indices of offending was justice supervision in the form of probation or parole.

Reduced models. We also estimated two reduced models using subsets of the seven local life circumstances. One model excludes the substance use variables of heavy drinking and illegal drug use. This reduced model is useful for two purposes. First, it is informative about potential indirect effects that might be mediated by the impact of substance use. Attending school, being employed, and living with a wife could reduce crime indirectly by reducing substance use. Comparing this reduced model to the full model gives little evidence of this. Relationships that were significant in the full model typically changed little when we did not control for substance use. There was one notable change, however: Living with a wife became significantly and negatively related to the general measure of crime ($\gamma = -.61$, $s.e. = .29$), which adds consistency to the previous pattern of results. Nevertheless, it does not appear that controlling for substance use obscured important effects.

This reduced model is also of interest because the causal role of the substance use variables is subject to an alternative interpretation. Heavy alcohol use and illegal drug use are deviant or conventionally disapproved behaviors, as are our measures of crime. Thus, rather than influencing crime, these behaviors may be alternative manifestations of the same factors that lead to crime

(Osgood, Johnston, O'Malley, and Bachman 1988:81–83). That would imply that their relationship is spurious rather than causal, an issue that the present analysis cannot resolve. The reduced model is useful in this regard because it provides estimates of the effects of the other local life circumstances, unbiased by any potential spurious relationship between crime and substance use.

The second reduced model concerns probation or parole, the only local life circumstance that was not related to any of the indices of offending in the full models. These results may arise because the impact of probation or parole is indirect, being mediated by intermediate effects of supervision, such as reducing illegal drug use and promoting employment. The second reduced model addresses this possibility by excluding all measures of local life circumstances other than justice supervision, thereby ruling out any indirect effects. Even in this model, there are no significant effects of justice supervision on offending. Though three of the four coefficients indicate lower rates of offending during justice supervision, the relationships are weak, reflecting a 26 percent reduction in odds of offending at most. Clearly, justice supervision did not produce substantial reductions in crime among these serious offenders. These results are consistent with previous findings in the perceptual deterrence literature that the threat of formal sanctions is much less effective in altering behavior than are informal processes of social control (Paternoster and Iovanni 1986; Paternoster, Saltzman, Waldo, and Chiricos 1983).

DISCUSSION

Our results provide clear evidence of meaningful short-term change in involvement in crime, and this change is strongly related to variation in local life circumstances. Our use of a hierarchical linear model allowed us to rule out criminal propensity as a confounding variable by controlling for individual differences in the overall probability of offending. Thus, our results cannot be explained by the possibility that drug use, unstable marriage, and criminal offending are all indicators of an underlying stable trait—a lack of self-control, for example. Rather, we found that, regardless of overall level of offending,

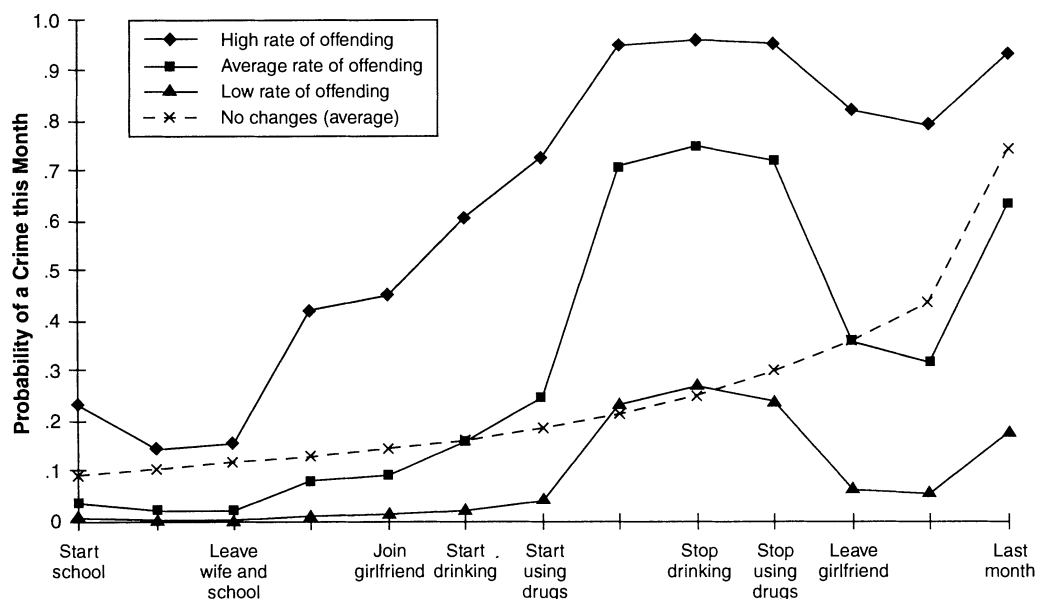


Figure 1. The Effect of Changing Life Circumstances on the Probability of Committing a Crime: Three Hypothetical Individuals

these men were more likely to commit crimes when using illegal drugs and conversely were less likely to commit crimes when living with a wife.

Figure 1 illustrates the implications of the estimates in Table 4. This figure shows that, even in the presence of substantial individual differences in the propensity to offend, varying local life circumstances produce dramatic changes in rates of offending. Probabilities of committing a crime by three hypothetical individuals who offend at average, low, and high rates (corresponding to monthly probabilities of .33, .06, and .80 when all *X* variables are at their means) are portrayed. They begin this period living with wives and not using drugs or using alcohol heavily. The horizontal axis indicates changes that occur from one month to the next, and the lines plot the corresponding changes in rates of offending. For comparison, a fourth line indicates the overall time trend when local life circumstances are held constant. Although changes in life circumstances have greater effects for the average- and high-rate offenders, offense rates for all three hypothetical individuals vary markedly with changes in living arrangements, school attendance, and substance use.

We believe that measuring offending activity in fairly short units of time is important for understanding the relationship between life events and criminal behavior. As Freedman et al. (1988) noted, "the traditional panel study provides only multiple snapshots of individual lives" (p. 39). When one- or two-year intervals are used, the correspondence between events in time may be missed, especially in the unstable lives of serious offenders. To detect change over brief time spans, it is also important to use self-reports of criminal activity. Although official records may be good indicators of the overall level of criminal activity, measures of arrests or convictions have base rates that are too low to allow meaningful estimation of the relationship of offending to local life circumstances.

We used life-event calendars to collect retrospective data in one-month units. Although studies on the reliability of such techniques (Freedman et al. 1988; Caspi and Amell 1994) have been encouraging, Freedman et al. (1988) reported that "one important issue in obtaining retrospective data appears to be the degree of volatility of the activity patterns, since respondents find it more difficult to recall widely fluctuating event

patterns" (p. 66). Because we studied a population with considerable volatility in their activity patterns, it would be extremely beneficial to replicate this study with a longitudinal design that allows the prospective collection of data at short intervals.

The measurement of offending and life circumstances at frequent intervals over a relatively short period of time provides a different perspective on change than that provided by Sampson and Laub (1990, 1993; Laub and Sampson 1993). Whereas their long-term perspective showed that life events could modify criminal career trajectories, our short-term perspective has shown that local life circumstances can change criminal careers by modifying the likelihood of offending *at particular times*.

Because we looked at only a tiny portion of the life course, we cannot say whether the changes we observed represent alterations in life trajectories for some individuals, nor can we assess the degree of continuity in these respondents' criminal careers. We are encouraged, however, that the underlying processes involved in producing short-term change may be the same processes that produce "deep" change, or the alteration in a life trajectory. Living with a wife reduces the short-term likelihood of committing crime; a stable marriage and attachment to a spouse may lead to the long-term cessation of offending.

We have made no attempt to explain the processes underlying change. As we noted in our introduction, social control and rational choice (or opportunity) theories provide the most relevant sociological perspectives. Sampson and Laub (1993) emphasized the role of "informal social controls that emerge from the role reciprocities and structure of interpersonal bonds linking members of society to one another and to wider social institutions such as work, family, and school" (p. 18) and contended that "adult social ties are important insofar as they create interdependent systems of obligation and restraint that impose significant costs for translating criminal propensities into action" (p. 141). Their focus on the quality or strength of these social ties goes beyond what we could assess with our simple indicators. Their results suggest that we might have found stronger relationships between offending and lo-

cal life circumstances if we had been able to appreciate more fully the level of investment those circumstances represented for individuals.

Rational choice or routine activity perspectives may also provide useful frameworks for thinking about the role of local life circumstances. When individuals are married and living with their spouses, their perceptions of the consequences of crime may change, either because they view themselves as having more to lose, or because a sense of shame is enhanced when the reactions of a significant other person are considered. When individuals are using drugs, on the other hand, they may become even more present-oriented, judge the utility of committing a crime to be greater, and give lesser consideration to sanctions and shame. Involvement in marriage and family, school, and work may also be important because of the role these institutions play in structuring daily activities. Time devoted to activities related to those institutions is time unavailable for "hanging out" on the streets or in bars and may therefore reduce an individual's exposure to situations conducive to involvement in criminal behavior.

Reconciling Continuity and Change

We cannot assume that the local life circumstances we studied were randomly distributed among offenders. Probably, they were to some extent determined by time-stable characteristics of the individuals. Our results in no way negate findings of long-term continuity—individuals do differ in their long-term criminal propensities and in their abilities to maintain stable schooling, employment, and marriages.

We believe that these tendencies interact with each other in complex ways and that contrasting continuity with change is a false dichotomy. As Rowe and Osgood (1984) noted, long-term correlates of offending, even genetic factors, do not rule out important social influences on crime because social processes may be essential links in the chain of causes that produce those relationships. For example, Booth and Osgood (1993) found that the positive relationship of testosterone levels to adult offending was mediated by current social integration. Thus,

although continuity over the life course supports the importance of early influences, it has no direct bearing on the contribution of social factors during adulthood.

One view of the interplay between continuity and change can be found in the recent work of Nagin and Paternoster (1993), who showed how theories of criminal opportunity and rational choice can be linked to theories that focus on enduring individual differences in propensities. Using scenarios presented to college undergraduates, they found that a measure of self-control was directly related to decisions to commit offenses and indirectly related to intentions to offend through self-control's influence on judgments about total sanctions, the perceived utility of committing the offense, and shame. Yet even after differences in self-control were accounted for, decisions to offend were still influenced by the attractiveness of the target, the ease of committing the crime, and perceptions of the costs and benefits of committing the crime. As Nagin and Paternoster (1993) noted, "a belief that variation in offending is reflective of variations in criminal propensity or poor self-control does not preclude the possibility that would-be offenders are sensitive to the attractions and deterrents of crime" (p. 490).

Gottfredson and Hirschi (1990), while arguing for the central role of a time-stable criminal propensity, acknowledged a role for immediate circumstances in determining when and where crimes are committed. They have reconciled the seeming contradiction by distinguishing between self-control—"relatively stable differences across individuals in the propensity to commit criminal (or equivalent) acts" (p. 137)—and the criminal acts themselves—"short-term, circumscribed events that presuppose a peculiar set of necessary conditions (e.g., activity, opportunity, adversaries, victims, goods)" (p. 137). Yet Gottfredson and Hirschi (1990) denied a role for life circumstances beyond the immediate situation, such as those we have studied, by arguing that these ordinary events are caused by the individual's crime-relevant characteristics and thus are only spuriously connected to crime.

We have shown that less immediate local life circumstances are also important. These circumstances may provide an essential intermediate level of analysis that can be

linked both to enduring individual differences rooted in early childhood experience and to the immediate circumstances in which criminal acts occur. Our results closely parallel those of Nagin and Paternoster (1993). They showed that, although individuals with low self-control discounted the costs of crime relative to individuals with high self-control, they were not insensitive to costs. We have shown that, although individuals with a high propensity to offend maintain few social bonds to society relative to individuals with a low propensity, they are not insensitive to those bonds. Persons with a high propensity for crime may be unlikely to graduate from school, unlikely to maintain meaningful employment, and unlikely to stay in stable, committed marriages. Even so, they may *sometimes* go to school, *sometimes* work, and *sometimes* live with a wife, and *at those times* they are less likely to commit crimes. Likewise the high-propensity individuals may be more likely than others to be involved with drugs and heavy alcohol use, but *sometimes* they do not use these substances, and *when they do not*, they are less likely to commit crimes.

We believe our findings also provide a link to the long-term change described by Sampson and Laub (1993). The combined effects of several crime-inhibiting local life circumstances may lead to the accumulation of enough social capital to motivate an individual to work at maintaining the social bonds. The maintenance of the bonds may, in turn, provide additional social capital and further reduce offending. If such a process continues to spiral, it could produce the kind of incremental change that results in a major alteration of a life trajectory. Just as lives are built one day at a time, over-arching life-span trajectories can only evolve from responses to daily social realities. Inevitably, short-term and long-term analyses of change must converge. Achieving this convergence would lend considerable support to our theories, and the effort will provide a richer appreciation of the task of explaining how individual lives evolve.

In sum, our findings strongly support the conclusion that continuity and change are not opposites, but rather are two faces of intertwined causal processes. Our results forcefully demonstrate that social events during

adulthood are related to crime. Contrary to the image presented by some theorists of crime, life after puberty does matter. Yet changes in offending during adulthood do not negate the importance of enduring individual differences in criminal propensity or of related constructs like self-control. Instead, our results suggest that differences among individuals combine with their shifting social environments to produce current levels of criminal activity.

Julie Horney is Professor of Criminal Justice at the University of Nebraska at Omaha. Her current research interests include individual patterns of offending, situational correlates of violence, and evaluation of criminal justice policy. She is co-author (with Cassia Spohn) of *Rape Law Reform: A Grassroots Revolution and Its Impact* (New York: Plenum, 1992).

D. Wayne Osgood is Associate Professor of Sociology at the University of Nebraska-Lincoln. His current research interests include routine activities and individual offending, age and deviance, criminal careers, and the generality of deviance.

Ineke Haen Marshall is Professor of Criminal Justice at the University of Nebraska at Omaha. She is currently collaborating in an international study of self-reported juvenile delinquency. Her other recent research interests are ethnicity and crime and drug policy. She is co-editor (with Ed Leuw) of *Between Prohibition and Legalization: The Dutch Experiment in Drug Policy* (Amsterdam: Kugler, 1994).

REFERENCES

- Akers, Ronald. 1985. *Deviant Behavior: A Social Learning Approach*. Belmont, CA: Wadsworth.
- Anglin, M. Douglas and George Speckart. 1986. "Narcotics Use, Property Crime, and Dealing: Structural Dynamics Across the Addiction Career." *Journal of Quantitative Criminology* 2:355-75.
- Ball, John, John Shaffer, and David Nurco. 1983. "The Day-to-Day Criminality of Heroin Addicts in Baltimore: A Study in the Continuity of Offense Rates." *Drug and Alcohol Dependence* 12:119-42.
- Blumstein, Alfred, Jacqueline Cohen, Jeffrey A. Roth, and Christy Visher, eds. 1986. *Criminal Careers and "Career Criminals."* 2 vols. Washington, DC: National Academy Press.
- Booth, Alan and D. Wayne Osgood. 1993. "The Influence of Testosterone on Deviance in Adulthood: Assessing and Explaining the Relationship." *Criminology* 31:93-117.
- Bradburn, Norman M., Lance J. Rips, and Steven K. Shevell. 1987. "Answering Autobiographical Questions: The Impact of Memory and Inference on Surveys." *Science* 236:157-61.
- Bryk, Anthony S. and Stephen W. Raudenbush. 1992. *Hierarchical Linear Models: Applications and Data Analysis Methods*. Newbury Park, CA: Sage.
- Bryk, Anthony, Stephen W. Raudenbush, and Richard Congdon. 1993. *HLM Version 3*. Chicago, IL: Scientific Software International.
- Caspi, Avshalom and James Amell. 1994. "The Reliability of Life History Calendar Data" (DPPP Technical Report 94-101). University of Wisconsin, Madison, WI.
- Caspi, Avshalom and Terrie Moffitt. 1993. "Continuity Amidst Change: A Paradoxical Theory of Personality Coherence." *Psychological Inquiry* 4:247-71.
- Chaiken, Jan M. and Marcia Chaiken. 1982. *Varieties of Criminal Behavior*. Santa Monica, CA: Rand Corporation.
- Cohen, Albert. 1955. *Delinquent Boys*. New York: Free Press.
- Cohen, Lawrence E. and Marcus Felson. 1979. "Social Change and Crime Rate Trends: A Routine Activity Approach." *American Sociological Review* 44:588-608.
- Dempster, A. P., N. M. Laird, and D. B. Rubin. 1977. "Maximum Likelihood from Incomplete Data Via the EM Algorithm." *Journal of the Royal Statistical Society, Series B* 39:1-8.
- Elliot, Delbert, David Huizinga, and Suzanne Ageton. 1985. *Explaining Delinquency and Drug Use*. Beverly Hills, CA: Sage.
- Farrington, David P. 1988. "Studying Changes Within Individuals: The Causes of Offending." Pp. 158-83 in *Studies of Psychosocial Risk: The Power of Longitudinal Data*, edited by M. Rutter. New York: Cambridge University Press.
- . 1992. "Explaining the Beginning, Progress, and Ending of Antisocial Behavior from Birth to Adulthood." Pp. 253-86 in *Facts, Frameworks, and Forecasts*, edited by J. McCord. New Brunswick, NJ: Transaction.
- Farrington, David P., Bernard Gallagher, Lynda Morley, Raymond J. St. Ledger, and Donald J. West. 1986. "Unemployment, School Leaving, and Crime." *British Journal of Criminology* 26:335-56.
- Freedman, Deborah, Arland Thornton, Donald Camburn, Duane Alwin, and Linda Young-DeMarco. 1988. "The Life History Calendar: A Technique for Collecting Retrospective Data." *Sociological Methodology* 18:37-68.
- Glueck, Sheldon and Eleanor Glueck. 1950. *Unraveling Juvenile Delinquency*. New York: Commonwealth Fund.
- Goldstein, Harvey. 1987. *Multilevel Models in Educational and Social Research*. London, En-

- gland: Oxford University Press.
- Gottfredson, Michael and Travis Hirschi. 1990. *A General Theory of Crime*. Stanford, CA: Stanford University Press.
- Greene, William H. 1990. *Econometric Analysis*. New York: Macmillan.
- Hirschi, Travis. 1969. *Causes of Delinquency*. Berkeley, CA: University of California Press.
- Horney, Julie and Ineke Haen Marshall. 1991. "Measuring Lambda through Self-Reports." *Criminology* 29:471-95.
- Hsiao, Cheng. 1986. *Analysis of Panel Data*. Cambridge, England: Cambridge University Press.
- Laub, John H. and Robert J. Sampson. 1993. "Turning Points in the Life Course: Why Change Matters to the Study of Crime." *Criminology* 31:301-25.
- Mason, William M., George M. Wong, and Barbara Entwistle. 1983. "Contextual Analysis through the Multilevel Linear Model." *Sociological Methodology* 13:72-103.
- Moffitt, Terrie E. 1993. "Adolescence-Limited and Life-Course-Persistent Antisocial Behavior: A Developmental Taxonomy." *Psychological Review* 100:674-701.
- Nagin, Daniel S. and David P. Farrington. 1992a. "The Stability of Criminal Potential from Childhood to Adulthood." *Criminology* 30: 236-60.
- . 1992b. "The Onset and Persistence of Offending." *Criminology* 30:525-45.
- Nagin, Daniel S. and Kenneth C. Land. 1993. "Age, Criminal Careers, and Population Heterogeneity: Specification and Estimation of a Nonparametric, Mixed Poisson Model." *Criminology* 31:327-62.
- Nagin, Daniel S., and Raymond Paternoster. 1993. "Enduring Individual Differences and Rational Choice Theories of Crime." *Law and Society Review* 27:467-96.
- Osgood, D. Wayne, Lloyd D. Johnston, Patrick M. O'Malley, and Jerald G. Bachman. 1988. "The Generality of Deviance in Late Adolescence and Early Adulthood." *American Sociological Review* 53:81-93.
- Paternoster, Raymond and LeeAnn Iovanni. 1986. "The Deterrent Effect of Perceived Severity: A Reexamination." *Social Forces* 64: 751-77.
- Paternoster, Raymond, Linda Saltzman, Gordon Waldo, and Theodore Chiricos. 1983. "Perceived Risk and Social Control: Do Sanctions Really Deter?" *Law and Society Review* 17: 457-79.
- Patterson, Gerald R., and K. Yoerger. 1993. "Developmental Models for Delinquent Behavior." Pp. 140-72 in *Crime and Mental Disorder*, edited by S. Hodgins. Newbury Park, CA: Sage.
- Raudenbush, Stephen W. 1993. "Posterior Model Estimation for Hierarchical Generalized Linear Models with Applications to Dichotomous and Count Data." College of Education, Michigan State University, East Lansing, MI. Unpublished manuscript.
- Rindfuss, Ronald R., C. Gray Swicegood, and Rachel A. Rosenfeld. 1987. "Disorder in the Life Course: How Common and Does It Matter?" *American Sociological Review* 52:785-801.
- Rowe, David C. and D. Wayne Osgood. 1984. "Heredity and Sociological Theories of Delinquency: A Reconsideration." *American Sociological Review* 49:526-40.
- Sampson, Robert J. and John H. Laub. 1990. "Crime and Deviance over the Life Course: The Salience of Adult Social Bonds." *American Sociological Review* 55:609-27.
- . 1993. *Crime in the Making: Pathways and Turning Points through Life*. Cambridge, MA.: Harvard University Press.
- Sayrs, Lois W. 1989. "Pooled Time Series Analysis" (Sage University Paper series on Quantitative Applications in the Social Sciences, 07-070). Newbury Park, CA: Sage.
- Shaw, Clifford R. and Henry D. McKay. 1942. *Juvenile Delinquency and Urban Areas*. Chicago, IL: University of Chicago Press.
- Sutherland, Edwin H. and Donald R. Cressey. 1955. *Principles of Criminology*. 5th ed. Philadelphia, PA: J. B. Lippincott.
- Wilson, James Q. and Richard Herrnstein. 1985. *Crime and Human Nature*. New York: Simon and Schuster.
- Zeger, S. L., K-Y. Liang, and P. S. Albert. 1988. "Models for Longitudinal Data: A Generalized Estimating Equation Approach." *Biometrics* 44:1049-60.

LINKED CITATIONS

- Page 1 of 3 -



You have printed the following article:

Criminal Careers in the Short-Term: Intra-Individual Variability in Crime and Its Relation to Local Life Circumstances

Julie Horney; D. Wayne Osgood; Ineke Haen Marshall

American Sociological Review, Vol. 60, No. 5. (Oct., 1995), pp. 655-673.

Stable URL:

<http://links.jstor.org/sici?sici=0003-1224%28199510%2960%3A5%3C655%3ACCITSI%3E2.0.CO%3B2-1>

This article references the following linked citations. If you are trying to access articles from an off-campus location, you may be required to first logon via your library web site to access JSTOR. Please visit your library's website or contact a librarian to learn about options for remote access to JSTOR.

[Footnotes]

³ **Models for Longitudinal Data: A Generalized Estimating Equation Approach**

Scott L. Zeger; Kung-Yee Liang; Paul S. Albert

Biometrics, Vol. 44, No. 4. (Dec., 1988), pp. 1049-1060.

Stable URL:

<http://links.jstor.org/sici?sici=0006-341X%28198812%2944%3A4%3C1049%3AMFLDAG%3E2.0.CO%3B2-R>

References

Answering Autobiographical Questions: The Impact of Memory and Inference on Surveys

Norman M. Bradburn; Lance J. Rips; Steven K. Shevell

Science, New Series, Vol. 236, No. 4798. (Apr. 10, 1987), pp. 157-161.

Stable URL:

<http://links.jstor.org/sici?sici=0036-8075%2819870410%293%3A236%3A4798%3C157%3AAAQTIQ%3E2.0.CO%3B2-C>

When Do Individual Differences Matter? A Paradoxical Theory of Personality Coherence

Avshalom Caspi; Terrie E. Moffitt

Psychological Inquiry, Vol. 4, No. 4. (1993), pp. 247-271.

Stable URL:

<http://links.jstor.org/sici?sici=1047-840X%281993%294%3A4%3C247%3AWDIDMA%3E2.0.CO%3B2-9>

NOTE: The reference numbering from the original has been maintained in this citation list.

LINKED CITATIONS

- Page 2 of 3 -



Social Change and Crime Rate Trends: A Routine Activity Approach

Lawrence E. Cohen; Marcus Felson

American Sociological Review, Vol. 44, No. 4. (Aug., 1979), pp. 588-608.

Stable URL:

<http://links.jstor.org/sici?sici=0003-1224%28197908%2944%3A4%3C588%3ASCACRT%3E2.0.CO%3B2-8>

The Life History Calendar: A Technique for Collecting Retrospective Data

Deborah Freedman; Arland Thornton; Donald Camburn; Duane Alwin; Linda Young-DeMarco

Sociological Methodology, Vol. 18. (1988), pp. 37-68.

Stable URL:

<http://links.jstor.org/sici?sici=0081-1750%281988%2918%3C37%3ATLHCAT%3E2.0.CO%3B2-H>

Contextual Analysis through the Multilevel Linear Model

William M. Mason; George Y. Wong; Barbara Entwisle

Sociological Methodology, Vol. 14. (1983 - 1984), pp. 72-103.

Stable URL:

<http://links.jstor.org/sici?sici=0081-1750%281983%2F1984%2914%3C72%3ACATTML%3E2.0.CO%3B2-Y>

Enduring Individual Differences and Rational Choice Theories of Crime

Daniel S. Nagin; Raymond Paternoster

Law & Society Review, Vol. 27, No. 3. (1993), pp. 467-496.

Stable URL:

<http://links.jstor.org/sici?sici=0023-9216%281993%2927%3A3%3C467%3AEIDARC%3E2.0.CO%3B2-B>

The Generality of Deviance in Late Adolescence and Early Adulthood

D. Wayne Osgood; Lloyd D. Johnston; Patrick M. O'Malley; Jerald G. Bachman

American Sociological Review, Vol. 53, No. 1. (Feb., 1988), pp. 81-93.

Stable URL:

<http://links.jstor.org/sici?sici=0003-1224%28198802%2953%3A1%3C81%3ATGODIL%3E2.0.CO%3B2-R>

The Deterrent Effect of Perceived Severity: A Reexamination

Raymond Paternoster; Leeann Iovanni

Social Forces, Vol. 64, No. 3. (Mar., 1986), pp. 751-777.

Stable URL:

<http://links.jstor.org/sici?sici=0037-7732%28198603%2964%3A3%3C751%3ATDEOPS%3E2.0.CO%3B2-%23>

NOTE: The reference numbering from the original has been maintained in this citation list.

LINKED CITATIONS

- Page 3 of 3 -



Perceived Risk and Social Control: Do Sanctions Really Deter?

Raymond Paternoster; Linda E. Saltzman; Gordon P. Waldo; Theodore G. Chiricos
Law & Society Review, Vol. 17, No. 3. (1983), pp. 457-480.

Stable URL:

<http://links.jstor.org/sici?sici=0023-9216%281983%2917%3A3%3C457%3APRASCD%3E2.0.CO%3B2-F>

Disorder in the Life Course: How Common and Does It Matter?

Ronald R. Rindfuss; C. Gray Swicegood; Rachel A. Rosenfeld
American Sociological Review, Vol. 52, No. 6. (Dec., 1987), pp. 785-801.

Stable URL:

<http://links.jstor.org/sici?sici=0003-1224%28198712%2952%3A6%3C785%3ADITLCH%3E2.0.CO%3B2-U>

Heredity and Sociological Theories of Delinquency: A Reconsideration

David C. Rowe; D. Wayne Osgood
American Sociological Review, Vol. 49, No. 4. (Aug., 1984), pp. 526-540.

Stable URL:

<http://links.jstor.org/sici?sici=0003-1224%28198408%2949%3A4%3C526%3AHASTOD%3E2.0.CO%3B2-%23>

Crime and Deviance over the Life Course: The Salience of Adult Social Bonds

Robert J. Sampson; John H. Laub
American Sociological Review, Vol. 55, No. 5. (Oct., 1990), pp. 609-627.

Stable URL:

<http://links.jstor.org/sici?sici=0003-1224%28199010%2955%3A5%3C609%3ACADOTL%3E2.0.CO%3B2-4>

Models for Longitudinal Data: A Generalized Estimating Equation Approach

Scott L. Zeger; Kung-Yee Liang; Paul S. Albert
Biometrics, Vol. 44, No. 4. (Dec., 1988), pp. 1049-1060.

Stable URL:

<http://links.jstor.org/sici?sici=0006-341X%28198812%2944%3A4%3C1049%3AMFLDAG%3E2.0.CO%3B2-R>



Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-14)

Mariel Alper, Ph.D., and Matthew R. Durose, *BJS Statisticians*

Among persons released from state prisons in 2005 across 30 states after serving a sentence for rape or sexual assault, 8% were arrested for rape or sexual assault during the 9 years after their release. Overall, 67% of sex offenders released in 2005 were arrested at least once for any type of crime during the 9-year follow-up period.¹

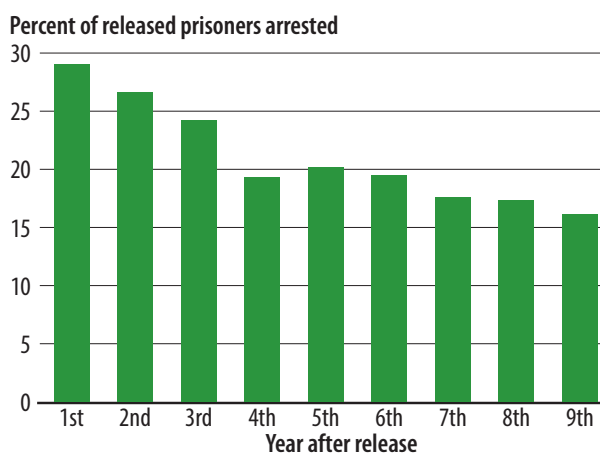
About 3 in 10 (29%) sex offenders released in 2005 were arrested during their first year after release (**figure 1**). About 1 in 5 (20%) were arrested during their fifth year after release, and nearly 1 in 6 (16%) were arrested during their ninth year.

The Bureau of Justice Statistics (BJS) used criminal-history data and prisoner records to analyze the post-release offending patterns of former prisoners both within and outside of the state where they were imprisoned. This is BJS's first recidivism study on sex offenders with a 9-year follow-up period.

¹For this report, "sex offenders" refers to released prisoners whose most serious commitment offense was rape or sexual assault.

FIGURE 1

Annual arrest percentage of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault



Note: The denominator is the 20,195 prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault. See table 7 for estimates and appendix table 9 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

HIGHLIGHTS

Within 9 years of their release from prison in 2005—

- Rape and sexual assault offenders were less likely than other released prisoners to be arrested, but they were more likely than other released prisoners to be arrested for rape or sexual assault.
- Released sex offenders were more than three times as likely as other released prisoners to be arrested for rape or sexual assault (7.7% versus 2.3%).
- About two-thirds (67%) of released sex offenders were arrested for any crime, compared to about five-sixths (84%) of other released prisoners.
- Half of released sex offenders had a subsequent arrest that led to a conviction.
- Released sex offenders accounted for 5% of releases in 2005 and 16% of arrests for rape or sexual assault during the 9-year follow-up period.
- Less than half of released sex offenders were arrested for any crime within the first 3 years, while more than two-thirds were arrested within 9 years.
- Eleven percent of released sex offenders were arrested at least once for any crime outside the state of release.
- Among released prisoners who had a prior arrest for a sex offense but were serving time for an offense other than a sex offense, 6.7% were subsequently arrested for rape or sexual assault.

This study compares released prisoners whose most serious commitment offense was rape or sexual assault to all other released prisoners, in terms of their characteristics and recidivism patterns. It also compares the characteristics and recidivism patterns of released sex offenders to those of released prisoners whose most serious commitment offense was assault.

Prisoners whose most serious commitment offense was a violent crime of rape, sexual assault, or assault (whether aggravated or simple) were involved in a generally nonfatal attack upon a person, whereas homicide involves a fatality, and robbery involves an attack with the aim of taking property. So, in addition to comparisons with other released prisoners as a whole, this report examines how the recidivism patterns of sex offenders compare to the recidivism patterns of prisoners released after serving time for a non-sexual assault. (See Methodology for offense definitions.)

Separate recidivism rates for prisoners released after serving time for rape or sexual assault against a child were unavailable because a large number of prison records did not distinguish between crimes against children and crimes against adults. Prisoners released after serving time for rape or sexual assault against a child are included with all other rape and sexual assault offenders. Released prisoners whose most serious commitment offense was a non-violent sex offense, such as prostitution or pornography, are included with public-order offenders.

This study was based on a sample of 67,966 released prisoners who were randomly sampled to represent the 401,288 state prisoners released in 30 states in 2005. These 30 states were responsible for 77% of all persons released from state prisons nationwide. (See map on page 15.) A total of 358,398 male prisoners and 42,890 female prisoners were released in the study's 30 states in 2005. These persons may have been serving time for more than one offense and were categorized by the offense with the longest maximum sentence. For instance, prisoners released after serving time for homicide and rape or sexual assault were categorized as homicide offenders if the sentence length for the homicide was longer.

Males accounted for 19,871 (98%) of the 20,195 prisoners released after serving time for rape or sexual assault in 2005 in the study's 30 states (table 1). This report examines the recidivism rates of male and female sex offenders separately in tables 10 to 13.

TABLE 1

Characteristics of prisoners released in 30 states in 2005, by most serious commitment offense

Characteristic	All prisoners	Most serious commitment offense		
		Rape/sexual assault	Assault	Offense other than rape/sexual assault
Sex				
Male	89.3%	98.4%	93.0%	88.8%
Female	10.7	1.6	7.0	11.2
Race/Hispanic origin				
White ^a	39.7%	52.1%	36.1%	39.1%
Black/African American ^a	40.1	27.2	38.0	40.8
Hispanic/Latino	17.7	17.2	22.5	17.7
Other ^{a,b}	2.4	3.5	3.4	2.4
Age at release				
24 or younger	17.7%	12.3%	19.4%	18.0%
25–29	19.4	15.9	21.3	19.6
30–34	16.0	14.1	17.1	16.1
35–39	15.7	14.0	14.9	15.8
40 or older	31.2	43.8	27.3	30.6
Median	34 yrs.	38 yrs.	32 yrs.	34 yrs.
Mean	35.0	38.8	34.0	34.8
Type of prison release				
Conditional	74.1%	67.9%	75.3%	74.4%
Unconditional	25.9	32.1	24.7	25.6
Maximum sentence length^c				
1–<2 years	19.2%	10.5%	12.9%	19.6%
2–<5 years	44.7	34.2	56.3	45.3
5–<10 years	22.1	28.0	20.4	21.8
10 years or more	14.0	27.3	10.4	13.3
Median	36 mos.	60 mos.	36 mos.	36 mos.
Number of prior arrests per released prisoner^d				
4 or fewer	24.8%	52.4%	25.0%	23.4%
5–9	30.3	26.6	30.2	30.5
10 or more	44.9	21.0	44.8	46.2
Median	9 arsts.	4 arsts.	9 arsts.	9 arsts.
Mean	11.0	6.3	10.8	11.3
At least one prior arrest for—				
Drug offense	70.7%	30.5%	57.9%	72.8%
Property offense	81.3	55.8	78.0	82.6
Number of released prisoners	401,288	20,195	38,468	381,093

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. Percentages exclude missing data. Data on prisoners' age at release were reported for 100% of cases; race/Hispanic origin, for 99.86%; type of prison release, for 98.19%; and maximum sentence length, for 99.72%. See appendix table 3 for standard errors.

^aExcludes persons of Hispanic/Latino origin (e.g., "white" refers to non-Hispanic whites and "black" refers to non-Hispanic blacks).

^bIncludes Asians, Native Hawaiians, and Other Pacific Islanders; American Indians and Alaska Natives; and persons of two or more races.

^cBased on the released prisoners' total maximum sentence length for all commitment offenses. Study excludes prisoners sentenced to less than one year.

^dIncludes arrests for any type of crime prior to the prisoners' date of release in 2005.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

Sex offenders were more likely than other released prisoners to receive longer sentences and to be granted unconditional releases

Rape or sexual assault was the most serious commitment offense for 5% of the 401,288 prisoners released in 30 states in 2005. (See appendix table 1.) In comparison, assault was the most serious commitment offense of 10% (38,468) of released prisoners.

The median sentence length among prisoners released in 30 states in 2005 after serving time for rape or sexual assault (60 months) was longer than the median sentence length among all prisoners (36 months) or prisoners released after serving time for assault (36 months). Twenty-seven percent of prisoners released after serving time for rape or sexual assault were serving a maximum sentence length of 10 years or more, compared to 10% of prisoners released after serving time for assault.

Sex offenders were more likely to be given unconditional releases than other offenders. About 1 in 3 (32%) sex offenders were granted an unconditional release and not placed on parole, probation, or some other form of community supervision, compared to about 1 in 4 (26%) offenders overall and 1 in 4 (25%) assault offenders. Among prisoners who were granted an unconditional release, 96% were released for an expiration of sentence, and the remaining 4% were commutations or other types of unconditional releases (not shown in tables).

The median age at release for sex offenders was 38

The demographic composition of prisoners released after serving time for rape or sexual assault differed from those released after serving time for other offenses. About half (52%) of sex offenders were white, compared to 36% of assault offenders and 40% of all offenders.

Criminal-history data were used to measure recidivism outcomes of former prisoners

This study uses several measures to examine the post-release offending patterns of former state prisoners, including new arrests and returns to prison. The recidivism patterns were examined in terms of post-release arrests for any type of offense and for the same type of offense for which the former prisoner had been serving time. These estimates do not include crimes that were not reported to the police or that did not result in an arrest.

Prisoners released in 2005 may not have been able to commit certain types of crimes for a portion of the 9-year period following their release because they were re-incarcerated. Data on the amount of time that the prisoners released in 30 states in 2005 spent in prison or jail during the 9-year follow-up period were not available for this study. The recidivism estimates include offenses that the released prisoners were charged with while incarcerated during the follow-up period.

The **cumulative arrest percentage** is the percentage of former prisoners who were arrested at least once during the follow-up period. For example, the cumulative arrest percentage for year-3 is the percentage of prisoners who had at least one arrest during the first, second, or third years following their release. This report also examines the cumulative percentage of prisoners who had a subsequent arrest that led to a court conviction and the cumulative percentage who returned to prison following release. Because not all arrests result in a conviction or reimprisonment, recidivism rates based on these measures are lower than those based on an arrest.

The **annual arrest percentage** is the percentage of released prisoners who were arrested at least once during a particular year within the follow-up period. The denominator for each percentage from years 1 through 9 is the total number of prisoners released in the 30 states during 2005. The numerator is the number of former prisoners arrested during the particular year, regardless of whether they had been arrested during a prior year.

The **annual percentage of first arrests** is the percentage of prisoners who had their first arrest following release during a specific year during the follow-up period. The denominator for each annual first-arrest percentage from years 1 through 9 is the total number of prisoners released in the 30 states in 2005. The numerator is the number of former prisoners arrested for the first time during each of those years (i.e., they had not been arrested during a prior year during the follow-up period). The sum of the annual first-arrest percentages during a follow-up period equals the cumulative arrest percentage for the same period.

The **volume of arrest offenses** is the total number of arrest offenses among the released prisoners during the follow-up period. A former prisoner may have had multiple arrests during the follow-up period, and a single arrest may have involved charges for more than one crime.

The median age at the time of release was older for sex offenders (age 38) than for all released prisoners (age 34) and for assault offenders (age 34). Forty-four percent of sex offenders were age 40 or older at release, compared to 27% of assault offenders and 31% of all offenders.

About half of sex offenders had 5 or more prior arrests and about a third had at least 1 prior drug arrest

About half (52%) of prisoners released after serving a sentence for rape or sexual assault had four or fewer arrests for any type of crime in their criminal history prior to their release in 2005, and about half (48%) had five or more prior arrests. On average, sex offenders had fewer prior arrests in their criminal history than assault offenders. The median number of prior arrests among sex offenders was four, compared to nine for assault offenders. Prior to their release, 31% of sex offenders had been arrested at least once for a drug offense and 56% for a property offense.

Sex offenders were less likely than other released prisoners to be arrested during the 9 years following release

An estimated 83% of the 401,288 prisoners released in 30 states in 2005 were arrested for a new crime within 9 years of release (table 2). The percentage of released prisoners arrested within 9 years for any type of crime after serving time for rape or sexual assault was 67%. That was higher than for prisoners released after serving time for homicide (60%) and lower than for prisoners released after serving time for robbery (84%) or assault (83%). Sex offenders (67%) were also less likely to be arrested following release than prisoners released after serving time for property (88%), drug (84%), or public-order (82%) offenses. Among released prisoners who were arrested during the 9-year follow-up period, 96% of sex offenders and 99% of all offenders were arrested for an offense other than a probation or parole violation (not shown in tables).

Among all 401,288 prisoners released in 30 states in 2005, 381,093 (95%) were serving time for offenses other than rape or sexual assault (i.e., their most serious commitment offense was not a violent sex offense). An estimated 84% of prisoners released after serving time for an offense other than rape or sexual assault were arrested for any type of offense during the 9-year follow-up period.

TABLE 2

Percent of prisoners released in 30 states in 2005 who were arrested within 9 years following release, by most serious commitment offense and types of post-release arrest charges

Most serious commitment offense	Post-release arrest offense								
	Any offense	Violent					Property	Drug	Public order
		Total violent ^a	Homicide	Rape/sexual assault	Robbery	Assault			
All prisoners	83.3%	39.1%	1.2%	2.6%	7.8%	31.3%	48.0%	48.0%	68.4%
Violent^a	78.1%	43.4%	1.4%	4.0%	9.2%	34.1%	39.6%	36.7%	65.0%
Homicide	60.0	29.5	2.7	1.9	4.3	23.1	24.4	26.1	45.8
Rape/sexual assault	66.9	28.1	0.2	7.7	3.8	18.7	24.2	18.5	58.9
Robbery	84.1	47.2	1.5	3.4	16.8	34.3	47.7	45.3	67.1
Assault	82.9	50.7	1.4	2.8	7.7	44.2	44.3	43.2	69.6
Property	87.8%	40.3%	1.0%	2.5%	9.1%	31.9%	63.5%	48.4%	72.4%
Drug	83.7%	34.0%	1.1%	1.6%	5.8%	28.0%	42.4%	60.4%	66.9%
Public order	81.8%	39.8%	1.3%	2.4%	6.7%	32.5%	42.5%	38.8%	70.1%
Rape/sexual assault*	66.9%	28.1%	0.2%	7.7%	3.8%	18.7%	24.2%	18.5%	58.9%
Offense other than rape/sexual assault^b	84.1% †	39.6% †	1.2% †	2.3% †	8.0% †	31.9% †	49.2% †	49.6% †	68.9% †

Note: The numerator for each percentage is the number of persons arrested for that offense during the 9-year follow-up period, and the denominator is the number released after serving time for each type of commitment offense. Persons could have been in prison for more than one offense, the most serious of which is reported. Details may not sum to totals because a person may be arrested more than once for different types of offenses and each arrest may involve more than one offense. See appendix table 4 for standard errors.

*Comparison group.

†Difference with comparison group (rape/sexual assault) is significant at the 95% confidence level.

^aIncludes other miscellaneous violent offenses that are not shown separately.

^bIncludes the 381,093 prisoners whose most serious commitment offense was an offense other than rape or sexual assault.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

Sex offenders were three times as likely as other offenders to be arrested for rape or sexual assault during the 9 years following release

Among all prisoners released across 30 states in 2005, 2.6% were arrested for rape or sexual assault during the 9-year follow-up period. Among prisoners released after serving time for rape or sexual assault, 7.7% were arrested for rape or sexual assault within 9 years of release. Prisoners released after serving time for rape or sexual assault (7.7%) were more than twice as likely to be arrested for rape or sexual assault during the 9-year follow-up period than prisoners released after serving time for robbery (3.4%), assault (2.8%), or homicide (1.9%). Overall, prisoners released after serving time for rape or sexual assault (7.7%) were more than three times as likely as other released prisoners (2.3%) to be arrested for rape or sexual assault during the 9 years following release.

Sex offenders were more likely to be arrested for an assault or a drug, property, or public-order offense than for rape or sexual assault during the 9 years after release. During the 9-year follow-up period, approximately 1 in 5 (19%) sex offenders were arrested at least once for assault, 1 in 4 (24%) were arrested for a property offense, and 1 in 5 (18%) were arrested for a drug offense, while 1 in 13 (7.7%) were arrested for a rape or sexual assault. The majority (59%) of prisoners released after serving time for rape or sexual assault were arrested for a public-order offense within 9 years.

In addition to the 20,195 prisoners released in 30 states in 2005 after serving time for rape or sexual assault, other prisoners released that year had prior arrests for rape or sexual assault in their criminal-history records.

Of the 381,093 prisoners released in 2005 after serving time for offenses other than rape or sexual assault, 25,948 (6.5%) had been arrested at least once for rape or sexual assault in their criminal history prior to being released in 2005 (not shown in tables).

Among the 25,948 prisoners released in 2005 whose most serious commitment offense was not rape or sexual assault but who had at least one prior arrest for rape or sexual assault, 6.7% were arrested for rape or sexual assault during the 9 years following release (not shown in tables). Of those prisoners released after serving time for offenses other than rape or sexual assault who had no prior arrests for rape or sexual assault, 2.0% were arrested for rape or sexual assault during the 9-year follow-up period.

Overall, a combined total of 46,144 prisoners released in 2005 either had been serving time for rape or sexual assault (20,195) or had been serving time for another type offense but had previously been arrested for rape or sexual assault (25,948). Of these 46,144 released prisoners, 7.2% were arrested for rape or sexual assault during the 9 years following release.

18% of sex offenders were arrested for the first time during years 4 through 9 after release

The cumulative arrest percentage among released sex offenders increased 18 percentage points when the follow-up period was extended from 3 to 9 years. About half (49%) of prisoners released after serving time for rape or sexual assault were arrested within 3 years, while 62% were arrested within 6 years (table 3). By the end of the 9-year follow-up period, the percentage

TABLE 3

Cumulative percent of prisoners released in 30 states in 2005 who were arrested following release, by year following release and most serious commitment offense

Year after release	Most serious commitment offense							
	All prisoners		Rape/sexual assault		Assault		Offense other than rape/sexual assault	
	Year of first arrest	Cumulative arrest percentage	Year of first arrest	Cumulative arrest percentage	Year of first arrest	Cumulative arrest percentage	Year of first arrest	Cumulative arrest percentage
1	43.8%	43.8%	29.0%	29.0%	43.2%	43.2%	44.5%	44.5%
2	16.2	60.0	12.9	41.9	16.2	59.4	16.4	60.9
3	8.3	68.3	7.0	48.9	8.5	67.9	8.4	69.3
4	5.1	73.4	4.9	53.8	5.6	73.5	5.2	74.4
5	3.5	76.9	4.4	58.2	4.1	77.5	3.5	77.9
6	2.3	79.3	3.6	61.8	2.1	79.6	2.3	80.2
7	1.7	80.9	2.0	63.8	1.5	81.2	1.7	81.8
8	1.3	82.3	1.9	65.7	1.1	82.3	1.3	83.1
9	1.0	83.3	1.2	66.9	0.7	82.9	1.0	84.1

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. See appendix table 5 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

of sex offenders arrested after release had increased to 67%. Released sex offenders were less likely (49%) than other released prisoners (69%) to be arrested within 3 years but more likely to be arrested for the first time in years 4 through 9 (18% versus 15%).

Among prisoners released after serving time for rape or sexual assault who were arrested during the 9-year follow-up period, 63% were arrested for the first time during the first 2 years. Among prisoners released after serving time for an offense other than rape or sexual assault who were arrested during the 9-year follow-up period, 72% were arrested for the first time during the first 2 years (not shown in tables).

Sex offenders had a lower cumulative arrest percentage than assault offenders. During year-1, 29% of sex offenders were arrested, compared to 43% of assault offenders. By the end of year-9, 67% of sex offenders had been arrested, compared to 83% of assault offenders.

As with released prisoners as a whole, the longer sex offenders went without being arrested after release, the less likely they were to be arrested during the 9-year follow-up period. While 13% of sex offenders were arrested following release for the first time in year-2, that constituted 18% of the 71% who were not arrested in year-1 (not shown in tables). For those not arrested by the end of year-2, 12% were arrested by the end of year-3. Nine percent of those not arrested in years 1 through 5 were arrested in year-6. In year-9, 4% of the released sex offenders who went 8 years without an arrest were arrested.

Half of prisoners released after serving time for rape or sexual assault had an arrest within 9 years that led to a conviction

This study also examines the percentage of prisoners who had an arrest during the 9 years following release that resulted in a conviction. This measure was based on prisoners released from the 29 states in the study (all but Louisiana) that had the necessary data. (See *Methodology*.)

Sex offenders were less likely than all prisoners released in 2005 to have had a new arrest that resulted in a conviction after release. During the first 3 years after release, 28% of prisoners released after serving time for rape or sexual assault had a new arrest that led to a conviction, compared to 49% of all prisoners (table 4). At the end of the 9-year follow-up period, 50% of prisoners released after serving time for rape or sexual assault had a new arrest that led to a conviction, compared to 69% of all prisoners.

The percentage of sex offenders who had an arrest that led to a conviction within 9 years of release (50%) was about three-quarters of the percentage of sex offenders who were arrested within 9 years of release (67%).

TABLE 4
Cumulative arrest percentage of prisoners released in 29 states in 2005 after serving a sentence for rape/sexual assault or assault who had an arrest that led to a conviction after release

Year after release	All prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
1	25.4%	12.8%	22.4%
2	39.6	22.3	37.7
3	49.0	28.4	46.4
4	55.3	34.2	53.5
5	59.8	38.5	58.3
6	63.1	42.2	62.1
7	65.7	45.2	65.1
8	67.8	48.1	67.7
9	69.2	49.6	68.8

Note: Estimates based on time from release to first arrest that led to a conviction among prisoners released in 29 of the study's 30 states (all but Louisiana). Persons could have been in prison for more than one offense, the most serious of which is reported. See appendix table 6 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

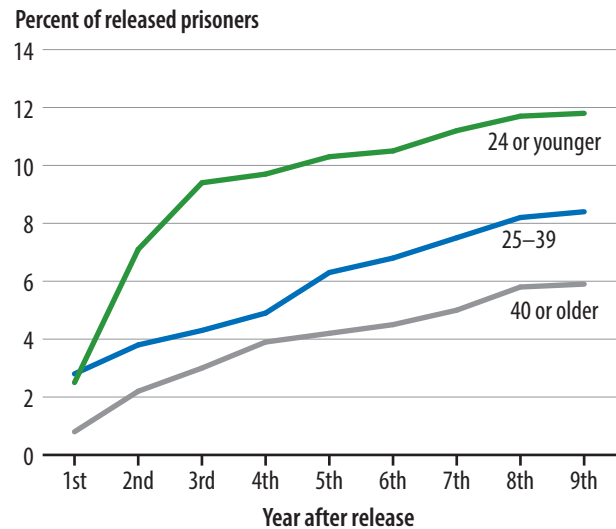
Younger sex offenders were more likely than older sex offenders to be arrested for another sex offense post-release

Overall, 4.4% of sex offenders were arrested for another sex offense within 3 years following release (table 5). After 9 years following release, the percentage rose to 7.7%. Younger sex offenders (those age 24 or younger at the time of release) were more likely to be arrested for rape or sexual assault following release than older sex offenders (age 40 or older at the time of release).

Nearly 10% (9.4%) of sex offenders age 24 or younger at the time of their release were arrested for rape or sexual assault within 3 years of release, compared to 3.0% of those age 40 or older (figure 2). About half of those age 24 or younger who were arrested within 3 years of release for rape or sexual assault were arrested in year-2 alone (4.6%). Overall, within 9 years of release, sex offenders age 24 or younger were twice as likely to be arrested for rape or sexual assault (11.8%) as sex offenders age 40 or older (5.9%).

FIGURE 2

Cumulative percent of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault who were arrested for rape/sexual assault after release, by age and year after release



Note: Age groups are based on prisoners' age at time of release after serving a sentence for rape or sexual assault. See table 5 for estimates and appendix table 7 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

TABLE 5

Cumulative percent of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault who were arrested for rape/sexual assault after release, by age and year after release

Most serious commitment offense	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
All prisoners	0.5%	0.9%	1.2%	1.5%	1.8%	2.0%	2.2%	2.4%	2.6%
Prisoners released after serving a sentence for rape/sexual assault	1.9	3.5	4.4	5.1	5.9	6.3	6.9	7.6	7.7%
Age at release									
24 or younger	2.5	7.1	9.4	9.7	10.3	10.5	11.2	11.7	11.8
25–39	2.8	3.8	4.3	4.9	6.3	6.8	7.5	8.2	8.4
40 or older	0.8	2.2	3.0	3.9	4.2	4.5	5.0	5.8	5.9
Race/Hispanic origin									
White ^a	1.6	2.6	3.2	3.9	4.6	5.1	5.5	5.8	6.2
Black/African American ^a	1.7	4.4	4.6	6.0	6.5	6.8	7.7	9.7	9.7
Hispanic/Latino	3.3	4.9	7.5	7.5	8.1	8.1	8.6	8.6	8.6
Other ^{a,b}	1.0	2.6	3.8	4.1	4.5	4.7	6.7	6.7	6.9

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. Data on prisoners' sex and age at release were known for 100% of cases, and race/Hispanic origin was known for 99.86%. See appendix table 7 for standard errors.

^aExcludes persons of Hispanic/Latino origin (e.g., "white" refers to non-Hispanic whites and "black" refers to non-Hispanic blacks).

^bIncludes Asians, Native Hawaiians, and Other Pacific Islanders; American Indians and Alaska Natives; and persons of two or more races.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

Measuring recidivism as a return to prison

In addition to arrests, returns to prison are another measure that can be used when studying prisoner recidivism. The Bureau of Justice Statistics (BJS) relies on a combination of criminal-history records from the Federal Bureau of Investigation and state repositories, along with prisoner records obtained from state departments of corrections through the National Corrections Reporting Program (NCRP), to estimate the percentage of released state prisoners who returned to prison.

BJS published a report in 2014 on state prisoners released in 2005 that used a 5-year follow-up period to examine offending patterns based on other recidivating events, including a conviction and return to prison.² The return-to-prison analysis for that report was based on prisoners released from the 23 states that could provide the necessary data. (See *Methodology*.) BJS used the annual 2005-10 NCRP files to supplement the criminal-history records with information on released prisoners who returned to prison for a probation or parole violation or a sentence for a new crime.

When BJS extended the follow-up period from 5 to 9 years, only 17 states could provide the

prison-admission data needed to identify returns to prison for the entire time frame. As a result, this report provides return-to-prison rates for only the first 5 years following release for the prisoners released in the 23 states with the necessary data. The 5-year return-to-prison rates of released sex offenders were not included in prior reports on prisoners released in 2005.

Prisoners released after serving time for rape or sexual assault had a lower 5-year return-to-prison rate than released prisoners overall. Among prisoners serving time for rape or sexual assault who were released in 2005 in the 23 states with available data on returns to prison, 35% had a parole or probation violation or an arrest for a new offense that led to imprisonment within 3 years, while 40% had one within 5 years. In comparison, 55% of all prisoners released in 2005 had a parole or probation violation or an arrest for a new offense that led to imprisonment within 5 years.

Due to limitations with the prison-admission data used for this study, it is not possible to distinguish between returns to prison for parole or probation violations and returns to prison for sentences for new crimes. It is also not possible to determine how many of the returns to prison were for rape or sexual assault (or other types of crimes).

² *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010*, NCJ 244205, BJS web, April 2014.

Within 3 years of release, sex offenders with 10 or more prior arrests for any crime (5.7%) were not statistically significantly more likely to be arrested for rape or sexual assault than those with 5 to 9 prior arrests (4.5%) and those with 4 or fewer prior arrests (3.7%) (not shown in tables). Within 9 years of release, sex offenders with 10 or more prior arrests for any crime (10.4%) were not statistically significantly more likely to be arrested for rape or sexual assault than those with 5 to 9 prior arrests (8.3%) and those with 4 or fewer prior arrests (6.4%) (not shown in tables).

11% of prisoners released after serving time for rape or sexual assault were arrested at least once outside the state that released them

Five percent of prisoners released after serving time for rape or sexual assault were arrested outside of the state that released them, for any type of crime, during the first 3 years after release (table 6). During years 4 through 9, the out-of-state cumulative arrest rate increased to 11%. Among prisoners released after serving time for assault, 8% were arrested in another state within 3 years and 17% were arrested within 9 years. Fewer than 1% of sex offenders were arrested in another state for rape or sexual assault during the

9 years following release (not shown in tables). Of the released sex offenders arrested for a new crime during the 9-year follow-up period, 17% had been arrested out-of-state and 83% had been arrested only within the state that released them (not shown in tables).

TABLE 6
Cumulative percent of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault who were arrested outside the state of release, by year after release

Year after release	All prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
1	3.3%	2.1%	3.6%
2	5.7	3.4	6.4
3	7.7	5.2	8.4
4	9.3	6.7	10.2
5	10.8	8.2	11.9
6	12.1	9.4	13.1
7	13.3	10.1	14.4
8	14.4	10.6	15.6
9	15.4	11.4	16.7

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. See appendix table 8 for standard errors.

Source: Bureau of Justice Statistics, *Recidivism of State Prisoners Released in 2005* data collection, 2005–2014.

Annual arrest percentages among sex offenders declined during the 9 years following their release

Overall, 84% of sex offenders who were age 24 or younger at release were arrested for any type of crime within 9 years after release, compared to 72% of those ages 25 to 39 and 57% of those age 40 or older (table 7). Twenty-nine percent of all sex offenders were arrested during their first year after release, compared to 16% during their ninth year. Among sex offenders who were age 24 or younger at release, the annual arrest percentage declined from 43% in year-1 to 19%

in year-9. Roughly a third (33%) of sex offenders ages 25 to 39 were arrested during their first year after release, compared to about a sixth (17.5%) during their ninth year.

Thirty-five percent of sex offenders who were Hispanic were arrested in year-1, while the annual arrest rate declined by more than two-thirds to 11% in year-9. This decrease was larger than the decrease between years 1 and 9 for sex offenders who were white (from 24% to 13%) or who were black (from 35% to 26%).

TABLE 7

Annual arrest percentage of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault, by prisoner characteristics

Characteristic	Number of released prisoners	Total arrested within 9 years	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
All prisoners	401,288	83.3%	43.8%	37.6%	34.2%	31.9%	30.0%	27.9%	27.2%	25.9%	24.0%
Prisoners released after serving a sentence for rape/sexual assault	20,195	66.9%	29.0%	26.6%	24.2%	19.3%	20.2%	19.5%	17.6%	17.3%	16.1%
Age at release											
24 or younger	2,486	83.8	42.9	37.5	29.7	21.2	26.9	21.9	25.5	27.5	18.7
25–39	8,867	72.0	32.7	30.4	27.5	21.7	23.1	22.5	19.3	17.5	17.5
40 or older	8,842	57.1	21.3	19.7	19.2	16.3	15.3	15.7	13.7	14.3	14.0
Race/Hispanic origin											
White ^a	10,499	61.3	23.8	22.0	20.1	16.7	16.4	17.2	14.0	15.9	12.8
Black/African American ^a	5,482	78.6	35.0	34.1	30.1	24.8	27.4	21.6	26.0	25.3	25.7
Hispanic/Latino	3,459	64.9	34.9	26.6	27.1	16.4	20.9	22.4	15.1	9.2	11.2
Other ^{a,b}	713	66.9	25.4	31.7	19.7	24.3	11.6	17.2	13.6	11.5	9.8
Prisoners released after serving a sentence for assault	38,468	82.9%	43.2%	38.1%	34.0%	32.4%	31.3%	29.0%	29.0%	28.4%	24.8%
Age at release											
24 or younger	7,468	87.3	50.9	43.5	35.4	31.0	35.5	29.1	25.8	29.1	27.4
25–39	20,511	85.2	44.1	39.1	36.1	33.8	32.2	30.0	32.1	30.8	26.7
40 or older	10,489	75.4	35.9	32.4	28.9	30.7	26.5	27.1	25.3	23.4	19.2
Race/Hispanic origin											
White ^a	13,841	80.3	38.8	34.5	32.5	29.7	30.9	29.7	27.5	26.6	23.1
Black/African American ^a	14,562	86.4	45.2	41.4	35.7	35.0	31.2	30.3	29.9	28.9	25.6
Hispanic/Latino	8,629	80.6	46.0	37.5	32.8	33.0	31.7	24.9	28.8	28.7	25.4
Other ^{a,b}	1,312	85.0	47.0	44.6	34.6	29.5	34.0	32.6	33.1	37.6	24.8

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. Percentages exclude missing data. Data on prisoners' age at release were reported for 100% of cases, and race/Hispanic origin was known for 99.86%. See appendix table 9 for standard errors.

^aExcludes persons of Hispanic/Latino origin (e.g., "white" refers to non-Hispanic whites and "black" refers to non-Hispanic blacks).

^bIncludes Asians, Native Hawaiians, and Other Pacific Islanders; American Indians and Alaska Natives; and persons of two or more races.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

During the first year following release, 7% of sex offenders were arrested for a violent offense, 6% for a property offense, 4% for a drug offense, and 23% for a public-order offense (**table 8**). During the ninth year, these percentages fell to 3% each for a violent, property, or drug offense, and 13% for a public-order offense. During the 9 years after release, 28% of prisoners released after serving time for rape or sexual

assault were arrested for a violent crime at least once, compared to 59% arrested for a public-order crime, 24% for a property crime, and 18% for a drug crime. Sex offenders were arrested for a violent offense less often than assault offenders during each year after release. This pattern was also observed for arrests for property, drug, and public-order offenses.

TABLE 8

Annual arrest percentage of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault, by types of post-release arrest offenses

Most serious commitment offense and type of post-release arrest offense	Total arrested within 9 years	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
Commitment offense: Rape or sexual assault										
Post-release arrest offense										
Violent	28.1%	6.6%	6.4%	5.3%	5.4%	5.3%	3.7%	4.1%	3.0%	2.6%
Property	24.2	5.7	5.7	4.7	4.0	4.7	3.8	4.2	4.5	3.1
Drug	18.5	4.2	4.5	3.8	1.9	3.3	3.0	3.1	3.1	3.3
Public order	58.9	23.4	20.9	19.5	15.3	14.7	14.7	13.9	13.4	13.0
Commitment offense: Assault										
Post-release arrest offense										
Violent	50.7%	12.9%	13.1%	10.4%	11.1%	11.6%	8.1%	8.6%	8.6%	7.5%
Property	44.3	12.5	10.7	11.1	8.8	7.9	8.0	8.7	8.9	8.3
Drug	43.2	11.5	12.1	7.8	9.2	8.7	8.1	8.7	9.0	8.0
Public order	69.6	30.9	25.1	23.2	22.4	20.0	19.3	19.2	19.6	16.3

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. See appendix table 10 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

Prisoners released after serving time for rape or sexual assault accounted for 16% of arrests for rape or sexual assault during the follow-up period

Prisoners released in 30 states in 2005 were arrested an estimated 2 million times during the 9 years after release. An arrest may involve charges for more than one offense. For instance, one arrest could include charges for a violent crime and a drug crime. These arrests included an estimated 2.9 million different types of offenses (table 9).

The majority of arrests for a specific type of crime did not involve those who had been in prison for the same type of offense. During the 9-year follow-up period, prisoners released after serving time for rape or sexual assault made up 16% of the approximately 12,000

arrests for rape or sexual assault that occurred among all prisoners released in 2005 in the study's 30 states. Prisoners released after serving time for other offenses accounted for the remaining 84% of the arrests for rape or sexual assault during the 9-year follow-up period. Although sex offenders accounted for 16% of the post-release arrests for rape or sexual assault, they represented 5% of all those released from prison in 30 states in 2005. (See appendix table 1.)

During the 9 years after release, prisoners released after serving time for assault made up 15% of the 232,000 arrests for assault, and prisoners released after serving time for other offenses accounted for the remaining 85% of the assault arrests. Prisoners released after serving time for assault accounted for 10% of all released prisoners.

TABLE 9

Types of offenses for which prisoners were arrested within 9 years following release in 30 states in 2005, by most serious commitment offense

Post-release arrest offense	Number of post-release arrest offenses	Most serious commitment offense								
		Total	Violent					Property	Drug	Public order
			Homicide	Rape/sexual assault	Robbery	Assault	Other violent			
Any offense	2,900,000	100%	0.9%	2.8%	6.6%	9.8%	1.9%	35.1%	31.8%	11.2%
Violent										
Total*	347,000	100%	1.3%	3.3%	8.8%	14.2%	2.8%	30.0%	26.5%	13.2%
Homicide	5,000	100%	4.5	1.2	8.2	10.6	5.4	27.6	28.1	14.5
Rape/sexual assault	12,000	100%	1.4	15.6	10.4	10.1	3.0	27.7	19.9	11.9
Robbery	40,000	100%	1.0	2.2	16.3	9.4	1.8	35.1	23.8	10.4
Assault	232,000	100%	1.3	2.7	7.5	15.5	2.6	29.9	27.1	13.6
Property	688,000	100%	0.7%	1.8%	7.0%	7.4%	1.5%	47.0%	24.6%	10.0%
Drug	673,000	100%	0.8%	1.5%	5.7%	7.7%	1.1%	29.4%	44.6%	9.2%
Public order	1,193,000	100%	1.0%	3.9%	6.1%	11.1%	2.3%	33.0%	30.3%	12.3%
Percent of all released prisoners		100%	1.9%	5.0%	7.2%	9.6%	2.1%	29.7%	31.9%	12.7%

Note: An arrest may involve charges for more than one type of offense. Each unique offense category included in an arrest is counted once. There were an estimated 1,990,000 post-release arrests of the 401,288 prisoners released in 30 states in 2005, and these included approximately 2,900,000 different offenses. Persons could have been in prison for more than one offense, the most serious of which is reported. Number of post-release arrest offenses for each sub-category was rounded to the nearest 1,000. See appendix table 11 for standard errors.

*Includes other miscellaneous violent offenses, not shown separately.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

Almost 6% of male prisoners released in 30 states in 2005 were serving time for rape or sexual assault

Rape or sexual assault was the most serious commitment offense for 5.5% (19,871) of the 358,398 male prisoners released in 30 states in 2005 (**table 10**). The median age at the time of release in 2005 was older for male sex offenders (age 38) than for all male prisoners released in the 30 states (age 34) and male assault offenders (age 32). Forty-four percent of male sex offenders were age 40 or older at release, compared to 27% of male assault offenders and 31% of all male offenders.

TABLE 10
Characteristics of male prisoners released in 30 states in 2005, by most serious commitment offense

Characteristic	All male prisoners	Most serious commitment offense		Offense other than rape/sexual assault
		Rape/sexual assault	Assault	
Total	100%	100%	100%	100%
Race/Hispanic origin				
White ^a	38.4%	51.7%	36.1%	37.6%
Black/African American ^a	40.9	27.4	37.2	41.7
Hispanic/Latino	18.4	17.3	23.2	18.4
Other ^{a,b}	2.4	3.6	3.4	2.3
Age at release				
24 or younger	18.3%	12.3%	19.6%	18.7%
25–29	19.7	15.9	21.7	20.0
30–34	15.9	14.0	17.1	16.0
35–39	15.2	13.9	14.7	15.3
40 or older	30.8	44.0	26.9	30.1
Median	34 yrs.	38 yrs.	32 yrs.	34 yrs.
Mean	34.9	38.9	34.0	34.6
Type of prison release				
Conditional	74.3%	68.0%	76.0%	74.7%
Unconditional	25.7	32.0	24.0	25.3
Maximum sentence length^c				
1–<2 years	18.1%	10.4%	12.4%	18.6%
2–<5 years	44.6	34.4	56.4	45.2
5–<10 years	22.5	27.8	20.5	22.2
10 years or more	14.7	27.4	10.7	14.0
Median	39 mos.	60 mos.	36 mos.	36 mos.
Number of prior arrests per released prisoner^d				
4 or fewer	24.5%	52.0%	24.2%	22.8%
5–9	30.4	26.8	30.2	30.6
10 or more	45.2	21.2	45.6	46.6
Median	9 arsts.	4 arsts.	9 arsts.	9 arsts.
Mean	11.0	6.4	10.9	11.3
At least one prior arrest for—				
Drug offense	70.5%	30.6%	58.5%	72.9%
Property offense	81.2	56.1	78.6	82.7
Number of released prisoners	358,398	19,871	35,771	338,527

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. Percentages exclude missing data. Data on male prisoners' age at release were reported for 100% of cases; race/Hispanic origin, for 99.85%; type of prison release, for 98.21%; and maximum sentence length, for 99.72%. See appendix table 12 for standard errors.

^aExcludes persons of Hispanic/Latino origin (e.g., "white" refers to non-Hispanic whites and "black" refers to non-Hispanic blacks).

^bIncludes Asians, Native Hawaiians, and Other Pacific Islanders; American Indians and Alaska Natives; and persons of two or more races.

^cBased on the released prisoners' total maximum sentence length for all commitment offenses. Study excludes prisoners sentenced to less than one year.

^dIncludes arrests for any type of crime prior to the prisoners' date of release in 2005.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

Fewer than 1% of female prisoners released in 30 states in 2005 were serving time for rape or sexual assault

Fewer than 1% (324) of the 42,890 female prisoners released in 30 states in 2005 were serving time for rape or sexual assault (**table 11**). The median age at release for female sex offenders was 34, four years younger than the median age for male sex offenders. The median maximum sentence length for female sex offenders was 5 years, the same as for male sex offenders. Seventy-six percent of female sex offenders were white, compared to 52% of male sex offenders.

On average, female sex offenders had fewer prior arrests in their criminal history than male sex offenders. The median number of prior arrests among male sex offenders was four, compared to two for female sex offenders.

Nearly 8 in 10 (79%) female sex offenders had fewer than five arrests for any type of crime prior to their release in 2005, compared to about half (52%) of male sex offenders.

TABLE 11
Characteristics of female prisoners released in 30 states in 2005, by most serious commitment offense

Characteristic	All female prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
Total	100%	100%	100%
Race/Hispanic origin			
White ^a	51.0%	75.9%	35.5%
Black/African American ^a	33.9	14.3	47.9
Hispanic/Latino	12.3	8.6	13.0
Other ^{a,b}	2.9	1.2	3.6
Age at release			
24 or younger	12.0%	15.0%	17.2%
25–29	16.6	15.9	16.0
30–34	17.1	20.1	17.4
35–39	19.7	16.1	17.6
40 or older	34.6	32.8	31.8
Median	36 yrs.	34 yrs.	35 yrs.
Mean	36.0	35.7	34.8
Type of prison release			
Conditional	71.9%	62.7%	66.8%
Unconditional	28.1	37.3	33.2
Maximum sentence length^c			
1–<2 years	27.8%	17.8%	19.8%
2–<5 years	45.8	21.6	55.2
5–<10 years	18.3	36.6	18.3
10 years or more	8.1	24.0	6.7
Median	36 mos.	60 mos.	36 mos.
Number of prior arrests per released prisoner^d			
4 or fewer	28.0%	78.9%	35.5%
5–9	29.3	12.6	30.7
10 or more	42.7	8.5	33.8
Median	8 arsts.	2 arsts.	6 arsts.
Mean	10.8	3.8	9.0
At least one prior arrest for—			
Drug offense	72.0%	27.4%	49.8%
Property offense	81.8	36.4	69.8
Number of released prisoners	42,890	324	2,697

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. Percentages exclude missing data. Data on female prisoners' age at release were reported for 100% of cases; race/Hispanic origin, for 99.97%; and maximum sentence length, for 99.68%. See appendix table 13 for standard errors.

^aExcludes persons of Hispanic/Latino origin (e.g., "white" refers to non-Hispanic whites and "black" refers to non-Hispanic blacks).

^bIncludes Asians, Native Hawaiians, and Other Pacific Islanders; American Indians and Alaska Natives; and persons of two or more races.

^cBased on the released prisoners' total maximum sentence length for all commitment offenses. Study excludes prisoners sentenced to less than one year.

^dIncludes arrests for any type of crime prior to the prisoners' date of release in 2005.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

67% of male prisoners released after serving time for rape or sexual assault were arrested within 9 years

About half (49%) of male prisoners released after serving time for rape or sexual assault were arrested for any type of crime within 3 years, while 62% were arrested within 6 years (**table 12**). By the end of the 9-year follow-up period, the percentage of male sex offenders arrested after release had increased to 67%. At the end of the 9-year follow-up period, male sex offenders had a lower cumulative arrest percentage than all male prisoners (84%).

Four percent of male prisoners released after serving time for rape or sexual assault were arrested for rape or sexual assault within 3 years, while 8% were arrested for rape or sexual assault within 9 years (appendix table 18). Additional recidivism statistics on male sex offenders are available in appendix tables 16 to 22.

Among the 324 females released from state prisons after serving time for rape or sexual assault in 30 states in 2005, an estimated 29% were arrested for any type of crime at least once during the first year after release (**table 13**). Forty percent were arrested within 3 years of their release, while 50% were arrested within 6 years. By the end of the 9-year follow-up period, 54% of female sex offenders had been arrested after release. Female sex offenders had a lower 9-year cumulative arrest percentage than all female prisoners (77%). The sample of female sex offenders in this study included too few cases to provide reliable estimates on the percentage arrested for rape or sexual assault following release.

TABLE 12

Cumulative arrest percentage of male prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault who were arrested after release, by year after release

Year after release	All male prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
1	44.8%	29.0%	44.1%
2	61.1	42.0	60.3
3	69.4	49.1	68.9
4	74.4	53.9	74.5
5	77.9	58.4	78.5
6	80.2	62.0	80.6
7	81.8	64.0	82.1
8	83.1	65.9	83.1
9	84.0	67.1	83.8

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. See appendix table 14 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

TABLE 13

Cumulative arrest percentage of female prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault who were arrested after release, by year after release

Year after release	All female prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
1	35.1%	28.8%	31.5%
2	50.8	38.1	47.0
3	59.2	40.2	54.9
4	64.7	44.6	60.3
5	68.9	47.0	64.4
6	71.4	50.0	67.1
7	73.6	53.8	69.0
8	75.3	53.8	70.9
9	76.7	54.4	71.7

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. See appendix table 15 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

Methodology

Sampling

This study estimates the recidivism patterns of persons released in 2005 from state prisons in 30 states. States were included in this study if the state departments of corrections (DOCs) could provide the prisoner records and the Federal Bureau of Investigation (FBI) or state identification numbers on persons released from prison during 2005, through the National Corrections Reporting Program (NCRP), which is administered by the Bureau of Justice Statistics (BJS).

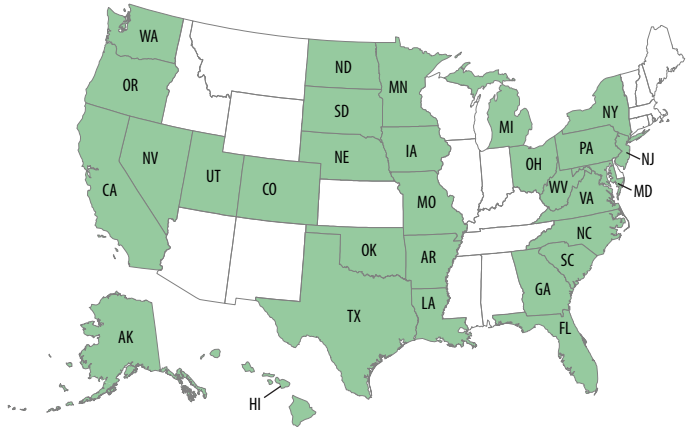
The fingerprint-based identification numbers were required to obtain the criminal-history records on released prisoners. Prisoner records also included each prisoner's sex, race, Hispanic origin, date of birth, confinement offenses, sentence length, type of prison release, and date of release. The 30 states with DOCs that submitted the NCRP data on prisoners released in 2005 were Alaska, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Iowa, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and West Virginia ([map 1](#)).

Across the 30 states in 2005, a total of 412,731 prisoners were released and were eligible for this study. That number excludes 131,997 prisoners (for a total of 544,728) who were sentenced to less than one year, were transferred to the custody of another authority, died in prison, were released on bond, were released to seek or participate in an appeal of a case, or escaped from prison or were absent without official leave. When a prisoner was released multiple times during the year, the first release during 2005 was used.

From the universe of prisoners released in 30 states in 2005 in this study, all males and females who were in prison for homicide were selected with certainty into the study. Analyses were completed to determine the number of prisoners released after serving time for non-homicide offenses that would be needed from each state's universe of released prisoners to yield a statistically sound estimate of that state's recidivism rates.

MAP 1

States included in the BJS recidivism study of prisoners released in 2005



Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

As a result, states contributed different numbers of records to the final sample. To achieve the desired state-level samples, lists of all males and females imprisoned for a non-homicide offense were sorted separately by race, Hispanic origin, age, most serious commitment offense, and the country in which the sentence was imposed. The within-state sampling rate for female prisoners was double that of males to improve the precision of female recidivism estimates. The combined number of persons in the 30 state samples totaled 70,878 individuals. (This number dropped to 67,966 after accounting for those who died during the subsequent 9 years, lacked criminal-history records, or had invalid release records.) Each prisoner in the sample was assigned a weight based on the probability of selection within the state.

Collecting and processing criminal-history data for recidivism research

BJS used the state and FBI identification numbers to collect the criminal-history records on the released prisoners through the FBI's Interstate Identification Index (III) via the International Justice and Public Safety Network (Nlets). These records contained arrests, from state and federal criminal-justice agencies across the 50 states and the District of Columbia, prior to and following prison releases in 2005. Nlets parsed

fields from individual criminal-history records into a relational database with a uniform record layout consisting of state- and federal-specific numeric codes and text descriptions (e.g., criminal statutes and case-outcome information).

NORC at the University of Chicago helped BJS standardize the content of the relational database into a uniform coding structure to support the national-level recidivism research. With the exception of vehicular manslaughter, driving under the influence or driving while intoxicated (DUI/DWI), and hit-and-run offenses, BJS excluded traffic violations from the study due to the variation in coverage of these events in state criminal-history records.

This study used the death information from the FBI's III and the Social Security Administration's public Death Master File to identify individuals who died during the 9-year follow-up period. BJS documented that 2,173 of the 70,878 sampled prisoners died during the 9-year follow-up period and removed these cases from the recidivism analysis along with four additional cases that were determined to be invalid release records.

Missing criminal-history records

Among the 68,701 sampled prisoners not identified as deceased during the follow-up period, BJS did not receive criminal-history records on a total of 735 prisoners (involving 27 of the study's 30 states) because either the state DOCs were unable to provide the prisoners' FBI or state identification number or the prisoner had an identification number that did not link to a criminal-history record either in the FBI or a state record repository. To account for the missing criminal-history records and to ensure the recidivism statistics were representative of all 68,701 prisoners in the analysis, BJS developed weighting-class adjustments to account for those prisoners without criminal-history information to reduce non-response bias.

To create the statistical adjustments, the 68,701 sampled prisoners were stratified into groups by crossing two categories of sex (male or female), five categories of age at release (24 or younger, 25 to 29, 30 to 34, 35 to 39, or 40 or older), four categories of race and Hispanic origin (non-Hispanic white, non-Hispanic black, Hispanic, or other race), and four categories of the most serious commitment offense (violent, property,

drug, or public order). Within each subgroup, statistical weights were applied to the data of the 67,966 prisoners with criminal-history information to allow their data to represent the 735 prisoners without criminal-history information.

Conducting tests of statistical significance

This study was based on a sample, not a complete enumeration, so the estimates are subject to sampling error. One measure of the sampling error associated with an estimate is the standard error. The standard error can vary from one estimate to the next. In general, an estimate with a smaller standard error provides a more accurate approximation of the true value than an estimate with a larger standard error. Estimates with relatively large standard errors should be interpreted with caution. BJS conducted tests to determine whether differences in the estimates were statistically significant once the sampling error was taken into account.

All differences discussed in this report are statistically significant at the 95% confidence level unless otherwise stated. Standard errors were generated using Stata, a statistical software package that calculates sampling errors for data from complex sample surveys.

Other measures of recidivism

In addition to new arrests, this study examined the recidivism patterns of former prisoners based on arrests within 9 years of exiting prison in 2005 that resulted in a subsequent court conviction. This measure is based on the time from release to the first date of arrest that led to a conviction, not the date of the conviction. The arrests that occurred within the follow-up period were tracked for 6 more months after year-9 to determine whether the case outcomes led to a subsequent conviction. This measure included prisoners released in 29 of the study's 30 states. Prisoners released in Louisiana were excluded because the disposition information from that state was generally not linked to the associated arrest.

The return-to-prison rates were based on prisoners released from 23 of the 30 states. The criminal-history data provided information on arrests that resulted in imprisonment during the follow-up period either within or outside of the state that released the prisoner, while the NCRP data provided

information on returns to prison for probation or parole violations or sentences for new crimes within the state that released them. Prisoners released in Maryland, Nebraska, Nevada, Ohio, Pennsylvania, and Virginia were excluded from the return-to-prison analysis because the complete prison-admission data needed to locate returns to prison during the first 5 years following release were unavailable. Prisoners released in Louisiana were also excluded from the return-to-prison analysis because the sentencing information in the criminal-history records was generally not linked to the associated arrest.

Comparing recidivism rates in this report to those from prior BJS studies

Given the increases in the number of states in the study and the length of the follow-up period, as well as improvements to the nation's criminal-history records over time, direct comparisons of the recidivism estimates from this study should not be made to those from BJS recidivism studies of previously released cohorts of prisoners.

Direct comparisons of the 9-year recidivism rates from this study on prisoners released in 30 states in 2005 to the 3-year rates from the previous BJS recidivism study on prisoners released in 15 states in 1994 should not be made due to differences in the two samples of prisoners. To control for the differences in the number of states in the studies and follow-up period lengths, BJS conducted analyses that limited the comparison to the 3-year cumulative arrest percentages among the prisoners released in the 11 states that provided the data for both studies (California, Florida, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oregon, Texas, and Virginia).

Among the prisoners released in these 11 states in 1994 after serving time for rape or sexual assault, 5% of the prisoners were arrested for rape or sexual assault within 3 years. Of those released in these 11 states in 2005 after serving time for rape or sexual assault, 4% of the prisoners were arrested for rape or sexual assault within 3 years. The difference between these percentages was not statistically significant.

Due to efforts by the FBI and individual states to improve their criminal-history record systems, national criminal-history data may now capture more information on offenders' criminal activities than in the past. However, the potential effects of these improvements of the nation's criminal-history records on the observed recidivism rates are difficult to quantify.

For the 2005 study, BJS first used the prisoner records and criminal-history data to analyze the 5-year recidivism patterns. BJS extended the original 5-year follow-up period to 9 years to assess how recidivism patterns change with longer follow-up periods. Findings from this study were published in *2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)* (NCJ 250975, BJS web, May 2018). Recidivism estimates in this report may differ slightly from previously published estimates on prisoners released in 2005 based on updates to the data used for the study.

Offense definitions

Violent offenses include homicide, rape or sexual assault, robbery, assault, and other miscellaneous or unspecified violent offenses.

Homicide includes murder, non-negligent and negligent manslaughter, and unspecified homicide offenses.

Rape or sexual assault includes (1) forcible intercourse (vaginal, anal, or oral) with a female or male; (2) forcible sodomy or penetration with a foreign object (sometimes called "deviate sexual assault"); (3) forcible or violent sexual acts not involving intercourse; (4) non-forcible sexual acts with a minor (such as statutory rape or incest with a minor); and (5) non-forcible sexual acts with someone unable to give legal or factual consent due to mental or physical defect or intoxication.

Robbery is the unlawful taking of property that is in the immediate possession of another, by force or the threat of force. Includes forcible purse-snatching but excludes non-forcible purse-snatching.

Assault includes aggravated, simple, and unspecified assault. Aggravated assault includes (1) intentionally and without legal justification causing serious bodily injury, with or without a deadly weapon; or (2) using a deadly or dangerous weapon to threaten, attempt, or cause bodily injury, regardless of the degree of injury, if any. It also includes attempted murder, aggravated battery, felonious assault, and assault with a deadly weapon. Simple assault includes intentionally and without legal justification causing less-than-serious bodily injury without a deadly or dangerous weapon, or attempting or threatening bodily injury without a dangerous or deadly weapon.

Property offenses include burglary, fraud or forgery, larceny, motor vehicle theft, and other miscellaneous or unspecified property offenses.

Drug offenses include possession, trafficking, and other miscellaneous or unspecified drug offenses.

Public-order offenses include violations of the peace or order of the community or threats to the public health or safety through unacceptable conduct, interference with a governmental authority, or the violation of civil rights or liberties. This category includes weapons offenses, DUI/DWI, probation and parole violations, obstruction of justice, commercialized vice, disorderly conduct, and other miscellaneous or unspecified offenses.

Arrests for probation and parole violations

In this report, arrests for probation and parole violations were included as public-order offenses. Excluding arrests for probation and parole violations from the analysis would have had only a small impact on the recidivism rates. Excluding arrests for probation and parole violations, 64.2% of state prisoners released in 2005 in 30 states after serving time for rape or sexual assault were arrested at least once within 9 years. By comparison, 66.9% of such released offenders were arrested within 9 years when including these arrests. In other words, 96% of the released sex offenders who were arrested during the 9-year follow-up period were arrested for an offense other than a probation or parole violation.

APPENDIX TABLE 1**Most serious commitment offense of prisoners released in 30 states in 2005, by sex of offender**

Most serious commitment offense	All prisoners		Male		Female	
	Number	Percent	Number	Percent	Number	Percent
Total	401,288	100%	358,398	100%	42,890	100%
Violent	103,197	25.7%	96,879	27.0%	6,317	14.7%
Homicide	7,569	1.9	6,869	1.9	700	1.6
Rape/sexual assault	20,195	5.0	19,871	5.5	324	0.8
Robbery	28,717	7.2	27,046	7.5	1,671	3.9
Assault	38,468	9.6	35,771	10.0	2,697	6.3
Other violent	8,247	2.1	7,323	2.0	924	2.2
Property	119,323	29.7%	103,013	28.7%	16,310	38.0%
Drug	127,890	31.9%	111,565	31.1%	16,325	38.1%
Public order	50,879	12.7%	46,940	13.1%	3,939	9.2%

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. See appendix table 2 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 2**Standard errors for appendix table 1: Most serious commitment offense of prisoners released in 30 states in 2005, by sex of offender**

Most serious commitment offense	All prisoners		Male		Female	
	Number	Percent	Number	Percent	Number	Percent
Total	44	~	42	~	13	~
Violent	1,053	0.26%	1,043	0.29%	149	0.35%
Homicide	1	--	3	--	3	0.01
Rape/sexual assault	535	0.13	534	0.15	36	0.08
Robbery	592	0.15	587	0.16	81	0.19
Assault	781	0.19	773	0.22	109	0.25
Other violent	361	0.09	354	0.10	68	0.16
Property	1,108	0.28%	1,086	0.30%	215	0.50%
Drug	1,116	0.28%	1,096	0.31%	214	0.50%
Public order	740	0.18%	732	0.20%	107	0.25%

--Less than 0.005%.

~Not applicable.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 3

Standard errors for table 1: Characteristics of prisoners released in 30 states in 2005, by most serious commitment offense

Characteristic	All prisoners	Most serious commitment offense		
		Rape/sexual assault	Assault	Offense other than rape/sexual assault
Sex				
Male	0.003%	0.18%	0.30%	0.02%
Female	0.003	0.18	0.30	0.02
Race/Hispanic origin				
White	0.28%	1.37%	1.02%	0.29%
Black/African American	0.27	1.17	0.99	0.28
Hispanic/Latino	0.27	1.28	1.07	0.27
Other	0.09	0.52	0.41	0.09
Age at release				
24 or younger	0.22%	0.83%	0.84%	0.23%
25–29	0.24	0.98	0.90	0.24
30–34	0.22	0.93	0.83	0.23
35–39	0.22	0.95	0.78	0.23
40 or older	0.28	1.37	0.96	0.28
Mean	0.06 yrs.	0.32 yrs.	0.20 yrs.	0.06 yrs.
Type of prison release				
Conditional	0.17%	1.11%	0.74%	0.17%
Unconditional	0.17	1.11	0.74	0.17
Maximum sentence length				
1–<2 years	0.23%	0.86%	0.61%	0.24%
2–<5 years	0.29	1.38	1.02	0.29
5–<10 years	0.22	1.21	0.80	0.23
10 years or more	0.14	1.06	0.45	0.13
Number of prior arrests per released prisoner				
4 or fewer	0.20%	1.37%	0.80%	0.20%
5–9	0.26	1.23	0.97	0.27
10 or more	0.28	1.31	1.10	0.28
Mean	0.06 arsts.	0.22 arsts.	0.21 arsts.	0.06 arsts.
At least one prior arrest for—				
Drug offense	0.25%	1.36%	1.04%	0.25%
Property offense	0.20	1.34	0.80	0.20
Number of released prisoners	44	535	781	537

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 4

Standard errors for table 2: Percent of prisoners released in 30 states in 2005 who were arrested within 9 years following release, by most serious commitment offense and types of post-release arrest charges

Most serious commitment offense	Post-release arrest offense								
	Any offense	Violent					Property	Drug	Public order
		Total violent	Homicide	Rape/sexual assault	Robbery	Assault			
All prisoners	0.20%	0.29%	0.07%	0.10%	0.18%	0.28%	0.30%	0.30%	0.24%
Violent	0.45%	0.59%	0.13%	0.24%	0.36%	0.57%	0.59%	0.59%	0.52%
Homicide	0.06	0.06	0.02	0.02	0.02	0.05	0.05	0.05	0.06
Rape/sexual assault	1.24	1.25	0.06	0.72	0.61	1.07	1.21	1.12	1.30
Robbery	0.74	1.07	0.18	0.44	0.80	1.01	1.07	1.08	0.93
Assault	0.76	1.09	0.25	0.36	0.62	1.08	1.09	1.09	0.91
Property	0.33%	0.56%	0.12%	0.18%	0.36%	0.53%	0.54%	0.56%	0.45%
Drug	0.35%	0.51%	0.12%	0.14%	0.28%	0.48%	0.53%	0.51%	0.45%
Public order	0.56%	0.76%	0.20%	0.19%	0.46%	0.72%	0.77%	0.77%	0.66%
Rape/sexual assault	1.24%	1.25%	0.06%	0.72%	0.61%	1.07%	1.21%	1.12%	1.30%
Offense other than rape/ sexual assault	0.20%	0.30%	0.07%	0.09%	0.18%	0.29%	0.31%	0.30%	0.24%

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 5

Standard errors for table 3: Cumulative percent of prisoners released in 30 states in 2005 who were arrested following release, by year following release and most serious commitment offense

Year after release	Most serious commitment offense							
	All prisoners		Rape/sexual assault		Assault		Offense other than rape/sexual assault	
	Year of first arrest	Cumulative arrest percentage	Year of first arrest	Cumulative arrest percentage	Year of first arrest	Cumulative arrest percentage	Year of first arrest	Cumulative arrest percentage
1	0.29%	0.29%	1.36%	1.36%	1.10%	1.10%	0.29%	0.29%
2	0.21	0.27	0.90	1.38	0.78	1.02	0.22	0.27
3	0.15	0.25	0.64	1.37	0.57	0.95	0.15	0.25
4	0.11	0.23	0.47	1.35	0.45	0.88	0.12	0.23
5	0.09	0.22	0.57	1.31	0.38	0.82	0.09	0.22
6	0.07	0.21	0.49	1.28	0.24	0.80	0.07	0.21
7	0.06	0.21	0.32	1.26	0.17	0.78	0.06	0.21
8	0.05	0.20	0.26	1.25	0.17	0.77	0.06	0.20
9	0.05	0.20	0.28	1.24	0.12	0.76	0.05	0.20

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 6

Standard errors for table 4: Cumulative arrest percentage of prisoners released in 29 states in 2005 after serving a sentence for rape/sexual assault or assault who had an arrest that led to a conviction after release

Year after release	All prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
1	0.28%	1.00%	0.94%
2	0.30	1.18	1.08
3	0.31	1.25	1.09
4	0.30	1.32	1.08
5	0.29	1.34	1.05
6	0.29	1.36	1.03
7	0.28	1.36	1.00
8	0.28	1.36	0.97
9	0.27	1.36	0.96

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 8

Standard errors for table 6: Cumulative percent of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault who were arrested outside the state of release, by year after release

Year after release	All prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
1	0.09%	0.27%	0.38%
2	0.11	0.37	0.49
3	0.13	0.54	0.56
4	0.15	0.62	0.62
5	0.16	0.69	0.67
6	0.17	0.74	0.70
7	0.18	0.75	0.73
8	0.19	0.76	0.76
9	0.19	0.79	0.79

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 7

Standard errors for table 5 and figure 2: Cumulative percent of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault who were arrested for rape/sexual assault after release, by age and year after release

Most serious commitment offense	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
All prisoners	0.04%	0.06%	0.07%	0.07%	0.08%	0.09%	0.09%	0.09%	0.10%
Prisoners released after serving a sentence for rape/sexual assault	0.37%	0.47%	0.56%	0.63%	0.67%	0.67%	0.69%	0.72%	0.72%
Age at release									
24 or younger	0.75	1.92	2.44	2.45	2.46	2.46	2.46	2.50	2.50
25–39	0.77	0.82	0.85	0.87	1.01	1.02	1.04	1.06	1.07
40 or older	0.27	0.43	0.64	0.90	0.90	0.91	0.93	1.04	1.04
Race/Hispanic origin									
White	0.46	0.52	0.56	0.68	0.71	0.72	0.74	0.75	0.76
Black/African American	0.48	0.78	0.80	1.11	1.13	1.14	1.19	1.41	1.41
Hispanic/Latino	1.47	1.87	2.44	2.44	2.46	2.46	2.48	2.48	2.48
Other	0.39	0.95	1.16	1.19	1.25	1.28	1.67	1.67	1.69

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 9

Standard errors for table 7: Annual arrest percentage of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault, by prisoner characteristics

Characteristic	Number of released prisoners	Total arrested within 9 years	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
All prisoners	44	0.20%	0.29%	0.29%	0.29%	0.29%	0.28%	0.28%	0.28%	0.27%	0.27%
Prisoners released after serving a sentence for rape/sexual assault	535	1.24%	1.36%	1.31%	1.30%	1.12%	1.14%	1.17%	1.12%	1.09%	1.10%
Age at release											
24 or younger	176	2.25	3.61	3.55	3.34	2.71	3.41	2.92	3.41	3.31	2.67
25–39	355	1.75	2.08	2.05	1.99	1.70	1.78	1.78	1.71	1.62	1.71
40 or older	374	2.07	2.01	1.88	1.98	1.77	1.59	1.80	1.62	1.62	1.67
Race/Hispanic origin											
White	356	1.63	1.68	1.56	1.57	1.38	1.32	1.45	1.30	1.35	1.26
Black/African American	267	1.79	2.48	2.46	2.46	2.16	2.31	2.05	2.34	2.37	2.45
Hispanic/Latino	295	4.01	4.24	4.13	4.08	3.26	3.55	3.78	3.35	2.63	2.85
Other	106	7.03	6.97	7.81	5.53	7.05	2.67	5.46	2.70	2.32	1.85
Prisoners released after serving a sentence for assault	781	0.76%	1.10%	1.09%	1.06%	1.05%	1.05%	1.03%	1.04%	1.04%	1.01%
Age at release											
24 or younger	351	1.49	2.37	2.40	2.31	2.20	2.35	2.18	2.06	2.22	2.23
25–39	599	1.01	1.53	1.51	1.50	1.48	1.46	1.45	1.49	1.49	1.43
40 or older	425	1.66	2.10	2.04	1.95	2.02	1.96	1.98	1.94	1.90	1.78
Race/Hispanic origin											
White	465	1.27	1.75	1.69	1.67	1.67	1.67	1.69	1.63	1.64	1.56
Black/African American	435	0.89	1.55	1.55	1.52	1.51	1.49	1.47	1.51	1.50	1.45
Hispanic/Latino	483	2.16	2.89	2.85	2.76	2.75	2.73	2.58	2.67	2.72	2.66
Other	159	4.28	6.07	6.17	5.80	5.15	5.80	5.79	5.79	6.01	5.01

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 10

Standard errors for table 8: Annual arrest percentage of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault, by types of post-release arrest offenses

Most serious commitment offense and type of post-release arrest offense	Total arrested within 9 years	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
Commitment offense: Rape or sexual assault										
Post-release arrest offense										
Violent	1.25%	0.76%	0.69%	0.67%	0.71%	0.65%	0.46%	0.53%	0.42%	0.41%
Property	1.21	0.72	0.65	0.65	0.59	0.66	0.56	0.62	0.65	0.47
Drug	1.12	0.67	0.66	0.59	0.30	0.49	0.53	0.56	0.54	0.55
Public order	1.30	1.31	1.26	1.25	1.06	1.02	1.08	1.08	1.00	1.06
Commitment offense: Assault										
Post-release arrest offense										
Violent	1.09%	0.74%	0.76%	0.66%	0.70%	0.73%	0.57%	0.61%	0.64%	0.60%
Property	1.09	0.75	0.69	0.71	0.62	0.57	0.61	0.66	0.68	0.66
Drug	1.09	0.77	0.78	0.58	0.68	0.68	0.65	0.71	0.72	0.71
Public order	0.91	1.09	1.03	1.00	0.99	0.96	0.95	0.95	0.97	0.90

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 11

Standard errors for table 9: Types of offenses for which prisoners were arrested within 9 years following release in 30 states in 2005, by most serious commitment offense

Post-release arrest offense	Number of post-release arrest offenses	Most serious commitment offense							
		Violent					Property	Drug	Public order
		Homicide	Rape/sexual assault	Robbery	Assault	Other violent			
Any offense	24,074	0.01%	0.17%	0.25%	0.39%	0.16%	0.57%	0.55%	0.34%
Violent									
Total	4,212	0.02%	0.24%	0.34%	0.57%	0.28%	0.65%	0.60%	0.44%
Homicide	335	0.29	0.32	1.08	1.87	2.04	3.25	2.75	2.28
Rape/sexual assault	504	0.06	1.53	1.38	1.20	0.66	1.86	1.80	1.25
Robbery	1,086	0.03	0.37	0.91	0.86	0.30	1.38	1.27	0.81
Assault	3,082	0.02	0.21	0.32	0.64	0.34	0.68	0.63	0.47
Property	7,651	0.01%	0.18%	0.30%	0.34%	0.15%	0.65%	0.55%	0.33%
Drug	8,728	0.01%	0.16%	0.30%	0.42%	0.13%	0.73%	0.77%	0.45%
Public order	12,873	0.01%	0.26%	0.30%	0.54%	0.22%	0.68%	0.68%	0.44%
Percent of all released prisoners		--	0.13	0.15	0.19	0.09	0.28	0.28	0.18

--Less than 0.005%.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 12

Standard errors for table 10: Characteristics of male prisoners released in 30 states in 2005, by most serious commitment offense

Characteristic	All male prisoners	Most serious commitment offense		Offense other than rape/sexual assault
		Rape/sexual assault	Assault	
Race/Hispanic origin				
White	0.31%	1.39%	1.09%	0.32%
Black/African American	0.30	1.18	1.06	0.31
Hispanic/Latino	0.29	1.30	1.14	0.30
Other	0.10	0.52	0.43	0.10
Age at release				
24 or younger	0.25%	0.84%	0.89%	0.26%
25–29	0.26	1.00	0.96	0.27
30–34	0.24	0.94	0.89	0.25
35–39	0.24	0.96	0.83	0.25
40 or older	0.31	1.38	1.02	0.31
Mean	0.07 yrs.	0.33 yrs.	0.21 yrs.	0.07 yrs.
Type of prison release				
Conditional	0.18%	1.12%	0.78%	0.19%
Unconditional	0.18	1.12	0.78	0.19
Maximum sentence length				
1–<2 years	0.25%	0.88%	0.64%	0.26%
2–<5 years	0.32	1.40	1.09	0.32
5–<10 years	0.25	1.23	0.86	0.25
10 years or more	0.15	1.07	0.48	0.15
Number of prior arrests per prisoner				
4 or fewer	0.23%	1.39%	0.84%	0.22%
5–9	0.29	1.25	1.03	0.30
10 or more	0.31	1.33	1.17	0.31
Mean	0.07 arsts.	0.23 arsts.	0.23 arsts.	0.07 arsts.
At least one prior arrest for—				
Drug offense	0.28%	1.38%	1.11%	0.28%
Property offense	0.23	1.35	0.85	0.22
Number of released prisoners	42	534	773	536

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 13

Standard errors for table 11: Characteristics of female prisoners released in 30 states in 2005, by most serious commitment offense

Characteristic	All female prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
Race/Hispanic origin			
White	0.50%	4.64%	1.95%
Black/African American	0.47	3.29	2.07
Hispanic/Latino	0.41	3.77	1.78
Other	0.15	0.36	0.69
Age at release			
24 or younger	0.32%	4.17%	1.46%
25–29	0.38	3.25	1.56
30–34	0.38	4.28	1.62
35–39	0.41	4.24	1.61
40 or older	0.49	5.40	1.95
Mean	0.09 yrs.	1.04 yrs.	0.36 yrs.
Type of prison release			
Conditional	0.30%	5.29%	1.79%
Unconditional	0.30	5.29	1.79
Maximum sentence length			
1–<2 years	0.46%	4.14%	1.44%
2–<5 years	0.50	3.80	2.00
5–<10 years	0.34	5.70	1.48
10 years or more	0.17	4.56	0.73
Number of prior arrests per released prisoner			
4 or fewer	0.35%	4.96%	1.85%
5–9	0.45	3.87	1.94
10 or more	0.47	3.73	2.09
Mean	0.11 arsts.	0.50 arsts.	0.38 arsts.
At least one prior arrest for—			
Drug offense	0.40%	5.96%	2.08%
Property offense	0.34	5.19	1.78
Number of released prisoners	13	36	109

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 14

Standard errors for table 12: Cumulative arrest percentage of male prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault who were arrested after release, by year after release

Year after release	All male prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
1	0.32%	1.37%	1.17%
2	0.29	1.40	1.09
3	0.27	1.38	1.00
4	0.26	1.36	0.93
5	0.24	1.33	0.87
6	0.23	1.30	0.84
7	0.23	1.28	0.83
8	0.22	1.27	0.81
9	0.22	1.25	0.81

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 15

Standard errors for table 13: Cumulative arrest percentage of female prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault who were arrested after release, by year after release

Year after release	All female prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
1	0.49%	5.64%	2.04%
2	0.49	5.68	2.09
3	0.47	5.66	2.04
4	0.45	5.62	1.98
5	0.43	5.58	1.92
6	0.42	5.53	1.87
7	0.41	5.49	1.83
8	0.40	5.49	1.79
9	0.39	5.48	1.78

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 16

Percent of male prisoners released in 30 states in 2005 who were arrested within 9 years following release, by most serious commitment offense and types of post-release arrest offenses

Most serious commitment offense	Post-release arrest offense								
	Any offense	Violent							
		Total violent ^a	Homicide	Rape/sexual assault	Robbery	Assault	Property	Drug	Public order
All male prisoners	84.0%	40.9%	1.3%	2.9%	8.3%	32.8%	48.0%	48.6%	69.6%
Violent ^a	78.8%	44.2%	1.4%	4.3%	9.5%	34.7%	39.6%	37.2%	65.8%
Homicide	61.9	30.7	2.9	2.1	4.5	23.9	25.2	27.3	47.6
Rape/sexual assault	67.1	28.4	0.2	7.9	3.9	18.8	24.4	18.7	59.0
Robbery	84.5	48.1	1.5	3.6	17.1	34.8	47.4	45.6	67.6
Assault	83.8	51.9	1.4	3.0	8.1	45.1	44.4	44.2	70.8
Property	88.8%	43.1%	1.1%	2.9%	9.8%	34.2%	64.1%	49.5%	74.0%
Drug	84.9%	36.1%	1.2%	1.8%	6.3%	29.8%	42.6%	61.5%	68.4%
Public order	82.3%	41.0%	1.4%	2.6%	7.0%	33.3%	42.5%	39.1%	71.0%
Rape/sexual assault*	67.1%	28.4%	0.2%	7.9%	3.9%	18.8%	24.4%	18.7%	59.0%
Offense other than rape/ sexual assault ^b	85.0% †	41.7% †	1.3% †	2.6% †	8.5% †	33.6% †	49.3% †	50.3% †	70.2% †

Note: The numerator for each percentage is the number of persons arrested for that offense during the 9-year follow-up period, and the denominator is the number released after serving time for each type of commitment offense. Persons could have been in prison for more than one offense, the most serious of which is reported. Details may not sum to totals because a person may be arrested more than once for different types of offenses and each arrest may involve more than one offense. See appendix table 1 for the number of released male prisoners by most serious commitment offense. See appendix table 23 for standard errors.

*Comparison group.

†Difference with comparison group (rape/sexual assault) is significant at the 95% confidence level.

^aIncludes other miscellaneous violent offenses, not shown separately.

^bIncludes the 338,527 male prisoners whose most serious commitment offense was an offense other than rape or sexual assault.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 17

Cumulative percent of male prisoners released in 29 states in 2005 after serving a sentence for rape/sexual assault or assault who had an arrest that led to a conviction after release

Year after release	All male prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
1	26.0%	12.9%	23.1%
2	40.3	22.4	38.7
3	49.9	28.7	47.5
4	56.2	34.5	54.7
5	60.8	38.9	59.4
6	64.1	42.5	63.4
7	66.7	45.3	66.4
8	68.7	48.3	69.1
9	70.1	49.7	70.0

Note: Estimates based on time from release to first arrest that led to a conviction among prisoners released in 29 of the study's 30 states (all but Louisiana). Persons could have been in prison for more than one offense, the most serious of which is reported. See appendix table 24 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 18

Cumulative percent of male prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault who were arrested for rape/sexual assault after release, by age and year after release

Most serious commitment offense	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
All male prisoners	0.6%	1.0%	1.4%	1.7%	1.9%	2.2%	2.5%	2.7%	2.9%
Male prisoners released after serving a sentence for rape/sexual assault	1.9%	3.5%	4.4%	5.1%	6.0%	6.4%	7.0%	7.7%	7.9%
Age at release									
24 or younger	2.5	7.2	9.5	9.9	10.4	10.6	11.4	11.9	12.0
25–39	2.9	3.9	4.4	5.0	6.4	7.0	7.6	8.3	8.6
40 or older	0.8	2.2	3.0	4.0	4.3	4.6	5.0	5.9	6.0
Race/Hispanic origin									
White ^a	1.6	2.7	3.3	4.0	4.7	5.2	5.6	6.0	6.3
Black/African American ^a	1.7	4.4	4.6	6.0	6.6	6.9	7.8	9.7	9.7
Hispanic/Latino	3.4	5.0	7.6	7.6	8.2	8.2	8.6	8.7	8.7
Other ^{a,b}	0.8	2.4	3.7	3.9	4.3	4.6	6.5	6.5	6.8

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. Data on prisoners' sex and age at release were known for 100% of cases; and race/Hispanic origin, for 99.96%. See appendix table 25 for standard errors.

^aExcludes persons of Hispanic/Latino origin (e.g., "white" refers to non-Hispanic whites and "black" refers to non-Hispanic blacks).

^bIncludes Asians, Native Hawaiians, and Other Pacific Islanders; American Indians and Alaska Natives; and persons of two or more races.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 19

Cumulative percent of male prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault who were arrested outside the state of release, by year after release

Year after release	All male prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
1	3.4%	2.1%	3.8%
2	5.9	3.5	6.5
3	7.9	5.3	8.6
4	9.6	6.8	10.4
5	11.1	8.3	12.2
6	12.5	9.5	13.4
7	13.7	10.2	14.7
8	14.8	10.8	15.9
9	15.8	11.5	17.1

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. See appendix table 26 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 20

Annual arrest percentage of male prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault, by prisoner characteristics

Characteristic	Number of released prisoners	Total arrested within 9 years	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
All male prisoners	358,398	84.0%	44.8%	38.2%	34.7%	32.3%	30.4%	28.3%	27.6%	26.3%	24.3%
Male prisoners released after serving a sentence for rape/sexual assault	19,871	67.1%	29.0%	26.6%	24.3%	19.4%	20.4%	19.6%	17.7%	17.5%	16.3%
Age at release											
24 or younger	2,437	83.7	42.4	37.4	29.7	21.2	27.1	22.1	25.8	27.8	18.9
25–39	8,698	72.3	32.8	30.5	27.8	21.9	23.4	22.6	19.4	17.7	17.7
40 or older	8,736	57.3	21.5	19.7	19.3	16.4	15.4	15.9	13.8	14.4	14.1
Race/Hispanic origin											
White ^a	10,253	61.5	23.7	21.9	20.2	16.9	16.6	17.5	14.2	16.1	13.0
Black/African American ^a	5,435	78.9	35.2	34.1	30.3	24.9	27.6	21.6	26.0	25.5	25.8
Hispanic/Latino	3,431	65.1	34.8	26.7	27.3	16.2	21.0	22.4	15.1	9.2	11.3
Other ^{a,b}	709	66.7	25.2	31.7	19.7	24.1	11.3	17.1	13.5	11.4	9.7
Male prisoners released after serving a sentence for assault	35,771	83.8%	44.1%	38.7%	34.4%	32.8%	31.9%	29.7%	29.7%	29.0%	25.2%
Age at release											
24 or younger	7,005	88.2	52.2	45.2	36.3	31.0	36.1	29.8	25.9	29.9	28.0
25–39	19,134	85.9	44.7	39.3	36.3	34.3	32.8	30.5	32.8	31.1	27.1
40 or older	9,631	76.3	36.9	32.6	29.5	31.3	27.2	28.0	26.3	24.1	19.5
Race/Hispanic origin											
White ^a	12,884	81.1	39.5	34.7	32.9	29.8	31.5	30.3	27.9	26.9	23.3
Black/African American ^a	13,270	87.6	46.4	42.5	36.4	36.0	32.0	31.1	30.9	29.6	26.3
Hispanic/Latino	8,278	81.2	46.5	37.8	33.0	33.1	32.0	25.4	29.5	29.1	25.9
Other ^{a,b}	1,215	86.1	48.6	45.6	35.7	29.7	35.3	33.9	34.4	39.4	25.0

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. Percentages exclude missing data. Data on male prisoners' age at release were reported for 100% of cases; and race/Hispanic origin, for 99.85%. See appendix table 27 for standard errors.

^aExcludes persons of Hispanic/Latino origin (e.g., "white" refers to non-Hispanic whites and "black" refers to non-Hispanic blacks).

^bIncludes Asians, Native Hawaiians, and Other Pacific Islanders; American Indians and Alaska Natives; and persons of two or more races.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 21

Annual arrest percentage of male prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault, by types of post-release arrest offenses

Most serious commitment offense and type of post-release arrest offense	Total arrested within 9 years	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
Male prisoners released after serving a sentence for rape/sexual assault										
Violent	28.4%	6.7%	6.4%	5.4%	5.4%	5.3%	3.8%	4.1%	3.0%	2.6%
Property	24.4	5.7	5.7	4.7	4.0	4.7	3.9	4.3	4.5	3.1
Drug	18.7	4.3	4.6	3.9	1.9	3.3	3.0	3.1	3.2	3.3
Public order	59.0	23.4	20.9	19.6	15.3	14.8	14.8	14.0	13.5	13.1
Male prisoners released after serving a sentence for assault										
Violent	51.9%	13.3%	13.6%	10.7%	11.5%	12.1%	8.3%	8.9%	8.9%	7.5%
Property	44.4	12.6	10.7	11.1	8.9	7.8	7.9	8.7	8.8	8.5
Drug	44.2	11.9	12.3	7.9	9.4	9.0	8.3	8.9	9.2	8.2
Public order	70.8	31.6	25.6	23.6	22.7	20.4	19.9	19.8	20.2	16.7

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. See appendix table 28 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 22

Types of offenses for which male prisoners were arrested within 9 years following release in 30 states in 2005, by most serious commitment offense

Most serious commitment offense	Arrest offense								
	Any offense	Violent							Public order
		Total*	Homicide	Rape/sexual assault	Robbery	Assault	Property	Drug	
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Violent	22.9%	30.9%	29.9%	40.7%	31.4%	29.9%	19.3%	17.7%	25.3%
Homicide	0.9	1.3	4.4	1.4	1.1	1.3	0.7	0.8	1.0
Rape/sexual assault	3.0	3.4	1.2	15.8	2.3	2.8	2.0	1.6	4.2
Robbery	6.8	8.9	8.2	10.4	16.5	7.6	7.4	6.0	6.3
Assault	10.2	14.4	10.6	10.1	9.7	15.6	7.7	8.2	11.5
Other violent	1.9	2.8	5.5	3.0	1.8	2.6	1.5	1.1	2.3
Property	34.5%	29.6%	27.5%	27.5%	34.5%	29.6%	46.2%	28.8%	32.5%
Drug	31.2%	26.2%	28.0%	19.8%	23.5%	26.9%	24.1%	43.9%	29.6%
Public order	11.5%	13.4%	14.7%	12.0%	10.6%	13.6%	10.4%	9.6%	12.6%
Number of arrest offenses during the 9 years following release	2,644,000	329,000	5,000	12,000	38,000	219,000	613,000	606,000	1,096,000

Note: An arrest may involve charges for more than one type of offense. Each unique offense category included in an arrest is counted once. There were an estimated 1,809,000 post-release arrests of male prisoners released in 30 states in 2005, and these included approximately 2,644,000 different offenses. Persons could have been in prison for more than one offense, the most serious of which is reported. Number of post-release arrest offenses was rounded to the nearest 1,000. See appendix table 29 for standard errors.

*Includes other miscellaneous violent offenses, not shown separately.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 23

Standard errors for appendix table 16: Percent of male prisoners released in 30 states in 2005 who were arrested within 9 years following release, by most serious commitment offense and types of post-release arrest offenses

Most serious commitment offense	Post-release arrest offense								
	Any offense	Violent					Property	Drug	Public order
		Total violent	Homicide	Rape/sexual assault	Robbery	Assault			
All male prisoners	0.22%	0.32%	0.08%	0.11%	0.20%	0.31%	0.33%	0.33%	0.26%
Violent	0.47%	0.63%	0.14%	0.26%	0.38%	0.60%	0.62%	0.62%	0.55%
Homicide	0.19	0.18	0.06	0.06	0.08	0.17	0.17	0.17	0.19
Rape/sexual assault	1.25	1.27	0.06	0.74	0.62	1.09	1.22	1.14	1.32
Robbery	0.78	1.12	0.19	0.47	0.84	1.06	1.12	1.13	0.98
Assault	0.81	1.16	0.26	0.39	0.66	1.15	1.16	1.16	0.97
Property	0.37%	0.63%	0.14%	0.21%	0.41%	0.60%	0.61%	0.63%	0.50%
Drug	0.39%	0.57%	0.14%	0.16%	0.32%	0.54%	0.60%	0.57%	0.50%
Public order	0.59%	0.82%	0.22%	0.20%	0.50%	0.78%	0.83%	0.82%	0.70%
Rape/sexual assault	1.25%	1.27%	0.06%	0.74%	0.62%	1.09%	1.22%	1.14%	1.32%
Offense other than rape/sexual assault	0.22%	0.33%	0.08%	0.11%	0.20%	0.32%	0.34%	0.33%	0.27%

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 24

Standard errors for appendix table 17: Cumulative percent of male prisoners released in 29 states in 2005 after serving a sentence for rape/sexual assault or assault who had an arrest that led to a conviction after release

Year after release	All male prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
1	0.31%	1.03%	1.01%
2	0.33	1.21	1.16
3	0.34	1.29	1.17
4	0.33	1.36	1.15
5	0.32	1.38	1.13
6	0.32	1.40	1.10
7	0.31	1.40	1.07
8	0.30	1.41	1.04
9	0.30	1.40	1.03

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 26

Standard errors for appendix table 19: Cumulative percent of male prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault who were arrested outside the state of release, by year after release

Year after release	All male prisoners	Most serious commitment offense	
		Rape/sexual assault	Assault
1	0.10%	0.27%	0.41%
2	0.13	0.38	0.52
3	0.15	0.55	0.60
4	0.16	0.63	0.66
5	0.18	0.70	0.71
6	0.19	0.75	0.75
7	0.20	0.76	0.78
8	0.20	0.77	0.81
9	0.21	0.80	0.85

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 25

Standard errors for appendix table 18: Cumulative percent of male prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault who were arrested for rape/sexual assault after release, by age and year after release

Most serious commitment offense	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
All male prisoners	0.05%	0.06%	0.07%	0.08%	0.09%	0.10%	0.10%	0.10%	0.11%
Male prisoners released after serving a sentence for rape/sexual assault	0.38%	0.48%	0.57%	0.64%	0.68%	0.68%	0.70%	0.73%	0.74%
Age at release									
24 or younger	0.76	1.95	2.49	2.50	2.50	2.51	2.51	2.55	2.55
25–39	0.78	0.83	0.86	0.89	1.03	1.04	1.06	1.08	1.09
40 or older	0.28	0.44	0.64	0.91	0.92	0.92	0.94	1.05	1.05
Race/Hispanic origin									
White	0.47	0.54	0.57	0.70	0.72	0.74	0.76	0.77	0.78
Black/African American	0.49	0.79	0.80	1.12	1.14	1.15	1.20	1.42	1.42
Hispanic/Latino	1.48	1.88	2.46	2.46	2.48	2.48	2.50	2.50	2.50
Other	0.37	0.94	1.16	1.18	1.24	1.27	1.66	1.66	1.69

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 27

Standard errors for appendix table 20: Annual arrest percentage of male prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault, by prisoner characteristics

Characteristic	Number of released prisoners	Total arrested within 9 years	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
All male prisoners	42	0.22%	0.32%	0.32%	0.32%	0.32%	0.31%	0.31%	0.31%	0.30%	0.30%
Male prisoners released after serving a sentence for rape/sexual assault	534	1.25%	1.37%	1.33%	1.32%	1.14%	1.16%	1.18%	1.14%	1.11%	1.11%
Age at release											
24 or younger	176	2.29	3.68	3.61	3.40	2.76	3.48	2.97	3.47	3.37	2.72
25–39	354	1.78	2.11	2.09	2.02	1.73	1.82	1.82	1.74	1.65	1.74
40 or older	373	2.09	2.03	1.90	2.00	1.79	1.61	1.82	1.64	1.64	1.69
Race/Hispanic origin											
White	354	1.66	1.71	1.59	1.60	1.41	1.35	1.48	1.33	1.38	1.29
Black/African American	267	1.80	2.50	2.48	2.48	2.17	2.33	2.07	2.36	2.38	2.47
Hispanic/Latino	295	4.04	4.27	4.16	4.11	3.29	3.58	3.81	3.37	2.66	2.87
Other	106	7.07	7.01	7.85	5.56	7.10	2.66	5.49	2.70	2.32	1.85
Male prisoners released after serving a sentence for assault	773	0.81%	1.17%	1.16%	1.13%	1.12%	1.12%	1.10%	1.11%	1.11%	1.07%
Age at release											
24 or younger	348	1.57	2.50	2.53	2.45	2.33	2.48	2.32	2.18	2.35	2.37
25–39	593	1.07	1.62	1.61	1.59	1.57	1.55	1.54	1.58	1.59	1.52
40 or older	420	1.78	2.26	2.19	2.10	2.18	2.11	2.13	2.09	2.05	1.92
Race/Hispanic origin											
White	461	1.34	1.85	1.79	1.77	1.78	1.78	1.80	1.73	1.75	1.66
Black/African American	429	0.95	1.66	1.68	1.64	1.63	1.61	1.59	1.64	1.62	1.57
Hispanic/Latino	480	2.24	2.99	2.95	2.86	2.85	2.83	2.68	2.77	2.82	2.76
Other	157	4.54	6.50	6.59	6.23	5.51	6.23	6.22	6.22	6.44	5.38

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 28

Standard errors for appendix table 21: Annual arrest percentage of male prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault or assault, by types of post-release arrest offenses

Most serious commitment offense and type of post-release arrest offense	Total arrested within 9 years	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
Male prisoners released after serving a sentence for rape/sexual assault										
Violent	1.27%	0.78%	0.70%	0.68%	0.72%	0.66%	0.47%	0.54%	0.43%	0.42%
Property	1.22	0.73	0.66	0.66	0.60	0.67	0.57	0.63	0.66	0.48
Drug	1.14	0.68	0.67	0.60	0.30	0.50	0.54	0.57	0.55	0.55
Public order	1.32	1.33	1.28	1.27	1.08	1.03	1.10	1.09	1.01	1.08
Male prisoners released after serving a sentence for assault										
Violent	1.16%	0.79%	0.81%	0.71%	0.75%	0.79%	0.61%	0.66%	0.69%	0.64%
Property	1.16	0.80	0.74	0.75	0.66	0.61	0.64	0.70	0.72	0.71
Drug	1.16	0.83	0.83	0.62	0.73	0.73	0.70	0.76	0.76	0.75
Public order	0.97	1.16	1.10	1.07	1.05	1.02	1.01	1.01	1.04	0.96

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

APPENDIX TABLE 29

Standard errors for appendix table 22: Types of offenses for which male prisoners were arrested within 9 years following release in 30 states in 2005, by most serious commitment offense

Most serious commitment offense	Arrest offense								
	Any offense	Violent					Property	Drug	Public order
		Total	Homicide	Rape/sexual assault	Robbery	Assault			
Violent	0.52%	0.70%	2.82%	2.07%	1.29%	0.75%	0.53%	0.59%	0.69%
Homicide	0.01	0.02	0.31	0.07	0.04	0.02	0.01	0.01	0.01
Rape/sexual assault	0.19	0.25	0.33	1.55	0.39	0.23	0.21	0.18	0.28
Robbery	0.27	0.35	1.10	1.39	0.95	0.34	0.33	0.33	0.33
Assault	0.42	0.60	1.91	1.21	0.90	0.67	0.37	0.46	0.58
Other violent	0.17	0.30	2.09	0.67	0.31	0.35	0.17	0.14	0.23
Property	0.61%	0.68%	3.34%	1.88%	1.44%	0.72%	0.72%	0.79%	0.73%
Drug	0.60%	0.63%	2.82%	1.82%	1.32%	0.66%	0.60%	0.84%	0.74%
Public order	0.38%	0.46%	2.34%	1.26%	0.85%	0.50%	0.37%	0.49%	0.47%
Number of arrest offenses during the 9 years following release	23,699	4,181	334	504	1,075	3,053	7,501	8,551	12,707

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Jeffrey H. Anderson is the director.

This report was written by Mariel Alper and Matthew R. Durose. Joshua Markman, a former BJS statistician, assisted with developing this study. Stephanie Mueller verified the report.

Caitlin Scoville and Jill Thomas edited the report. Tina Dorsey produced the report.

May 2019, NCJ 251773



NCJ251773

Office of Justice Programs
Building Solutions • Supporting Communities • Advancing Justice
www.ojp.gov

An Exploration of Protective Factors Supporting Desistance From Sexual Offending

Sexual Abuse: A Journal of
Research and Treatment
2015, Vol. 27(1) 16–33
© The Author(s) 2014

Reprints and permissions:
sagepub.com/journalsPermissions.nav
DOI: 10.1177/1079063214547582
sax.sagepub.com



**Michiel de Vries Robbé¹, Ruth E. Mann²,
Shadd Maruna³, and David Thornton⁴**

Abstract

This article considers factors that support or assist desistance from sexual offending in those who have previously offended. Current risk assessment tools for sexual offending focus almost exclusively on assessing factors that raise the risk for offending. The aim of this study was to review the available literature on protective factors supporting desistance from sexual offending. This article discusses the potential value of incorporating protective factors into the assessment process, and examines the literature on this topic to propose a list of eight potential protective domains for sexual offending. The inclusion of notions of desistance and strengths may provide additional guidance to the assessment and treatment of those who sexually offend. Further research investigations are recommended to consolidate the preliminary conclusions from this study regarding the nature and influence of protective factors in enabling individuals to desist from further offending.

Keywords

risk assessment, sexual offender, recidivism, desistance, protective factors

¹Van der Hoeven Kliniek, Utrecht, The Netherlands

²National Offender Management Service, London, UK

³Rutgers University, Newark, USA

⁴Sand Ridge Secure Treatment Center, Mauston, WI, USA

Corresponding Author:

Michiel de Vries Robbé, Department of Research, Van der Hoeven Kliniek, P.O. Box 174, 3500 AD Utrecht, The Netherlands.

Email: mdevriesrobbe@hoevenkliniek.nl

Introduction

Modern-day risk assessment schemes tend to predict recidivism better than chance, but there is room for improvement. The major “third generation” assessment frameworks for assessing convicted sexual offenders focus almost exclusively on factors that raise risk for recidivism, for example, the *STABLE-2007* (Fernandez, Harris, Hanson, & Sparks, 2012), the *Structure Risk Assessment* (Thornton, 2002), the *Violence Risk Scale–Sexual Offender version* (VRS:SO; Wong, Olver, Nicholaichuk, & Gordon, 2003), the *Sexual Violence Risk–20* (SVR-20; Boer, Hart, Kropp, & Webster, 1997), and the *Risk for Sexual Violence Protocol* (RSVP; Hart et al., 2003). Consequently, Maruna and LeBel (2003) described the assessment of risks and needs as “deficit focused” and urged those in the criminal justice field to consider balancing such measurement with an assessment of individual strengths.

There are three reasons in particular why it may be important to consider strengths as well as risks in the assessment process. First, to do so could improve the predictive validity of our risk assessment tools. For instance, the combined use of risk factors and protective factors has demonstrated incremental predictive validity over assessments with risk factors alone. A study on a combined violent and sexual offender sample that had been discharged from inpatient forensic psychiatric treatment, showed a significant increase in predictive validity for violent recidivism after treatment when protective factors were added to the risk factors in the assessment (de Vries Robbé, de Vogel, & Douglas, 2013). Second, a one-sided focus on risk can lead to over-prediction of violence risk, and poor risk management and treatment planning. Rogers (2000) argued that risk-only evaluations are inherently inaccurate and implicitly biased, often resulting in negative consequences to forensic populations. In particular, over-prediction (i.e., too many false positives) can lead to pessimism among therapists and unnecessarily long treatment or overly restrictive risk management, which are costly for both society, in terms of financial burden, and for the individual in terms of limited liberties (Miller, 2006). Third, deficit-focused assessments can be stigmatizing for criminal justice clients. In particular, research by Attrill and Liell (2007) among prisoners and ex-prisoners emphasized the feelings of unfairness of the assessors’ focus on risk to the exclusion of any recognition for positive accomplishments. For example, one prisoner in their study reported his view that, “From my experience risk assessment isn’t fair as it’s just pure negatives that people look at, not positives.” Such testimony raises the possibility that the emphasis on risks found in most current assessment processes will have a negative impact on the relationship between the assessor and the assessee, and consequently perhaps on the rehabilitation process itself.

These risky aspects of risk assessment may be offset by paying more than lip service to the concept of *protective factors* in assessment work. By this term, we mean factors that enable or assist desistance from (sexual) offending among those that have already offended. In the criminology field, some work has focused on the assessment of protective factors (e.g., Herrenkohl et al., 2003) or individual *strengths* as a way of complementing the deficit-driven focus on risks and needs (e.g., Maruna & LeBel, 2003). Others have sought to subtly shift the focus away from assessing predictors of

recidivism to those factors associated with successful desistance from crime (e.g., Farrall, 2004; McNeill, 2006; Robinson & Shapland, 2008).

Before protective factors can be fully incorporated into sexual offending assessment frameworks, however, we need to (a) identify potential protective factors from exploratory research and the theoretical literature, (b) build theoretical models to explain how the identified protective factors reduce risk, (c) articulate and systematically collect data on these variables and examine their relationship with recidivism, and (d) build and validate tools for the assessment of protective factors for sexual violence. The present article seeks to complete the first of these steps, that is, examine the existing literature to identify and propose potential protective factors for sexual offending.

Conceptualizing Protective Factors

A starting point in seeking to define protective factors for sexual offending might be to mirror accepted definitions of risk factors (e.g., Andrews & Bonta, 2006) by stating that a protective factor is *a feature of a person that lowers the risk of reoffending*. In addition to internal, psychological features, there is a question about whether or not external, environmental, or circumstantial features of an individual's life situation could also be considered to be protective factors. Certainly, criminological research into desistance indicates that an ex-offender's social situation is an important factor associated with desistance. In fact, some desistance researchers would argue that external factors are more important than internal ones (for a discussion, see LeBel, Burnett, Maruna, & Bushway, 2008). This is in line with results from a protective factors study by Ullrich and Coid (2011) in a sample of violent and sexual offenders, which found that protection was primarily related to social network factors. In the case of sexual offending in particular, restrictive external circumstances are frequently imposed on the individual against his preference, such as incarceration, residency restrictions, social isolation, and restricted employment opportunities. If these external circumstances are guided by empirical evidence, they can be an important part of risk management processes to create more protective environments. Therefore, we believe that the definition of a protective factor should encompass social, interpersonal, and environmental factors as well as psychological and behavioral features.

In pursuit of an approach to risk reduction based on building protective resources, we could profitably further differentiate between static/unchangeable protective factors (e.g., secure attachment in childhood) and those that are behavioral or otherwise potentially changeable. In line with a recent theory of risk factors (Mann, Hanson, & Thornton, 2010), we also suggest that it is helpful to distinguish between the protective factor as an *underlying propensity* (psychological or personality characteristic) and observable *manifestations* of that propensity. For example, holding down a job may be a manifestation of several underlying propensities (e.g., work ethic, plus self-discipline, plus ability to manage social relationships), which together enable stable employment, along with external factors (e.g., economy, employment discrimination).

In another example, the underlying propensities of good social skills may be manifest in generally well-functioning intimate relationships.

Some researchers (e.g., Farrington, 2003) have divided the factors associated with positive desistance outcomes into two categories depending on whether the positive factor has a direct influence on desistance irrespective of risk level (termed *promotive factor*) or whether the positive factor moderates the impact of risk factors (i.e., has greater risk-reducing effects for those people deemed to be at high-risk of offending than for those deemed to be low-risk—the more precise use of the term *protective factor* or *resilience*). Ullrich and Coid (2011) did not find indications that protective factors have different effects at different levels of risk, whereas Lodewijks, de Ruiter, and Doreleijers (2010) found proof for a buffering or mitigating effect of protective factors on risk factors in adolescent samples. As we are equally concerned with both types of positive factors, and as the sexual offending protective factor literature is still in its infancy, these distinctions are probably too fine for the current state of knowledge, and so we use the term *protective factors* here as a general term to refer to both types.

To develop the definition further, we propose that protective factors must exist as definable propensities or manifestations thereof in their own right, rather than being no more than the absence of a risk factor. Accordingly, it should be possible to define individual protective factors without the use of negatives. To illustrate, “capacity for intimacy” would meet this condition, but “lack of hostility” would not. Put another way, some protective factors are likely to be the opposite of risk factors, a proposal that we explore in more detail below, but in this argument we draw a clear distinction between the *opposite* of a risk factor and the *absence* of a risk factor.

In addition, protective factors and risk factors can conceivably co-occur in the same domain. That is, even protective factors that are the opposite, or “healthy pole,” of risk factors are not necessarily mutually exclusive entities from the risk factor. An example in which protective and risk factors can co-occur is in the domain of social influences. Negative social influences are generally considered a risk factor, at the same time positive social influences are considered a protective factor. However, it is quite possible for individuals to have both negative and positive social influences in their lives, that is, for strengths and risk factors to co-exist even though they seem like opposites. For example, a person could both belong to a drug-using social group and, separately, attend university classes with students learning engineering. A single measure of social influences “positive or negative?” would not capture this common complexity. A risk assessment tool that poses strengths as the opposites of vulnerabilities, yet measures both ends of risk domains simultaneously is the *Short-Term Assessment of Risk and Treatability* (START; Webster, Martin, Brink, Nicholls, & Middleton, 2004). However, despite good results for predicting non-violence with the strengths scale, no incremental predictive validity over vulnerabilities has yet been reported (e.g., Braithwaite, Charette, Crocker, & Reyes, 2010; Chu, Thomas, Ogloff, & Daffern, 2011; Viljoen, Nicholls, Greaves, de Ruiter, & Brink, 2011). Another risk assessment tool that incorporates protective strengths in addition to risk factors is the *Inventory of Offender Risk, Needs, and Strengths* (IORNS; Miller, 2006), which is a self-report measure to determine risks, needs, and protective factors for all types of offenders. In a sample of

American pre-release prisoners, the IORNS subscales Protective Strength Index and the Personal Resources Scale were able to differentiate between successful and unsuccessful reintegration (Miller, 2006). As far as we know, to date, no sexual offender predictive validity studies have been carried out with either of these tools.

Recently, two promising SVR assessment tools have been developed that include protective factors for juvenile sexual offending. Print and colleagues (2009) developed a tool designed to guide the assessment of young people (aged 12-18) who are known to have sexually abused others: the AIM-2 (Print et al., 2009). The tool includes 24 protective factors (termed *strengths* or *resiliencies*) as well as 51 risk factors, grouped into four domains: developmental issues, family issues, current environment, and offence-specific issues. An initial validation study suggested that a high score on the strengths scale acted as a protective factor even for juvenile sexual offenders with a high score on the concerns scale (Griffin, Beech, Print, Bradshaw, & Quayle, 2008). Intending to contribute to a more comprehensive assessment for adolescent sexual recidivism, Worling (2013) developed a new tool specifically to assess protective factors for juvenile sexual offending: *Desistance for Adolescents Who Sexually Harm* (DASH-13). The tool consists of a checklist of 13 factors: 7 related specifically to future sexual health and 6 concerning more general, pro-social functioning. Investigation of the psychometric properties of the tool is currently in process.

Finally, protective factors can be the result of social development factors (families, peers, communities) as well as from biological and psychological maturation. As with risk factors (see Ward & Beech, 2006), there may well be neural mechanisms associated with protective factors, possibly originating from pre-natal or peri-natal conditions or early childhood experiences. Such mechanisms need to be uncovered and understood, to assist treatment providers' efforts to strengthen an individual's protective factors, or provide him or her with *prosthetics* to compensate for under-developed or "missing" protective factors. Although the medical analogy is far from ideal, we use the term *prosthetics* here to refer to "artificial" (or coached) protective factors that effectively compensate for the absence of "organically" occurring protective factors. Examples would be structured problem-solving skills or learned ways of expressing feelings assertively. Psychiatric medications (e.g., selective serotonin reuptake inhibitors (SSRIs) or anti-libidinal medications) could be considered to be prosthetic protective factors if they have the effect of reducing the intensity of sexual drive or enhancing sexual self-control.

Identifying Protective Factors for Sexual Offending

Mirroring the accepted definition of a risk factor for sexual offending, a protective factor should be empirically related to desistance from sexual offending. A stringent standard, equivalent to the standard set for a risk factor (see Mann et al., 2010), would require at least three separate studies, when meta-analytically integrated, to demonstrate that the presence of the protective factor was associated with lower reconviction rates. However, as the literature into protective factors for sexual offending is in its infancy with few empirical studies yet reported, there is a minimal evidence base to consider (see also Laws & Ward, 2011).

Moreover, there may be additional ways of identifying protective factors besides reconviction studies. After all, desistance research starts from a different point than treatment research by putting the individual (not the program) at the center of the change process. Rather than asking “what works” and comparing the reconviction rates of treatment and control groups, desistance studies ask how change works and seek to identify those factors that support the individual in his or her efforts to maintain desistance (for reviews, see Farrall & Calverley, 2005; Laub & Sampson, 2001). Therefore, in this article, we also draw on qualitative and quantitative desistance studies to identify *potential* protective factors in sexual offending. The hope is that future evaluation research might empirically test the protective factors proposed in this article and complement the understanding of desistance from sexual offending. In addition, it would be valuable if sexual offending research were to differentiate between protective factors associated with desistance from general or violent offending and protective factors associated specifically with desistance from sexual offending, as these may not necessarily be the same factors.

We will consider a variety of sources of ideas about what psychological propensities or sociological circumstances might aid desistance from sexual offending. Our exploration of potential protective factors concentrates on three areas: (a) the sex offending risk factor literature, to consider when the opposing/healthy end of a risk domain could be considered protective; (b) the desistance literature in criminology specifically on sexual violence; and (c) the content of an existing measure of protective factors intended to be applicable for violent as well as sexual offending assessment. The aim is to integrate the findings from these diverse sources to create a list of potential protective factors for sexual offending.

Protective Factors as the Opposite of Risk Factors for Sexual Offending

As already discussed, it seems likely that often protective factors and risk factors would be two sides of the same coin. That is, the unhealthy pole of a continuum represents a risk factor (e.g., offence-supportive beliefs), whereas the healthy pole represents a protective factor (e.g., in this example, beliefs supportive of respectful and age-appropriate sexual relationships). As proposed earlier, protective factors must exist as definable propensities rather than being no more than the absence of a risk factor. However, in some cases, risk factors are actually formulated as the absence of a healthy propensity or skill (e.g., “poor problem-solving skills”), so the presence of the healthy propensity (in this example, “good problem-solving skills”) could be considered a protective factor.

Table 1 shows the risk factors for sexual offending that have the strongest empirical support (see Mann et al., 2010, for an account of the evidence base for these factors). For each of these factors, a description is given of the suggested corresponding positive pole, that is, the healthy propensities of these risk factors (see Table 1). The healthy poles of the 14 factors identified as most valid for sexual offending are proposed to be *Moderate intensity sexual drive*, *Sexual preference for consenting adults*, *Attitudes supportive of respectful and age-appropriate sexual relationships*, *Preference for*

Table 1. Established and Promising Risk Factors for Sexual Offending and Their Corresponding Healthy Poles.

Risk factor	Corresponding healthy pole
Sexual preoccupation	Moderate intensity sexual drive A preference for having sex with someone you are emotionally attached to and who is attached to you. Romantic or emotionally intimate connection is seen as being as desirable as sexual gratification.
Deviant sexual interest	Sexual preference for consenting adults A preference for sex with consenting sexual partners of adult age. Desire for potentially reciprocal sexual activities in which the adult partner is more likely than not to also be interested in the activity.
Offence-supportive attitudes	Attitudes supportive of respectful and age-appropriate sexual relationships Weighs the rights of others equally with own wants and desires. Recognizes the right to refuse sexual activity and opposes sexual abuse. Recognizes the nature of childhood and the implications of emotional & physical immaturity for likely harm that would be caused by early sexual activity.
Emotional congruence with children	Preference for emotional intimacy with adults Recognizes the nature of childhood developmental stages and the more limited capacity of children in relation to adult-oriented constructs such as reciprocal emotional intimacy.
Lack of emotionally intimate relationships with adults	Capacity for lasting emotionally intimate relationships with adults Has one or more emotional confidantes; has lasting intimate relationships including sexual relationships; can maintain a stable relationship for longer period of time; relationships are characterized by mutual disclosure of vulnerability and acceptance of each other's faults. Sustained emotionally intimate marital type relationships; emotionally intimate friendships; cooperative and discriminating approach to casual social/work contacts.
Lifestyle impulsiveness (poor self-regulation, impulsive and reckless, unstable work patterns)	Self-control Able to set and achieve medium and long-term goals through effortful goal-directed actions. Considers consequences before taking decisions, and weighs consequences to others at least as highly as consequences to self. Values pro-social solutions and seeks to achieve peaceful resolutions of difference rather than aggressive resolutions. Regulating immediate impulses, stress reactions, and general lifestyle.
Poor cognitive problem solving	Effective problem-solving skills Able to articulate different solutions to a problem, including pro-social solutions, and choose between solutions by considering the consequences, to self and others, of each option. Weights long-term gain over short-term gain.
Resistance to rules and supervision	Acceptance of rules and supervision Capacity to connect with people in authority. Meaningful relationships with supervising or treating professionals. Able to accept rules and regulations and keep to agreements with treatment staff, employers, probation officers and other professionals. Manages to obey imposed legal conditions.
Grievance/hostility	Trustful and forgiving orientation An orientation to others that is typically trustful and peaceful, seeing the others' point of view/perspective, preferring peaceful solutions to interpersonal conflict and generally able to offer forgiveness after being wronged.
Negative social influences	Law-abiding social network Social network primarily or entirely composed of stable, law-abiding individuals who promote pro-social activity and who offer support and strengthen self-control.

(continued)

Table 1. (continued)

Risk factor	Corresponding healthy pole
Hostility toward women	Positive attitudes toward women Generally pro-social, trusting and respectful attitudes toward women. Views women as equal to men. Believes women have good intentions.
Machiavellianism	Honest and respectful attitudes Views others as equal. Recognizes others' abilities and strengths. Values honesty and does not take advantage of others.
Lack of concern for others/ callousness	Care and concern for others Shows interest in others. Cares about other people's feelings and well-being. Attempts to help others when in need. Does not act on own needs before considering those of others.
Dysfunctional coping	Functional coping Dealing with negative emotions (like anger, anxiety, or rejection) through appropriate, socially acceptable strategies. Managing stress in a calm, non-sexual, and effective manner.

emotional intimacy with adults, Capacity for lasting emotionally intimate relationships with adults, Self-control, Effective problem solving skills, Acceptance of rules and supervision, Trustful and forgiving orientation, Law-abiding social network, Positive attitudes toward women, Honest and respectful attitudes, Care and concern for others, and Functional coping. Given the strong empirical base for the risk poles of these sexual offending factors, it is hypothesized that their healthy poles are equally strong related to reductions in sexually violent recidivism.

Protective Factors in the Desistance Literature

"Desistance from crime" has become a dominant area of research activity within criminology over the last 20 years (see Farrall & Calverley, 2005). The concept of desistance relates to the process of abstaining from crime after repeated or habitual engagement in criminal activities (Maruna, 2001). Desistance processes often involve key turning points or disorienting life episodes (Laub & Sampson, 2001), but desistance is not a single moment or event in a person's life. Instead, desistance is widely understood as a long-term maintenance process involving a slow recognition of the need to change, motivational fluctuation, and possible false starts followed by lapses or relapses. By changing the focus of inquiry from investigating why some ex-prisoners "fail" (or re-offend) and instead trying to understand how and why some individuals succeed or "go straight," desistance research has opened up new understandings in criminology with distinct implications for assessment and treatment practice.

General desistance factors. The factors identified by the criminological literature for desistance from general criminal offending may also be relevant to sexual offending (Laws & Ward, 2011). For example, aging, stable employment, marriage, sobriety, lack of stress, and good mental health have all been found to have a protective effect

on criminal behavior (Laub & Sampson, 2001). Moreover, research with ex-prisoners suggests that long-term, persistent offenders tend to lack a sense of hope or feelings of agency (Maruna, 2001; Zamble & Quinsey, 1997). However, reformed ex-prisoners are characterized by hope and optimism: They seem to maintain an overly optimistic sense of control over their future and strong internal beliefs about their own self-worth and personal destinies (Burnett & Maruna, 2006; LeBel et al., 2008; Maruna, 2001). Desisters also seem to embrace change-enhancing cognitive patterns: consistent patterns of cognition that encompass the ability to evaluate one's behavior and learn from one's mistakes (Maruna, 2001). Arguably, one potential indicator of this willingness to change is the individual's persistence with a course of intervention to change risk-relevant behavior. In addition, desisters seem to possess a sense of achievement and accomplishment (see Maruna & LeBel, 2003). Making meaningful contributions to one's community or family can lead to grounded increments in self-esteem, feelings of meaningful purposiveness, and a cognitive restructuring toward responsibility for young people in trouble with the law (Toch, 2000). Such successful achievements can predict successful desistance (LeBel et al., 2008) or abstinence from crime (Uggen & Janikula, 1999). Last, the desistance literature has established the importance of moving away from groups of delinquent peers (Warr, 1998) and establishing meaningful intimate relationships (Laub & Sampson, 2001). The latter also being the opposite pole of "lack of emotional intimacy with others," which is a strongly evidenced risk factor for sexual offending (Mann et al., 2010).

Sex offending desistance factors. To date studies of desistance from sexual crimes are few (see Laws & Ward, 2011). Farmer, Beech, and Ward (2012) studied the self-narratives of individuals convicted of child molestation who had apparently desisted from offending, comparing them with individuals who were thought to be still actively seeking opportunities to offend. Several factors differentiated the desistance group from the active group. The desisters appeared to have an *enhanced sense of personal agency*, had a *stronger internal locus of control*, were consistently more able to *find positive outcomes from negative events*, identified *treatment as* having provided them with a *turning point*, and, most strikingly, seemed to have found a *place within a social group or network*. They described belonging to three particular types of social groups or communities: family, friends, and church. In contrast, the "active" or at-risk group all described themselves as socially alienated or isolated from others (Farmer et al., 2012).

Measure of Protective Factors

In this section, we review a structured assessment tool developed specifically for the assessment of protective factors for adult violent as well as sexual offending: the *Structured Assessment of Protective Factors for violence risk* (SAPROF; de Vogel, de Ruiter, Bouman, & de Vries Robbé, 2009, 2012). The SAPROF was designed to assess general protective factors for recidivism in adults convicted of any violent crime (including sexual). The tool aims to form a positive supplement to risk focused

structured professional judgment (SPJ) tools like the *Historical Clinical Risk Management-20* (HCR-20 Version 2; Webster, Douglas, Eaves, & Hart, 1997), its revision the HCR-20 Version 3 (HCR-20^{V3}; Douglas, Hart, Webster, & Belfrage, 2013), or related SPJ risk tools. However, it can also be used in addition to actuarial risk tools such as the STABLE-2007. The SAPROF contains 17 protective factors, which are mostly dynamic in nature and divided into three scales: internal factors, motivational factors, and external factors (similarly to psychological, behavioral, and environmental features). Each factor is provided with a rationale describing its empirical background, which largely relies on general violent crime research and to a lesser extent incorporates research on sexual offending. After completing the scale, the assessor has the option to mark factors as critical for the overall protection or for treatment planning (“keys” and “goals”) and makes a “final protection judgment.” The results from the assessment are intended to be integrated with results from a risk tool to come to an overall final judgment on the level of risk, which incorporates both the present risk—and protective factors.

Previous results with forensic psychiatric patients convicted of violent offending showed good predictive validities for the SAPROF for violent incidents toward others and self-harm during treatment (Abidin et al., 2013) as well as for violent recidivism after discharge from treatment (de Vries Robbé, de Vogel, & de Spa, 2011). Moreover, incremental predictive value of assessing the SAPROF protective factors in addition to the HCR-20 risk factors was demonstrated (de Vries Robbé et al., 2013). The first empirical SAPROF study that concentrated solely on patients convicted of sexual offending was recently carried out (de Vries Robbé, de Vogel, Koster, & Bogaerts, 2015). In this study, the predictive validity of the protective factors in the SAPROF for non-recidivism among 83 discharged treated sexual offenders was analyzed. The total score of the 17 protective factors was significantly predictive of no new convictions for any (including sexual) violence for short-term as well as long-term (15-year) follow-up as was the final protection judgment. When only sexually violent recidivism was used as outcome measure, the SAPROF total score was also a significant predictor at different follow-up times. The protective factors remained significantly predictive of general violent re-offending and sexually violent re-offending when controlling for ratings on the HCR-20 and SVR-20 risk factors. Prospective clinical studies into the predictive validity of the protective factors in the SAPROF for no violent incidents toward others during treatment of forensic psychiatric patients (follow-up 12 months) also showed good results for those patients convicted of sexual offending (de Vries Robbé, de Vogel, Wever, Douglas, & Nijman, 2014). Although these results are promising, the research samples are still small and replication of these findings is essential. Additional studies into the predictive validity of the SAPROF for different categories of sexual crime types will also need to be conducted in the near future.

Proposed Protective Factors for Sexual Offending

We propose that the various literatures discussed in the preceding review can be summarized into eight “protective domains” that could be hypothesized to assist desistance

from sexual offending. Table 2 provides an overview of the protective factors derived from the preceding review and their relationship to the proposed protective domains. The factors are categorized by source: (a) the healthy poles of SVR domains, (b) desistance factors for sexual offending, and (c) protective factors from the general risk assessment tool for violent and sexual offending (general protective factors).

Healthy Sexual Interests

This domain refers to a propensity to prefer sexual relationships with consenting adults co-existing with a moderate intensity sexual drive. Individuals with protective factors in this domain are likely to show a balance between a desire for sexual fulfillment and a desire for other types of fulfillment. They will have adequate sexual knowledge and beliefs that support age-appropriate and consenting relationships. This domain is construed as the healthy poles of two, well-established sexual offending risk factors: *Sexual preference for consenting adults* and *Moderate intensity sexual drive*. Additional evidence for healthy sexual interests may be found in the presence of *Attitudes supportive of respectful and age-appropriate sexual relationships* (the healthy pole of the risk factor Offence-supportive attitudes). The protective factor *Medication* could have a protective effect on sexual drive.

Capacity for Emotional Intimacy

This domain refers to a propensity to form and maintain emotionally close and satisfying relationships with other adults. Individuals with protective factors in this domain will most likely have a *Trustful and forgiving orientation to others* (healthy pole for the risk factor Grievance/hostile attitude to others), a *Preference for emotional intimacy with adults* rather than children (healthy pole for the risk factor Emotional congruence with children), and the ability to communicate effectively. The most obvious manifestation of this propensity is that the individual has, or has had, long-lasting and emotionally stable intimate relationships with adult partners (e.g., the risk factor healthy pole *Capacity for lasting emotionally intimate relationships with adults*). The healthy poles *Positive attitudes toward women*, *Honest and respectful attitudes*, and *Care and concern for others* all reflect underlying personality traits which enhance capacity for emotional intimacy. This domain is also reflected in different general protective factors: *Intimate relationship*, *Secure attachment in childhood*, and *Empathy*.

Constructive Social and Professional Support Network

This protective domain refers to the capability of forming constructive relationships with other adults, both socially and with persons in professional support and authority roles. Individuals with protective factors in this domain will have a law-abiding social network. This is represented in the sexual offending desistance factor *Place within a social group or network* and in the risk factor healthy pole *Law-abiding social network*.

Table 2. Proposed Protective Domains and Evidence.

Proposed protective domains	Evidence		
	Healthy poles of risk factors	Desistance factors	General protective factors
1. Healthy sexual interests	Moderate intensity sexual drive Sexual preference for consenting adults Attitudes supportive of respectful and age-appropriate sexual relationships		Medication
2. Capacity for emotional intimacy	Preference for emotional intimacy with adults Capacity for lasting emotionally intimate relationships with adults Trustful and forgiving orientation Positive attitudes toward women Honest and respectful attitudes Care and concern for others		Empathy Secure attachment in childhood Intimate relationship
3. Constructive social and professional support network	Acceptance of rules and supervision Law-abiding social network Honest and respectful attitudes Empathy	Treatment as turning point Place within a social group or network	Motivation for treatment Attitudes toward authority Professional care Living circumstances Network
4. Goal-directed living	Self-control	Enhanced sense of personal agency Stronger internal locus of control	Self-control Financial management Life goals Intelligence
5. Good problem solving	Effective problem-solving skills Functional coping		Coping
6. Engaged in employment or constructive leisure activities		Place within a social group or network	Work Leisure activities
7. Sobriety	Self-control		Self-control Professional care External control
8. Hopeful, optimistic and motivated attitude to desistance		Find positive outcomes from negative events Treatment as turning point	Motivation for treatment Medication

Additional support is provided by the general protective factor *Network*. Individuals with protective factors in this domain may also have meaningful relationships with professionals, reflected by sexual offending desistance factor *Treatment as turning point* and demonstrated in general protective factors *Motivation for treatment*, *Professional care*, and *Living circumstances*. Furthermore, they may have a positive attitude to authority, risk factor healthy pole *Acceptance of rules and supervision* and general protective factor *Attitudes toward authority*. The risk factors healthy poles *Honest and respectful attitudes* and *Care and concern for others* provide underlying traits which facilitate the development of a constructive social and professional support network.

Goal-Directed Living

This protective domain refers to the capacity to set goals and direct daily activities so that progress can be made toward those goals (general protective factor *Life goals*). Individuals with protective factors in this domain will show effortful, positive, goal-directed behaviors (the risk factor healthy pole *Self-control*), will have *Enhanced sense of personal agency* and *Stronger internal locus of control* (both desistance factors), and will show good self-discipline (reflected in general protective factors *Self-control* and *Financial management*).

Good Problem Solving

This protective domain refers to the capacity to manage life's daily problems without becoming overwhelmed or resorting to anti-social or avoidance techniques to regain control. Such a propensity is reflected by the risk factor healthy poles *Functional coping* and *Effective problem-solving skills* and general protective factor *Coping*. Protective factor *Intelligence* may reflect underlying abilities for good problem solving.

Engaged in Employment or Constructive Leisure Activities

This protective domain refers to the propensity to live a life that involves constructive and rewarding activity and ideally also a sense of intrinsic satisfaction and accomplishment. Employment is the most obvious protective factor, reflected by general protective factor *Work*. Equal results could be obtained from engaging in personally meaningful leisure or social activities such as sports, social hobbies, or caring for others (reflected in general protective factor *Leisure activities* and sexual offending desistance factor *Place within a social group or network*).

Sobriety

This protective domain refers to the abstention from drug or alcohol misuse. It is an established protective factor in the literature with *Self-control* as a risk factor healthy

pole (and general protective factor), indicating the likelihood of sobriety intentions to succeed. External motivation through general protective factors *Professional care* and *External control* may provide assistance with sobriety.

Hopeful, Optimistic and Motivated Attitude to Desistance

This protective domain refers to optimistic change-enhancing cognitive patterns. Individuals with protective factors in this domain are likely to *Find positive outcomes from negative events* and see *Treatment as a turning point* (both sexual offending desistance factors). As a result they are often motivated to work with treatment providers or other helping agencies (reflected in general protective factors *Motivation for treatment* and *Medication*).

In summary, eight protective domains are proposed based on being healthy poles of well-established sexual offending risk domains or being desistance factors for sexual offending. Additional support for the proposed domains is found in general protective factors from the SAPROF, which preliminarily proved predictive of sexual and violent re-offending by sexual offenders. We propose that each domain represents an underlying propensity, which may be pre-existing, may have developed as the individual reflects on his life and the consequences of his offending, or may have developed as a prosthetic through a rehabilitative intervention. The presence of each propensity may be observed in a range of possible behavioral indicators, or manifestations of the propensity.

Limitations

The biggest limitation of this exploration study of protective factors for future offending for those who have sexually offended in the past is that very few studies on this topic are available. For the general protective factors assessment tool discussed few studies have been found on sexual offender samples. Similarly, only one specific empirical desistance study was found for sexual offending. The results from these studies need to be replicated in other sexual offender samples to be able to generalize the findings. Given the limited resources, the current study design aimed to include direct as well as indirect evidence for the proposed domains. Nevertheless, the domains are not supported by a large body of empirical evidence and should be viewed as a preliminary proposal. This article presents a first step toward more in-depth studies into protective factors for sexual offending and their potential value for risk assessment and treatment of sexually violent offenders. Hopefully, this will spark enthusiasm among researchers and clinicians to incorporate protective factors in their studies of sexual offending, which will result in a broader evidence base for more comprehensive sexual offender assessment.

Conclusion and Implications for Research

De Ruiter and Nicholls (2011) describe the study of protective factors as a new frontier in forensic mental health which needs to be explored to increase our knowledge on

what works in risk prevention. We know very little about what those who have offended sexually value, what makes them happy, and what skills and strengths are related to their desistance from offending. The desistance literature is very sparse in relation to sexual offending. We therefore urgently need desistance studies that focus on sexual offending. We also need to further investigate whether and to what extent assessments of protective factors increase the accuracy of SVR assessment. We may need to create additional structured schemes for identifying protective factors specifically for sexual reoffending, and use these routinely, so that we can collect and compare data from samples of individuals convicted of different types of sexual crimes and relate these to risk focused tools, treatment efforts, and recidivism outcome.

The above described domain of *Healthy sexual interests* is the only proposed protective domain which is identified as exclusively relevant for *sexual* offending. It would be valuable to develop tools for adult sexual offenders that specifically assess protective factors in this domain, in a similar fashion as has been done for juvenile offenders in the DASH-13 (Worling, 2013). The other seven domains can be considered general protective domains and are represented in many of the factors in the SAPROF, which is not surprising given that this tool provided input for the domains. These factors can primarily be described as “dynamic improving,” meaning that potentially they could change for the better, serve as positive goals for treatment efforts and be used for evaluating treatment progress. Large-scale prospective follow-up research is needed to be able to validate their assumed potential for desistance from sexual offending.

In this article, we have argued for a greater focus on protective factors in assessment, research and practice. In recent years, those who work in sexual offender treatment have shown an extensive interest in the *Good Lives Model* of offender rehabilitation (Ward & Gannon, 2006). As a strengths-based approach to understanding and treating sexual offending this has played an important role in enabling treatment practice to move away from the more confrontational approaches that were typical in the 1980s. However, the field of sexual offending risk assessment still uses a predominantly deficit-focused approach. It takes some years to collect and analyze the data necessary to validate new risk prediction and prevention items or scales. We therefore believe that it is necessary for those engaged in sexual offender assessment to incorporate the notion of protective factors into their research and practice as a matter of urgency. A sea change in our approach to risk assessment could yield multiple benefits, both to treatment clients and to society.

Authors' Note

Michiel de Vries Robbé is co-author of one of the tools described in the manuscript (SAPROF).

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

References

- Abidin, Z., Davoren, M., Naughton, L., Gibbons, O., Nulty, A., & Kennedy, H. G. (2013). Susceptibility (risk and protective) factors for in-patient violence and self-harm: Prospective study of structured professional judgement instruments START and SAPROF, DUNDRUM-3 and DUNDRUM-4 in forensic mental health services. *BMC Psychiatry*, *13*, Article 197. doi:10.1186/1471-244X-13-197
- Andrews, D. A., & Bonta, J. (2006). *The psychology of criminal conduct* (4th ed.). Newark, NJ: LexisNexis.
- Attrill, G., & Liell, G. (2007). Offenders views on risk assessment. In N. Padfield (Ed.), *Who to release? Parole, fairness and criminal justice* (pp. 191-201). Cullompton, UK: Willan.
- Boer, D. P., Hart, S. D., Kropp, P. R., & Webster, C. D. (1997). *Manual for the sexual violence risk-20: Professional guidelines for assessing risk of sexual violence*. Vancouver, Canada: British Columbia Institute against Family Violence.
- Braithwaite, E., Charette, Y., Crocker, A. G., & Reyes, A. (2010). The predictive validity of clinical ratings of the Short-Term Assessment of Risk and Treatability (START). *International Journal of Forensic Mental Health*, *9*, 271-281. doi:10.1080/14999013.2010.534378
- Burnett, R., & Maruna, S. (2006). The kindness of prisoners: Strength-based resettlement in theory and in action. *Criminology & Criminal Justice*, *6*, 83-106. doi:10.1177/1748895806060668
- Chu, C. M., Thomas, S. D., Ogloff, J. R., & Daffern, M. (2011). The predictive validity of the Short-Term Assessment of Risk and Treatability (START) in a secure forensic hospital: Risk factors and strengths. *International Journal of Forensic Mental Health*, *10*, 337-345. doi:10.1080/14999013.2011.629715
- de Ruiter, C., & Nicholls, T. L. (2011). Protective factors in forensic mental health: A new frontier. *International Journal of Forensic Mental Health*, *10*, 160-170. doi:10.1080/1499013.2011.600602
- de Vogel, V., de Ruiter, C., Bouman, Y., & de Vries Robbé, M. (2009). *SAPROF: Guidelines for the assessment of protective factors for violence risk* (English version). Utrecht, The Netherlands: Forum Educatief.
- de Vogel, V., de Ruiter, C., Bouman, Y., & de Vries Robbé, M. (2012). *SAPROF: Guidelines for the assessment of protective factors for violence risk* (2nd ed.). Utrecht, The Netherlands: De Forensische Zorgspecialisten.
- de Vries Robbé, M., de Vogel, V., & de Spa, E. (2011). Protective factors for violence risk in forensic psychiatric patients: A retrospective validation study of the SAPROF. *International Journal of Forensic Mental Health*, *10*, 178-186. doi:10.1080/14999013.2011.600232
- de Vries Robbé, M., de Vogel, V., & Douglas, K. S. (2013). Risk factors and protective factors: A two-sided dynamic approach to violence risk assessment. *Journal of Forensic Psychiatry & Psychology*, *24*, 440-457. doi:10.1080/14789949.2013.818162
- de Vries Robbé, M., de Vogel, V., Koster, K., & Bogaerts, S. (2015). Assessing protective factors for sexually violent offending with the SAPROF. *Sexual Abuse: A Journal of Research and Treatment*, *27*, 16-35.
- de Vries Robbé, M., de Vogel, V., Wever, E. C., Douglas, K. S., & Nijman, H. L. I. (2014). *Risk and protective factors for inpatient aggression: Differences between treatment stages and patient groups*. Manuscript submitted for publication.

- Douglas, K. S., Hart, S. D., Webster, C. D., & Belfrage, H. (2013). *HCR-20V3 assessing risk for violence: User guide*. Vancouver, British Columbia, Canada: Mental Health, Law, and Policy Institute, Simon Fraser University.
- Farmer, M., Beech, A. R., & Ward, T. (2012). Assessing desistance in child sexual abusers: A qualitative study. *Journal of Interpersonal Violence*, 27, 930-950. doi:10.1177/0886260511423255
- Farrall, S. (2004). Social capital and offender re-integration: Making probation desistance focused. In S. Maruna & R. Immergluck (Eds.), *After crime and punishment: Pathways to offender reintegration* (pp. 57-84). Cullompton, UK: Willan.
- Farrall, S., & Calverley, A. (2005). *Understanding desistance from crime: New theoretical directions in resettlement and rehabilitation*. Milton Keynes, UK: Open University Press.
- Farrington, D. P. (2003). Developmental and life-course criminology: Key theoretical and empirical issues—The 2002 Sutherland Award Address. *Criminology*, 41, 221-255. doi:10.1111/j.1745-9125.2003.tb00987.x
- Fernandez, Y., Harris, A. J. R., Hanson, R. K., & Sparks, J. (2012). *STABLE-2007 coding manual: Revised 2012* (unpublished scoring manual). Ottawa, Ontario: Public Safety Canada.
- Griffin, H., Beech, A. R., Print, B., Bradshaw, H., & Quayle, J. (2008). The development and initial testing of the AIM-2 framework to assess risk and strengths in young people who sexually offend. *Journal of Sexual Aggression*, 14, 211-225. doi:10.1080/13552600802366593
- Hart, S. D., Kropp, P. R., Laws, D. R., Klaver, J., Logan, C., & Watt, K. A. (2003). *The Risk for Sexual Violence Protocol (RSVP): Structured professional guidelines for assessing risk of sexual violence*. Burnaby, British Columbia, Canada: Mental Health, Law, and Policy Institute, Simon Fraser University.
- Herrenkohl, T. I., Hill, K. G., Chung, I. J., Guo, J., Abbott, R. D., & Hawkins, J. D. (2003). Protective factors against serious violent behavior in adolescence: A prospective study of aggressive children. *Social Work Research*, 27, 179-191. doi:10.1093/swr/27.3.179
- Laub, J., & Sampson, R. (2001). Understanding desistance from crime. *Crime and Justice: A Review of Research*, 28, 1-70.
- Laws, D. R., & Ward, T. (2011). *Desistance from sex offending: Alternatives to throwing away the keys*. New York, NY: Guilford Press.
- LeBel, T. P., Burnett, R., Maruna, S., & Bushway, S. (2008). The “chicken and egg” of subjective and social factors in desistance from crime. *European Journal of Criminology*, 5, 131-159. doi:10.1177/1477370807087640
- Lodewijks, H. P. B., de Ruiter, C., & Doreleijers, T. H. A. (2010). The impact of protective factors in desistance from violent offending: A study in three samples of adolescent offenders. *Journal of Interpersonal Violence*, 25, 568-587. doi:10.1177/0886260509334403
- Mann, R. E., Hanson, R. K., & Thornton, D. (2010). Assessing risk for sexual recidivism: Some proposals on the nature of psychologically meaningful risk factors. *Sexual Abuse: A Journal of Research and Treatment*, 22, 191-217. doi:10.1177/1079063210366039
- Maruna, S. (2001). *Making good: How ex-convicts reform and rebuild their lives*. Washington, DC: American Psychological Association.
- Maruna, S., & LeBel, T. (2003). Welcome home? Examining the “re-entry court” concept from a strengths-based perspective. *Western Criminology Review*, 4, 91-107.
- McNeill, F. (2006). A desistance paradigm for offender management. *Criminology & Criminal Justice*, 6, 39-62. doi:10.1177/1748895806060666
- Miller, H. A. (2006). A dynamic assessment of offender risk, needs, and strengths in a sample of pre-release general offenders. *Behavioral Sciences & the Law*, 24, 767-782. doi:10.1002/bsl.728

- Print, B., Griffin, H., Beech, A. R., Quayle, J., Bradshaw, H., Henniker, J., & Morrison, T. (2009). *AIM2: An initial assessment model for young people who display sexually harmful behaviour*. Manchester, UK: AIM project.
- Robinson, G., & Shapland, J. (2008). Reducing recidivism a task for restorative justice? *British Journal of Criminology*, 48, 337-358. doi:10.1093/bjc/azn002
- Rogers, R. (2000). The uncritical acceptance of risk assessment in forensic practice. *Law and Human Behavior*, 24, 595-605. doi:10.1023/A:1005575113507
- Thornton, D. (2002). Constructing and testing a framework for dynamic risk assessment. *Sexual Abuse: A Journal of Research and Treatment*, 14, 139-153. doi:10.1177/107906320201400205
- Toch, H. (2000). Altruistic activity as correctional treatment. *International Journal of Offender Therapy and Comparative Criminology*, 44, 270-278. doi:10.1177/0306624X00443002
- Uggen, C., & Janikula, J. (1999). Volunteerism and arrest in the transition to adulthood. *Social Forces*, 78, 331-362. doi:10.1093/sf/78.1.331
- Ullrich, S., & Coid, J. (2011). Protective factors for violence among released prisoners: Effects over time and interactions with static risk. *Journal of Consulting and Clinical Psychology*, 79, 381-390. doi:10.1037/a0023613
- Viljoen, S., Nicholls, T., Greaves, C., de Ruiter, C., & Brink, J. (2011). Resilience and successful community reintegration among female forensic psychiatric patients: A preliminary investigation. *Behavioral Sciences & the Law*, 29, 752-770. doi:10.1002/bsl.1001
- Ward, T., & Beech, A. R. (2006). An integrated theory of sexual offending. *Aggression and Violent Behavior*, 11, 44-63. doi:10.1016/j.avb.2005.05.002
- Ward, T., & Gannon, T. (2006). Rehabilitation, etiology, and self-regulation: The good lives model of sexual offender treatment. *Aggression and Violent Behavior*, 11, 77-94. doi:10.1016/j.avb.2005.06.001
- Warr, M. (1998). Life course transitions and desistance from crime. *Criminology*, 36, 183-216. doi:10.1111/j.1745-9125.1998.tb01246.x
- Webster, C. D., Douglas, K. S., Eaves, D., & Hart, S. D. (1997). *HCR-20: Assessing the risk of violence* (Version 2). Burnaby, Canada: Simon Fraser University and Forensic Psychiatric Services Commission of British Columbia.
- Webster, C. D., Martin, M. L., Brink, J., Nicholls, T. L., & Middleton, C. (2004). *Manual for the Short Term Assessment of Risk and Treatability (START)* (Version 1.0 consultation edition). Port Coquitlam, British Columbia, Canada: Forensic Psychiatric Services Commission and St. Joseph's Healthcare.
- Wong, S., Olver, M. E., Nicholaichuk, T. P., & Gordon, A. (2003). *The Violence Risk Scale: Sexual Offender version (VRS:SO)*. Saskatoon, Canada: Regional Psychiatric Centre and University of Saskatchewan.
- Worling, J. R. (2013). *Desistence for Adolescents who Sexually Harm (DASH-13)*. Unpublished manuscript.
- Zamble, E., & Quinsey, V. L. (1997). *The process of criminal recidivism*. Cambridge, UK: University of Cambridge Press.

PERFORMANCE MEASUREMENT SERIES

Recidivism after Release from Prison



August 2016

Office of the Secretary Research and Policy Unit

Inquiries regarding this report may be directed to the authors:

Joseph R. Tatar II, Ph.D.
(608) 240-5814
Joseph.Tatar@wisconsin.gov

Megan Jones, Ph.D.
(608) 240-5801
Megan.Jones@wisconsin.gov

State of Wisconsin
Department of Corrections

Scott Walker
Governor

Jon E. Litscher
Secretary



State of Wisconsin Department of Corrections

Mailing Address

3099 E. Washington Ave.
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 240-5000
Fax (608) 240-3300

November 2, 2017

To: Executive Planning

From: Jon E. Litscher, Secretary

A handwritten signature in black ink, reading "Jon E. Litscher".

I am pleased to share with you the fourth in a series of "Recidivism after Release from Prison" reports, produced by the Wisconsin Department of Corrections' cross-divisional Research and Policy Unit.

This report provides updated recidivism trends for more than 156,000 offenders who were released from the Wisconsin correctional system between 1990 and 2013. Following a steady decrease beginning in 1993, recidivism rates have remained relatively stable in recent years.

In addition to updating overall trends in recidivism, this report adds new measures of recidivism. These new measures include recidivism rates by offenders' original incarceration offenses, and an analysis of the degree to which recidivists specialize in certain offense types. The report also includes recidivism rates by risk to reoffend. These measures will assist the Department in its continued efforts to match offenders with appropriate services to ensure their successful reentry into the community.

The Department will continue to identify and implement policies and procedures based on evidence-based principles to achieve the best possible outcomes for offenders, staff, and tax payers. Ultimately, our goal is to create safer communities. I'd like to thank all of the staff involved in the compilation of this report.

Recidivism after Release from Prison

August 2016

Table of Contents

Executive Summary _____	4
Introduction _____	5
Release from Prison Recidivism Rates _____	6
Recidivism Rate Trends _____	6
Recidivism Rates by Gender _____	7
Recidivism Rates by Age at Release _____	8
Recidivism Rates by Race _____	9
Time to Recidivism Event _____	10
Recidivism Rates by Length of Prison Stay _____	11
Recidivism Rates by Risk Level _____	12
Recidivism Rates by Original Offense Type _____	13
Offense Type Specialization _____	14
Appendix A _____	15
Definition of Recidivism _____	15
Methodology _____	15
Recidivism vs. Reincarceration _____	19
Appendix B _____	20
Table 1. Trends 1990-2013 _____	20
Table 2. by Gender 2000-2013 _____	21
Table 3. by Length of Prison Stay 2000-2011: 3-Year Follow-up _____	22
Table 4. by Risk Level 2000-2011: 3-Year Follow-up _____	23
Table 5. by Original Offense Type 2000-2011: 3-Year Follow-up _____	24

Executive Summary

The Wisconsin Department of Corrections (WI DOC) defines recidivism as a new offense resulting in a conviction and sentence to the WI DOC. One, two, and three-year follow-up periods are calculated beginning on the day the offender is released from prison. Recidivism rates represent the number of persons who have recidivated divided by the total number of persons in a defined population. All recidivism rates are based on only Wisconsin offenses that have resulted in court dispositions that include custody or supervision under the

WI DOC. This report summarizes recidivism rates for a total of 156,026 offenders released from the Wisconsin prison system between 1990 and 2013.

Recidivism Rates by Follow-up Period

Release Year	Follow-up Period	Recidivism Rate
2013	1-year	14.5%
2012	2-year	25.1%
2011	3-year	31.3%

Recidivism rates over the most recent several release years have remained relatively stable. Offenders released in 2009 had the lowest three-year recidivism rate in 20 years at 30.8%. Since then, the three-year rate increased slightly for those released in 2011, to 31.3%. One- and two-year recidivism rates have also

remained fairly constant over the last several release years, with the one-year rate decreasing by 0.7 percentage points from 2011 to 2013, and the two-year rate increasing by 0.3 percentage points from 2010 to 2012.

Highlights:

Gender. Males recidivated at a consistently higher rate than females for all release years and follow-up periods.

Age at Release. Younger offenders were more likely to recidivate compared to older offenders. Offenders aged 20 to 29 made up the largest group of released offenders and recidivists.

Race. Black offenders had slightly higher recidivism rates than White offenders, but the difference between the two groups was the smallest for the entire report period (one percentage point) for 2011 releases.

Time to Recidivism Event. Half of the offenders who recidivated within the three-year follow-up period did so within the first year following their release from prison.

Length of Prison Stay. Recidivism increased with shorter lengths of stay. The lowest recidivism rates were found among offenders released from a period of incarceration that was five years or longer.

Risk Level. High risk offenders demonstrated the highest recidivism rates, followed by moderate risk offenders, then low risk offenders.

Original Offense Type. Offenders originally incarcerated for property offenses had the highest recidivism rates and those originally incarcerated for violent offenses had the lowest.

Offense Type Specialization. Recidivists whose original incarceration was for a violent offense were least likely to commit another violent offense, while public order recidivists were most likely to commit another public order offense.

Introduction

The Wisconsin Department of Corrections (WI DOC) defines recidivism as the following:

Following an episode of incarceration with the WI DOC, to commit a criminal offense that results in a new conviction and sentence to WI DOC custody or supervision.

WI DOC recidivism rates represent the number of persons who have recidivated divided by the total number of persons released from an episode of confinement that included one or more adult conviction prison sentences. Recidivism rates are based only on Wisconsin offenses that have resulted in court dispositions that include custody or supervision under the WI DOC. This means that persons who have committed offenses, and are subsequently serving their sentences under other state or federal jurisdictions, are not counted as recidivists under this definition. Furthermore, offenses that result in only jail dispositions, fines or forfeitures, or municipal violations are not included in recidivism rate calculations.

Recidivism rates for three different follow-up periods are presented throughout this report. A follow-up period is the timeframe during which an offender is tracked to determine if he/she committed a new criminal offense. Recidivism rates are reported for one-, two-, and three-year follow-up periods. Additionally, this report includes recidivism rates for groups of offenders released between 1990 and 2013. A group of offenders released in the same year is referred to as a release cohort. [Appendix A](#) (see page 15) provides a detailed description of the methodology used to calculate recidivism rates.

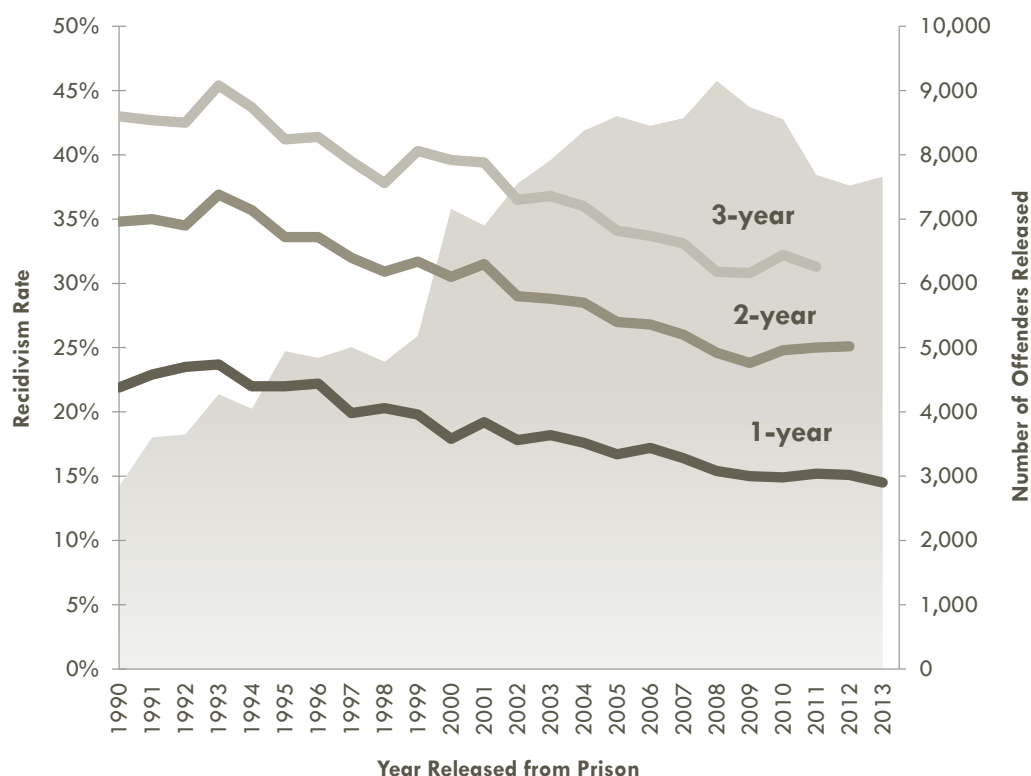
WI DOC considers the offense date the date of the recidivism event. Offenders are often not apprehended and convicted until many years after an offense occurs. WI DOC does not obtain data for an offense until a court sentences an offender to WI DOC custody or supervision. This means that historical recidivism rates can change depending on when the analysis is done. For example, if an offender was released from prison in 1995 and committed an offense in 1996, but was not arrested, convicted, and sentenced until 2011, the recidivism rate for 1995 releases as calculated in 2010 would not count the offender as a recidivist. However, when the rate was calculated again in 2012, the offender would be counted as a recidivist for the 1995 release cohort. Therefore, it is important to note that for this reason, recidivism rates reported in the last [Recidivism after Release from Prison](#) report may differ slightly from rates in the present report.

This report updates recidivism rates previously presented in the June 2014 *Recidivism after Release from Prison* report. More specifically, rates for additional release years are reported for overall trends in recidivism rates, and for recidivism rates by gender, age at release, race, time to recidivism event, and length of prison stay. The present report also includes new data on recidivism rates broken down by risk to reoffend, offenders' original offense types (violent, property, etc.), and offense type specialization.

Release from Prison Recidivism Rates

Recidivism Rate Trends

The figure below shows recidivism rates for releases from prison beginning in 1990, by release year and follow-up period. Overall, recidivism rates have significantly decreased since 1990, with the three-year rate decreasing by 27.2% (11.7 percentage points) from 1990 to 2011. In the last several years recidivism rates have remained relatively stable, with a slight increase in the two- and three-year rates, and a slight decrease in the one-year rate since 2009. Recidivism rates are calculated at one, two, and three years post-release and are cumulative (meaning that the longer follow-up periods include all instances of recidivism from the shorter follow-up periods).¹



Recidivism Trends for Select Release Years*

Release Year	1-Year Follow-up			2-Year Follow-up			3-Year Follow-up		
	Total Releases**	Recidivists***		Total Releases	Recidivists		Total Releases	Recidivists	
1990	2,841	621	21.9%	2,834	986	34.8%	2,828	1,215	43.0%
1995	4,943	1,087	22.0%	4,934	1,659	33.6%	4,920	2,026	41.2%
2000	7,161	1,283	17.9%	7,129	2,174	30.5%	7,120	2,820	39.6%
2005	8,604	1,438	16.7%	8,567	2,310	27.0%	8,534	2,908	34.1%
2011	7,689	1,167	15.2%	7,647	1,908	25.0%	7,612	2,379	31.3%
2012	7,521	1,134	15.1%	7,486	1,881	25.1%	—	—	—
2013	7,661	1,109	14.5%	—	—	—	—	—	—

* See [Table 1](#) in Appendix B (page 20) for a table including all release years.

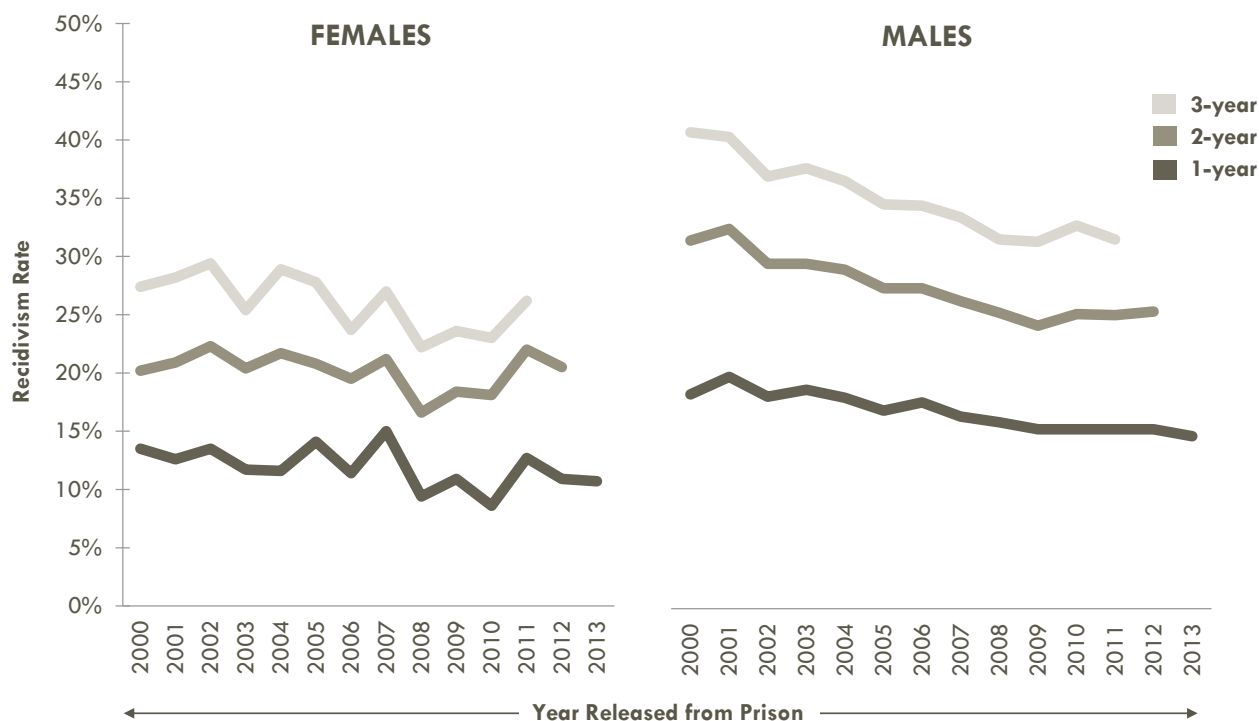
** Total release numbers may differ from those in past years' reports. Data sets are re-run for every new report, and numbers may change slightly due to corrections in data entry regarding release dates or release types for past years.

*** Recidivism rates may differ slightly from those in past reports due to recent convictions and sentences to WI DOC for offenses that occurred many years before the offender was apprehended. See [Recidivism Event](#) subsection of Appendix A (pages 17-18) for a more detailed explanation.

¹ Offenders who died within the timeframe of each specified follow-up period were removed from each cohort prior to recidivism rate calculations. This resulted in slightly different numbers of offenders released and recidivists for each follow-up period for each given release year.

Recidivism Rates by Gender

Male offenders recidivated at a higher rate than female offenders for every release year and follow-up period. The average recidivism rate for males released between 2000 and 2011 (with a three-year follow-up period) was 35.3% while for females it was 26.1%. Male offender recidivism rates followed the same pattern as the overall trend for WI DOC recidivism rates. However, the trend for females was less consistent. This is likely due to the comparatively small number of female offenders released each year (see table below). Within a small release cohort, slight variations in the number of recidivists can cause the recidivism rate to fluctuate more so than within a large release cohort.



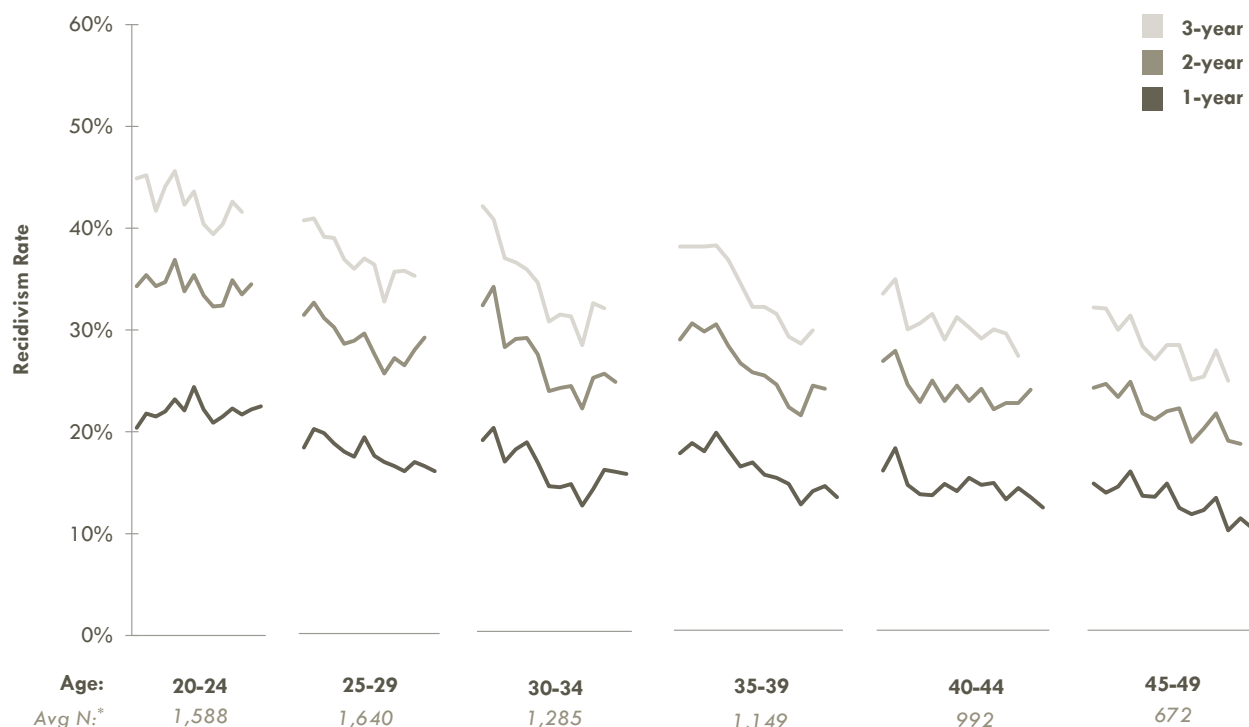
Recidivism Rates by Gender: 3-Year Follow-up*

Release Year	Females			Males		
	Total Releases	Recidivists		Total Releases	Recidivists	
2000	682	187	27.4%	6,438	2,633	40.9%
2001	663	187	28.2%	6,200	2,514	40.5%
2002	633	186	29.4%	6,888	2,558	37.1%
2003	672	171	25.4%	7,184	2,718	37.8%
2004	705	204	28.9%	7,611	2,792	36.7%
2005	729	203	27.8%	7,805	2,705	34.7%
2006	695	165	23.7%	7,677	2,656	34.6%
2007	677	183	27.0%	7,844	2,636	33.6%
2008	775	172	22.2%	8,317	2,637	31.7%
2009	690	163	23.6%	7,981	2,512	31.5%
2010	635	146	23.0%	7,833	2,579	32.9%
2011	625	164	26.2%	6,987	2,215	31.7%

* See [Table 2](#) in Appendix B (page 21) for table including all follow-up periods.

Recidivism Rates by Age at Release

Younger offenders exhibited consistently higher recidivism rates than older offenders. Offenders aged 20 to 29 represented the largest number of releases and recidivists for all follow-up years. Recidivism rates for those younger than 20 and older than 59 are not reported due to the small number of offenders in each category.² For links to complete tables of recidivists by age at release click [here](#).



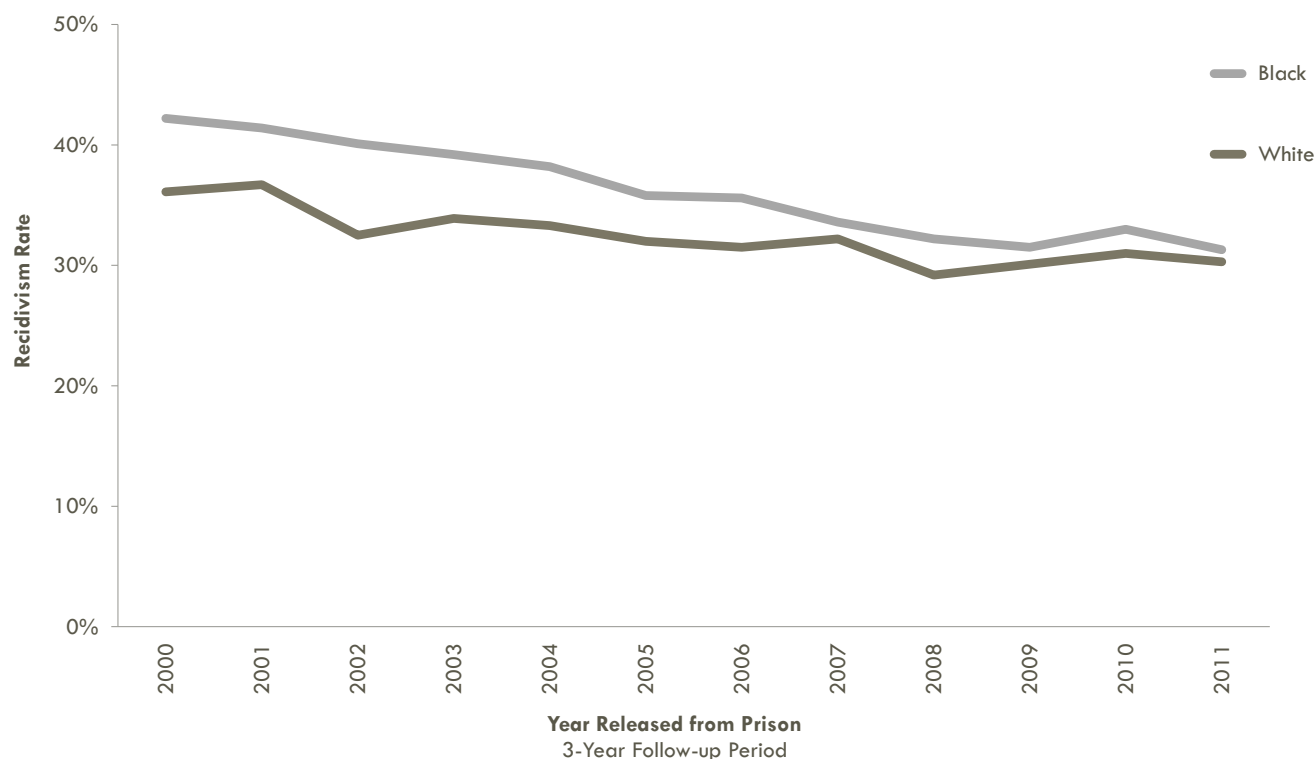
Recidivism Rates by Age for Select Release Years: 3-Year Follow-up

Age Category	2000			2011		
	Total Releases	Recidivists		Total Releases	Recidivists	
19 and Under	297	157	---	100	54	---
20-24	1,683	756	44.9%	1,231	512	41.6%
25-29	1,388	558	40.2%	1,674	582	34.8%
30-34	1,249	520	41.6%	1,220	386	31.6%
35-39	1,152	432	37.5%	924	271	29.3%
40-44	729	240	32.9%	893	239	26.8%
45-49	341	108	31.7%	714	175	24.5%
50-54	157	37	---	497	111	22.3%
55-59	76	8	---	219	39	---
60-64	24	1	---	90	7	---
65 or Older	24	3	---	50	3	---

² A sub-group of offenders must make up at least five percent of the total release cohort for recidivism rates to be reported. Recidivism rates for very small populations can be misleading as slight changes in numbers of recidivists can produce large changes in recidivism rates.

Recidivism Rates by Race

Recidivism rates for Black and White offenders decreased between 2000 and 2011, with the gap between the two groups narrowing to just one percentage point in 2011. This is the smallest difference in recidivism rates between Black and White offenders in the reporting period (the largest gap was 7.6 percentage points for offenders released in 2002). Recidivism rates for American Indian/Alaskan Native and Asian or Pacific Islander offenders are not reported due to the small number of offenders in each category.³ Of those offenders released in 2011, 650 reported Hispanic ethnicity, and of those, 27.2% recidivated within three years (offenders in any race category can also be Hispanic).



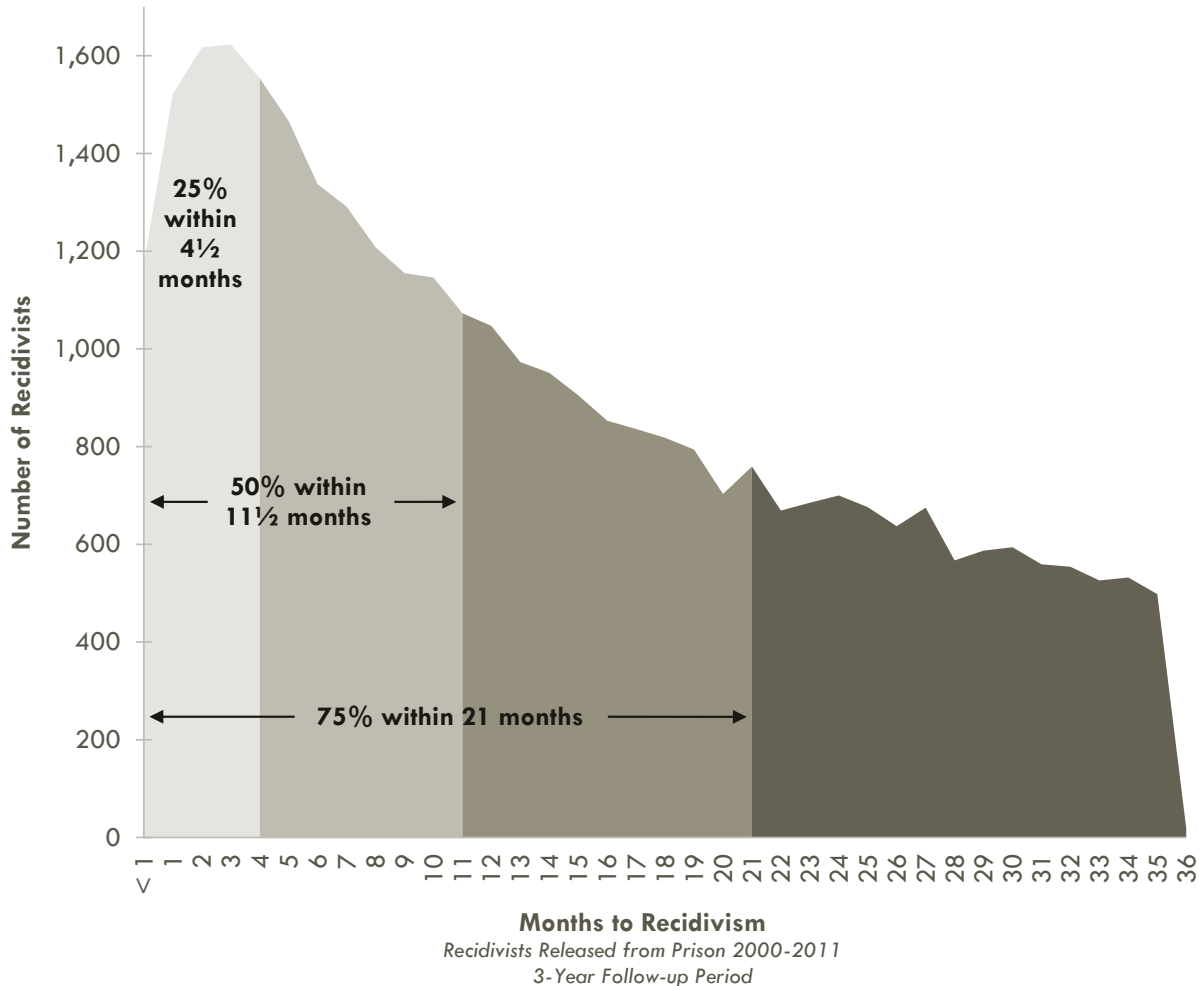
Recidivism Rates by Race: 3-Year Follow-up*

Release Year	American Indian/ Alaskan Native			Asian or Pacific Islander			Black			White		
	Total Releases	Recidivists		Total Releases	Recidivists		Total Releases	Recidivists		Total Releases	Recidivists	
2000	229	107	---	34	9	---	3,829	1,614	42.2%	3,014	1,087	36.1%
2001	246	121	---	33	5	---	3,441	1,424	41.4%	3,134	1,150	36.7%
2002	264	112	---	39	8	---	3,722	1,491	40.1%	3,491	1,133	32.5%
2003	250	114	---	43	11	---	3,852	1,509	39.2%	3,707	1,255	33.9%
2004	298	140	---	51	15	---	3,873	1,480	38.2%	4,084	1,361	33.3%
2005	314	137	---	65	17	---	3,978	1,424	35.8%	4,155	1,329	32.0%
2006	318	133	---	49	10	---	3,906	1,391	35.6%	4,081	1,287	31.5%
2007	322	129	---	63	18	---	3,898	1,311	33.6%	4,223	1,359	32.2%
2008	357	141	---	51	15	---	4,036	1,301	32.2%	4,634	1,351	29.2%
2009	335	129	---	62	14	---	3,768	1,187	31.5%	4,472	1,345	30.1%
2010	321	140	---	57	10	---	3,602	1,190	33.0%	4,468	1,385	31.0%
2011	320	144	---	54	12	---	3,142	984	31.3%	4,088	1,238	30.3%

³ A sub-group of offenders must make up at least five percent of the total release cohort for recidivism rates to be reported. Recidivism rates for very small populations can be misleading as slight changes in numbers of recidivists can produce large changes in recidivism rates.

Time to Recidivism Event

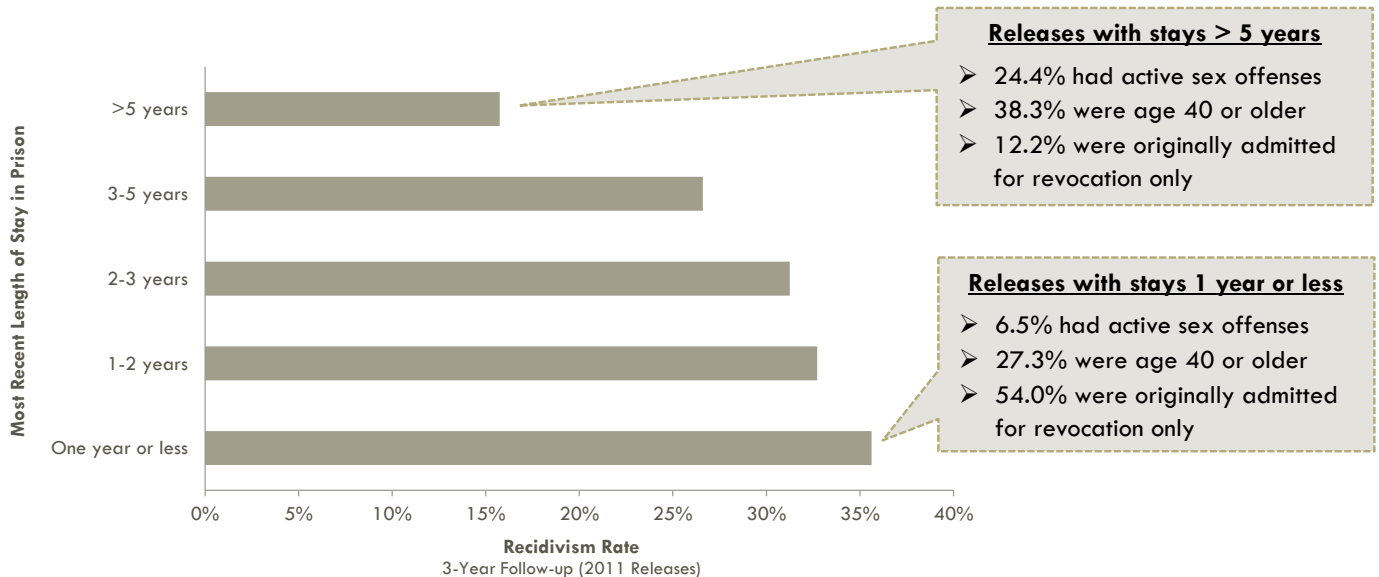
The graph below displays the timeframe in which recidivists committed new offenses. The majority of offenders who recidivated within a three-year follow-up period did so less than two years after being released. Twenty-five percent of recidivists released between 2000 and 2011 committed an offense within 4.5 months, 50% did so within 11.5 months, and 75% committed an offense within 21 months of their release from prison. For a link to a complete table of recidivists by time to recidivism event click [here](#).



Recidivism Rates by Length of Prison Stay

Of the offenders released in 2011, those with a prison stay of one year or less prior to release had the highest recidivism rates compared to all other lengths of stay. For longer lengths of stay, the recidivism rates were progressively lower, and those offenders who spent five or more years in prison prior to release had the lowest recidivism rates.

More than half (54.0%) of the offenders released from prison stays of one year or less were released following admissions for revocations; therefore short lengths of stay do not necessarily indicate short overall sentences (the remaining short lengths of stay were likely due to jail credit). One possible contributor to the differences in recidivism rates between offenders released from shorter and longer lengths of stay could be the larger proportion of sex offenders released from longer lengths of stay (24.4% of those released from a stay of five or more years had active sex offenses compared to 6.5% of those released from a length of stay of one year or less). Wisconsin data shows that recidivism rates for sex offenders are generally much lower than rates for other types of offenders (for more information see the [Sex Offender Recidivism after Release from Prison Report](#)). The ages of offenders in each length of stay category could also contribute to the differences in recidivism rates; offenders age 40 or older made up 27.3% of those released from lengths of stay of one year or less, but made up 38.3% of those released from lengths of stay of more than five years. See Appendix B ([Table 3](#), page 22) for a complete table of recidivism rates by length of prison stay.



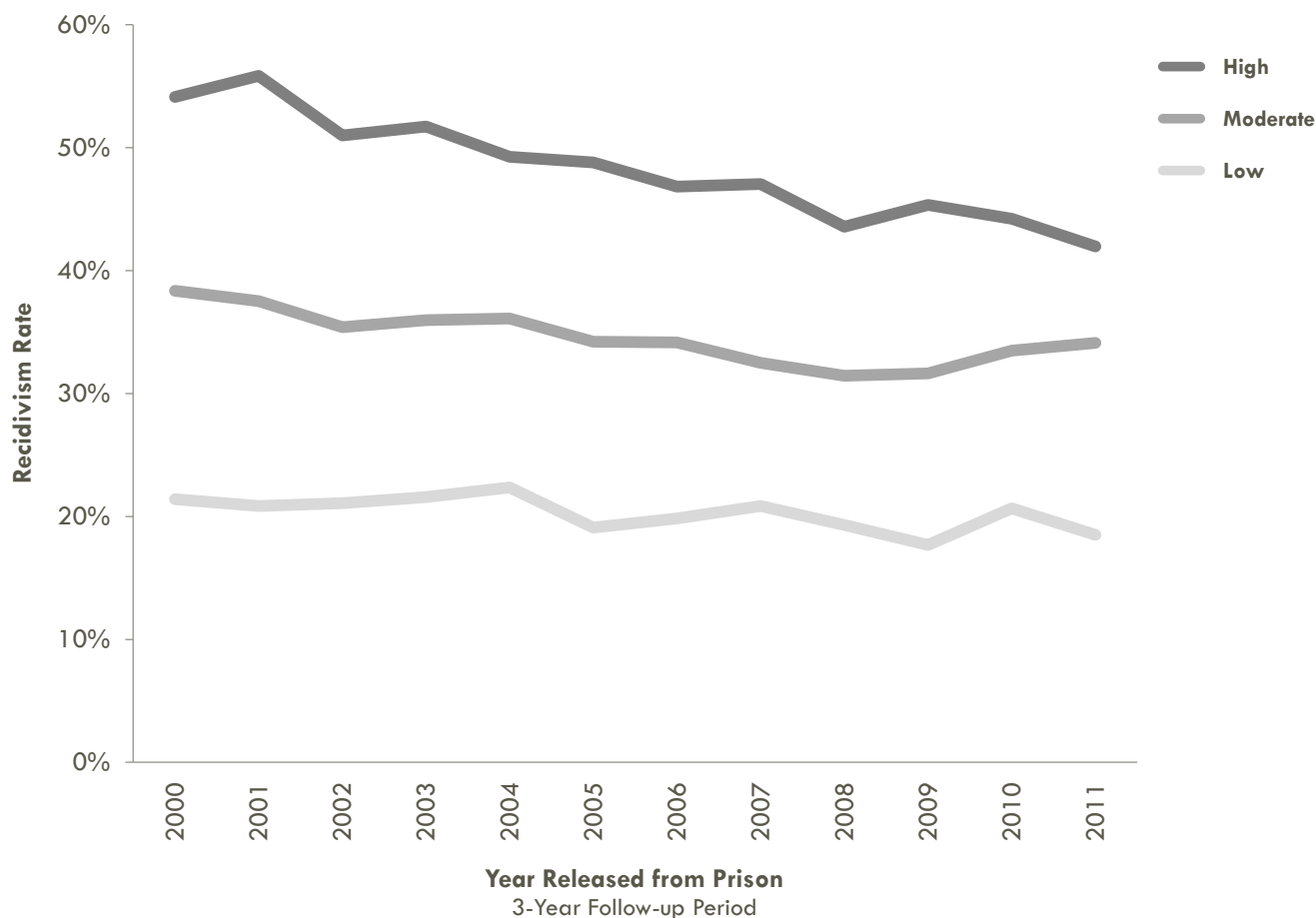
Recidivism Rates by Length of Prison Stay: 2011 Releases, 3-Year Follow-up

Length of Stay in Prison	Total Releases	Recidivists	Recidivism Rate
One year or less	2,482	884	35.6%
1-2 years	2,586	846	32.7%
2-3 years	1,053	329	31.2%
3-5 years	786	209	26.6%
>5 years*	705	111	15.7%

* Average Length of Stay = 9.2 years (Minimum = 5.1 years; Maximum = 28.9 years)

Recidivism Rates by Risk Level

Offenders identified as high risk to recidivate (using a risk proxy tool; see [Appendix A](#), page 18 for a description of the tool) had consistently higher recidivism rates than those identified as moderate and low risk. Moderate risk offenders also had consistently higher recidivism rates than low risk offenders. Recidivism rates for moderate and low risk offenders decreased slightly over the report period while recidivism rates for high risk offenders decreased more sharply between 2000 and 2011 (12.1 percentage points). See Appendix B ([Table 4](#), page 23) for a complete table of recidivism rates by risk level.



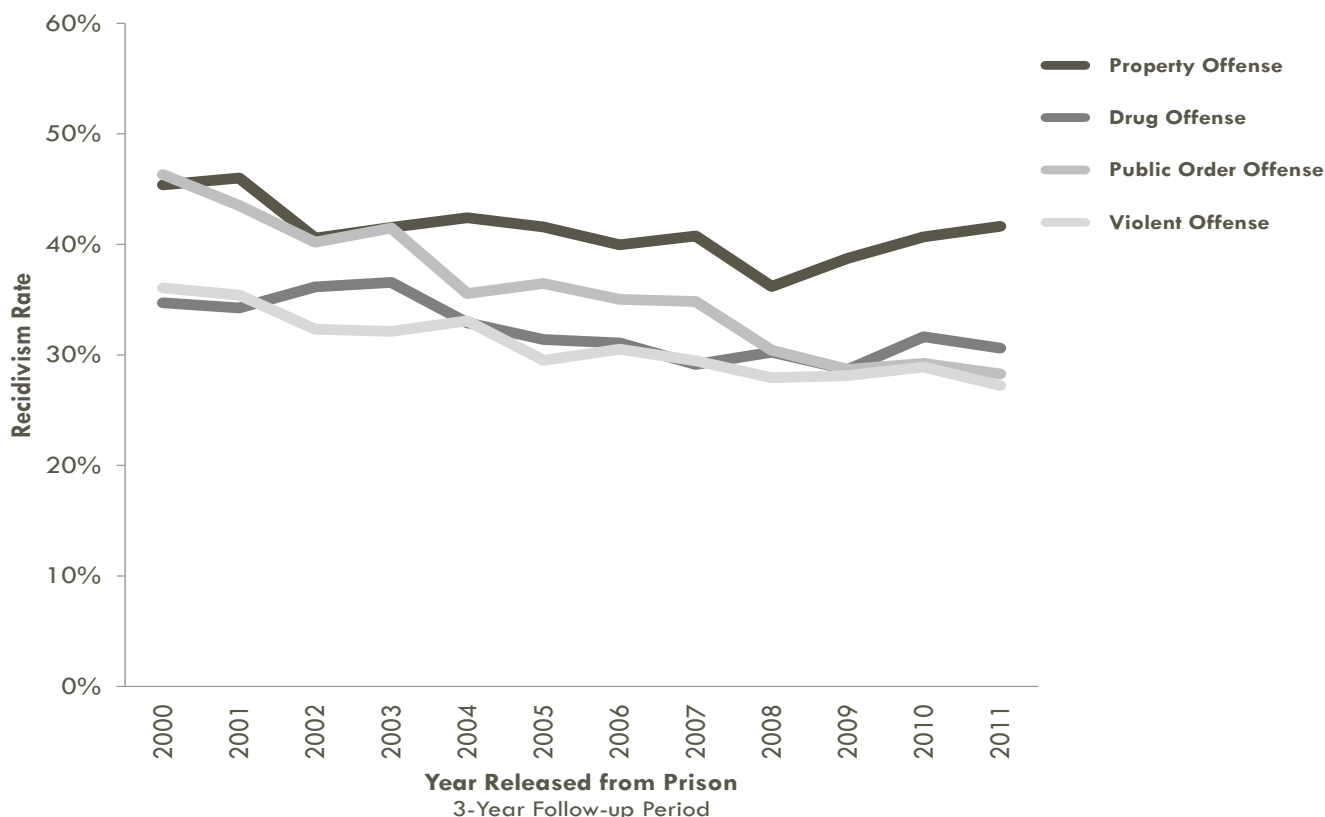
Recidivism Rates by Risk Level for Select Release Years: 3-Year Follow-up*

Risk Level	2000			2006			2011		
	Total Releases	Recidivists		Total Releases	Recidivists		Total Releases	Recidivists	
High Risk	2,505	1,356	54.1%	2,323	1,088	46.8%	1,632	685	42.0%
Moderate Risk	2,802	1,075	38.4%	3,719	1,270	34.1%	3,752	1,280	34.1%
Low Risk	1,812	388	21.4%	2,324	461	19.8%	2,222	411	18.5%

* See [Table 4](#) in Appendix B (page 23) for a table including all release years.

Recidivism Rates by Original Offense Type

The graph below shows recidivism rates for offenders released between 2000 and 2011, by the most serious offense committed that led to their original incarceration (note that recidivists did not necessarily commit the same type of offense as the original commitment offense). Those offenders incarcerated for property offenses demonstrated the highest recidivism rates and those incarcerated for violent offenses demonstrated the lowest. Recidivism rates for those originally incarcerated for public order offenses decreased significantly (18 percentage points) between 2000 and 2011. See Appendix B ([Table 5](#), page 24) for a complete table of recidivism rates by offense type.



The table below shows the percentage of offenders in each offense type category who were designated low, moderate, or high risk to recidivate at the time of their release. Notably, the largest proportions of high risk offenders were those in the property and drug offense categories (those offenders with the highest recidivism rates). The violent and public order offense categories contained the largest proportions of low risk offenders (and the lowest recidivism rates).

Most Serious Offense from Original Incarceration by Risk Level (2011)

Total Number of Releases in Each Category

Offense Type Prior to Release	Risk Level							
	Low Risk		Moderate Risk		High Risk		Total	
	N	%	N	%	N	%	N	%
Violent Offense	890	28.9%	1,579	51.2%	613	19.9%	3,082	100.0%
Property Offense	373	22.0%	873	51.4%	453	26.7%	1,699	100.0%
Drug Offense	345	23.7%	752	51.6%	359	24.7%	1,456	100.0%
Public Order Offense	609	44.9%	543	40.0%	205	15.1%	1,357	100.0%

Offenses were categorized based on the Association of State Correctional Administrators (ASCA) Performance-Based Measures System (PBMS) standards (see [Appendix A](#), page 19 for more information). To provide an example of the types of offenses in each category, the table below shows the top five offenses in each category for offenders in the 2011 release cohort.

Most Common Offenses in Each Offense Type Category*

Violent Offense		Property Offense		Drug Offense		Public Order Offense	
Statute Description	N	Statute Description	N	Statute Description	N	Statute Description	N
2nd Degree Sexual Assault of Child	378	Burglary-Building or Dwelling	728	Manufacture/Deliver Cocaine (≤1g)	168	Operating while under Influence (5th or 6th)	547
Armed Robbery	289	Forgery-Uttering	163	Possess. with Intent.-Cocaine (>1-5g)	126	Possession of Firearm by Felon	176
Substantial Battery-Intend Bodily Harm	213	Drive or Operate Vehicle w/o Consent	117	Manufacture/Deliver Cocaine (>1-5g)	91	Failure to Support Child (120 Days+)	88
1st Degree Sexual Assault of Child	176	Misappropriate ID Info - Obtain Money	76	Possess w/Intent-Cocaine (>5-15g)	86	Bail Jumping-Felony	83
Battery	167	Theft-Movable Property (≤\$2500)	58	Possess w/Intent-THC (≤200 grams)	72	Vehicle Operator Flee/Elude Officer	57

*Data from 2011 release cohort, 3-year follow-up period. Only the top five most common offenses are listed as an example of the offenses in each offender type category.

Offense Type Specialization

Offense type specialization is the tendency for offenders to be reconvicted for an offense type that is the same as the one they were originally incarcerated for. The table below displays the percentage of recidivists in each original offense type category who committed new offenses in the same category after release from prison. The circled values represent the proportion of recidivists who committed new offenses in the same category as the offense that led to their original incarceration. Overall, offense type specialization was most evident for public order offenses, with 52.6% of recidivists who were originally incarcerated for a public order offense committing another public order offense. This is partly accounted for by specialization among OWI offenders (a subset of the public order offense category), as more than half (58.2%) of the OWI offenders who recidivated committed another OWI offense. Specialization was least evident for violent offenses. Of those recidivists originally incarcerated for violent offenses, 28.3% committed another violent offense. Property and drug offenses fell in the middle with just under half (46.9%) of the recidivists incarcerated for property offenses committing another property offense, and 43.9% of the recidivists incarcerated for drug offenses committing another drug offense.

Percent of Recidivists Convicted for the Same Offense Type as Their Original Incarceration Offense 2011 Releases, 3-Year Follow-up (*recidivists only*)

Original Incarceration Offense Type	Post-Release Recidivism Offense Type			
	Violent Offense	Property Offense	Drug Offense	Public Order Offense
Violent Offense	28.3%	18.8%	16.0%	36.9%
Property Offense	16.0%	46.9%	13.3%	23.9%
Drug Offense	17.9%	12.3%	43.9%	25.8%
Public Order Offense	21.4%	15.1%	10.9%	52.6%

Appendix A

Definition of Recidivism

The WI DOC defines recidivism as a new offense resulting in a conviction and sentence to the WI DOC. This definition of recidivism is based on a rather straightforward, yet fundamental principle in defining public safety. That is, generally, when members of the public are asked what they expect of an offender who is placed on probation supervision, or released from prison following a conviction for a crime, many simply respond "...that they do not commit another crime." Therefore, the WI DOC method for calculating recidivism rates centers on an offense date for which the offender, through full due process of the legal system, is ultimately convicted of another crime. These events can be substantiated through documentation of actions taken by the court (e.g., a Judgment of Conviction).

A notable limitation to fully applying this principle to calculating recidivism rates involves not having full access to data containing information on court dispositions that do not come under the custody or supervision of the WI DOC (see bulleted list at right). As additional data on municipal violations, fines, jail-only sentences, or convictions resulting in sentences in other state or federal correctional systems becomes available to the WI DOC, and can meet stringent validation standards, the Department will expand the scope of its recidivism calculations to include these documented incidents of new criminal behavior. Under current circumstances, the Department can only measure what it is able to count and verify as accurate. Despite this limitation, it is important to note that the WI DOC uses the same methodology to calculate recidivism rates for all past recidivism rates, and will continue to use this methodology for all future rates, allowing for consistent reporting of recidivism trends over time.

Wisconsin recidivism rate calculations do not include:

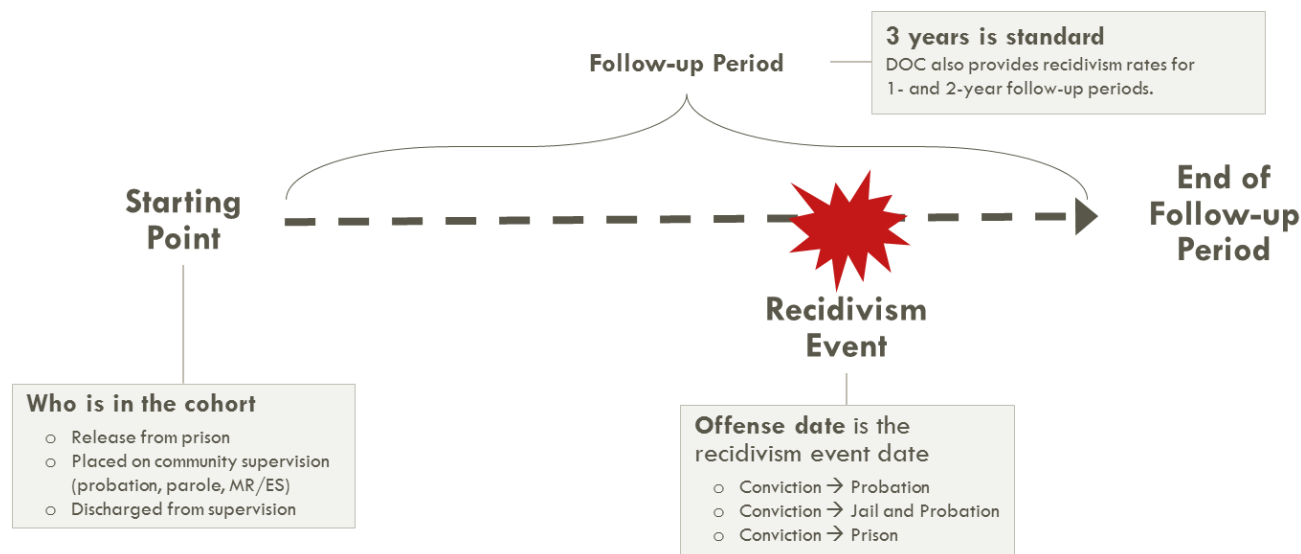
- persons convicted/sentenced in another state
- persons convicted/sentenced in Federal court
- persons convicted/sentenced in another country
- persons arrested with no conviction
- persons charged with no conviction
- persons with municipal ordinance violations
- persons convicted of a crime that results in a court disposition that *does not* lead to custody or supervision under the WI DOC
- persons admitted to jail or prison without a new conviction
- persons who have not been apprehended or convicted of a new crime

Methodology

There are three key components involved in recidivism rate calculations:

- **Starting point** – This defines the cohort, or the group of offenders being examined to see if they recidivated. For example, offenders released from prison in 2007, or offenders beginning supervision in 2005.
- **Follow-up period** – Timeframe in which an offender has the opportunity to engage in a recidivism event. The standard timeframe used for follow-up periods is three years, but other follow-up periods (one, two, five, ten years) are common as well. To accurately measure recidivism rates all offenders in the cohort must have the same amount of follow-up time.

- **Recidivism event** – The measure that identifies whether and when recidivism occurred. Some commonly used recidivism events are arrest, new conviction, new prison sentence, and admission to prison. WI DOC defines a recidivism event as an offense that results in a new conviction and sentence to WI DOC custody or supervision. The WI DOC uses the date of the offense that resulted in the conviction as the date of the recidivism event. Note that the conviction and sentence can occur after the end of an offender's follow-up period.



It is important to note what starting point, follow-up period, and recidivism event are being used when comparing results from different recidivism studies, as rates are not comparable when any one of these components are different.

Starting Point

For this report, offenders released from a WI DOC facility between 1990 and 2013 were included in the various release year cohorts with the following exception: offenders who were released from a temporary stay in a WI DOC facility, such as a hold, an alternative to revocation (ATR), or an alternative to prison (ATP) were not included in the release cohorts. Only those offenders who were released from a period of incarceration due to completing the confinement portion of their sentence or revocation were included in each release cohort.

An offender was only counted once in any given cohort. If an offender was released more than once during a calendar year, the last release in the year was used as the offender's starting point for his or her follow-up period.

Follow-up Period

Follow-up periods for a given starting point cohort were the same for every offender in the cohort. Meaning if an offender was released from prison on January 1, 1995, he was followed until December 31, 1997 for a three-year follow-up period, while an offender released on December 31, 1995 was followed until December 30, 1998.

Offenders who died within the timeframe of each specified follow-up period were removed from the starting point cohort. For example, an offender who died one and a half years after being released would not be included in the two-year follow-up cohort, because he died before the two years were complete. However, this offender would still be included in the one-year follow-up cohort, because he did not die until after he had been in the community for the entire one year following his release. The WI DOC is only able to track the deaths of offenders who are under the supervision of the WI DOC at the time of their deaths. Therefore offenders who died and were not under WI DOC custody or supervision at that time remain in the cohort.

Recidivism Event

An offender was considered a recidivist if he or she committed a new crime and was convicted and sentenced to WI DOC custody or supervision within his or her follow-up period. Although an offender must be convicted and sentenced to WI DOC custody or supervision to be considered a recidivist, it is the date of the actual offense that is considered the date of the recidivism event, not the date of conviction, sentencing, or admission to prison. Therefore, the offense itself must have occurred during the offender's follow-up period. If an offender had multiple offense dates in a given follow-up period the earliest offense date was counted as the recidivism event. An offender can only be counted as a recidivist once within any given cohort.

For some older data, offense dates were missing but corresponding sentence dates were available. Estimated offense dates were calculated for all missing offense dates using the following equation:

$$\text{Estimated Offense Date} = \text{Sentence Date} - 209 \text{ days}^*$$

*Median number of days between offense and sentence dates based on sentence dates that occurred between January 1, 2006 and December 31, 2011

If an estimated offense date fell within an offender's follow-up period he or she was counted as a recidivist.

WI DOC's methodology considers the date of an offense as the date of the recidivism event. Often an offender is not arrested, tried, convicted, and sentenced until years after committing an offense. The WI DOC does not obtain data for that offense until the time that the offender is sentenced to custody or supervision under the Department. Therefore, past recidivism rates can change depending on when data are analyzed. For example, if an offender released in 1995 was arrested, convicted, and sentenced in 2011 for an offense committed in 1996, a recidivism rate calculated in 2010 for a 1995 starting point cohort would not count the offender as a recidivist. However, if that rate was calculated again in 2012, the offender would be considered a recidivist for the 1995 starting point cohort.

Even when an offender is arrested, tried, convicted, and sentenced shortly after the occurrence of an offense, the WI DOC still will not obtain offense data until 209 days (on average) after the offense. Therefore, recidivism rates calculated by the WI DOC provide for a minimum one-year lag time to account for the time between apprehension for a new crime and subsequent court disposition. This allows the Department to capture data on offenders who committed crimes during the last year of their follow-up periods, but who were not convicted and sentenced until sometime after the follow-up period. For example, a report of 2013 release from prison recidivism rates with a three-year follow-up period would not be published until after 2017, allowing for the three-year follow-up period (ending in 2016) and the one-year lag time (ending in 2017).

Furthermore, WI DOC is only able to calculate recidivism rates based on the data that is available to the Department. Therefore, offenses that result in fines or convictions to only county jail are not counted as recidivism events because the WI DOC is not notified when offenders receive these types of sentences or court dispositions. At this point in time, the WI DOC is only able to obtain and validate data on offenders who are under WI DOC custody or supervision.

Percentage Change in Recidivism Rate

The percentage change in the recidivism rate reported in the executive summary and on page six is calculated by dividing the percentage-point change by the initial recidivism rate and multiplying the resulting number by 100. This yields the percentage by which the recidivism rate changed. For example, in 1990 the recidivism rate was 43.0%, and it decreased 11.7 percentage points to 31.3% in 2011. Therefore, the resulting change in the recidivism rate was 27.2%.

Age at Release

An offender's age at release was calculated as the number of years between the offender's date of birth and his or her release date. The offender's age was rounded down, meaning that if 25 years and 300 days had passed between an offender's date of birth and release date, that offender was identified as being 25 years old.

Time to Recidivism Event

Time to recidivism event was calculated as the number of months between the offender's date of release and the date of his or her recidivism offense. The number of months was rounded down, such that if the time between the release and the recidivism offense was two months and 27 days, the offender was categorized as having recidivated in two months from his or her release.

Length of Prison Stay

Length of prison stay was calculated as the number of months between the offender's admission date and release date. The category of 1-2 years includes offenders whose lengths of stay were 24 months; the 2-3 year category includes lengths of stay of 36 months; and the 3-5 year category includes lengths of stay of 60 months.

Risk Level

Offender risk level was calculated using the WI DOC version of a proxy risk screening instrument (see [Bogue, Woodward and Joplin, 2006](#)) in order to capture a complete historical analysis of risk level. Though WI DOC currently uses the COMPAS Risk Assessment to capture a more detailed picture of offender criminogenic risk, the measure has only been in use since mid-2012 and would provide incomplete recidivism-by-risk trends. The WI DOC proxy risk instrument incorporates three items to broadly estimate general risk for recidivism: 1) age at release from prison, 2) age at first sentence to WI DOC custody, and 3) number of prior felony convictions in Wisconsin. Scores from the proxy risk screening instrument are used to define three overall risk categories: low, moderate, and high.

Original Offense Type and Offense Type Specialization

Offense type categories were based on the Association of State Correctional Administrators (ASCA) Performance-Based Measures System (PBMS) standards. While the ASCA standards were followed as closely as possible in the categorization of offenses, supplementary rules were developed to aid in categorizing statutes that did not clearly fit into one category or another. Offense categorization methodology is available upon request.

Recidivism rates by original offense type were determined using the most serious active offense at the time of an offender's release from prison.

For offense type specialization, if an offender committed offenses on multiple dates within his or her follow-up period, the first offense date was selected as the date on which the offender became a recidivist. To determine the offender's most serious recidivist offense, the offenses committed on that offense date only were examined.

Recidivism vs. Reincarceration

Reincarceration rates are also commonly reported by corrections agencies, and are sometimes confused with recidivism rates. A reincarceration rate represents the percentage of offenders released from prison who then return to prison for a revocation, a revocation with a new sentence, or a new sentence within a specified follow-up period. The WI DOC tracks reincarceration rates as a means to report on prison bed utilization and population projections, and as an additional outcome measure, but not as a means to calculate recidivism rates.

Appendix B

Table 1. Recidivism Trends 1990-2013

Release Year	1-Year Follow-Up			2-Year Follow-Up			3-Year Follow-Up		
	Total Releases*	Recidivists**		Total Releases	Recidivists		Total Releases	Recidivists	
1990	2,841	621	21.9%	2,834	986	34.8%	2,828	1,215	43.0%
1991	3,605	827	22.9%	3,593	1,258	35.0%	3,581	1,530	42.7%
1992	3,649	857	23.5%	3,640	1,257	34.5%	3,631	1,542	42.5%
1993	4,274	1,011	23.7%	4,261	1,572	36.9%	4,252	1,929	45.4%
1994	4,049	892	22.0%	4,035	1,440	35.7%	4,018	1,755	43.7%
1995	4,943	1,087	22.0%	4,934	1,659	33.6%	4,920	2,026	41.2%
1996	4,840	1,074	22.2%	4,819	1,617	33.6%	4,808	1,991	41.4%
1997	5,009	998	19.9%	4,989	1,595	32.0%	4,979	1,969	39.5%
1998	4,780	969	20.3%	4,771	1,476	30.9%	4,760	1,799	37.8%
1999	5,183	1,025	19.8%	5,176	1,639	31.7%	5,171	2,083	40.3%
2000	7,161	1,283	17.9%	7,129	2,174	30.5%	7,120	2,820	39.6%
2001	6,901	1,323	19.2%	6,876	2,164	31.5%	6,863	2,701	39.4%
2002	7,550	1,344	17.8%	7,539	2,188	29.0%	7,521	2,744	36.5%
2003	7,921	1,438	18.2%	7,883	2,270	28.8%	7,856	2,889	36.8%
2004	8,376	1,471	17.6%	8,342	2,376	28.5%	8,316	2,996	36.0%
2005	8,604	1,438	16.7%	8,567	2,310	27.0%	8,534	2,908	34.1%
2006	8,451	1,450	17.2%	8,407	2,253	26.8%	8,372	2,821	33.7%
2007	8,572	1,407	16.4%	8,543	2,217	26.0%	8,521	2,819	33.1%
2008	9,151	1,412	15.4%	9,112	2,243	24.6%	9,092	2,809	30.9%
2009	8,741	1,312	15.0%	8,704	2,072	23.8%	8,671	2,675	30.8%
2010	8,554	1,276	14.9%	8,499	2,104	24.8%	8,468	2,725	32.2%
2011	7,689	1,167	15.2%	7,647	1,908	25.0%	7,612	2,379	31.3%
2012	7,521	1,134	15.1%	7,486	1,881	25.1%	—	—	—
2013	7,661	1,109	14.5%	—	—	—	—	—	—

* Total release numbers may differ from those in past years' reports. Data sets are re-run for every new report, and numbers may change slightly due to corrections in data entry regarding release dates or release types for past years.

** Recidivism rates may differ slightly from those in past reports due to recent convictions and sentences to WI DOC for offenses that occurred many years before the offender was apprehended. See [Recidivism Event](#) subsection of Appendix A (pages 17-18) for a more detailed explanation.

Table 2. Recidivism Rates by Gender 2000-2013

Release Year	1-Year Follow-Up						2-Year Follow-Up						3-Year Follow-Up					
	Females			Males			Females			Males			Females			Males		
	Total Releases	Recidivists		Total Releases	Recidivists		Total Releases	Recidivists		Total Releases	Recidivists		Total Releases	Recidivists		Total Releases	Recidivists	
2000	682	92	13.5%	6,479	1,191	18.4%	682	138	20.2%	6,447	2,036	31.6%	682	187	27.4%	6,438	2,633	40.9%
2001	667	84	12.6%	6,234	1,239	19.9%	665	139	20.9%	6,211	2,025	32.6%	663	187	28.2%	6,200	2,514	40.5%
2002	638	86	13.5%	6,912	1,258	18.2%	636	142	22.3%	6,903	2,046	29.6%	633	186	29.4%	6,888	2,558	37.1%
2003	678	79	11.7%	7,243	1,359	18.8%	677	138	20.4%	7,206	2,132	29.6%	672	171	25.4%	7,184	2,718	37.8%
2004	707	82	11.6%	7,669	1,389	18.1%	705	153	21.7%	7,637	2,223	29.1%	705	204	28.9%	7,611	2,792	36.7%
2005	732	103	14.1%	7,872	1,335	17.0%	730	152	20.8%	7,837	2,158	27.5%	729	203	27.8%	7,805	2,705	34.7%
2006	701	80	11.4%	7,750	1,370	17.7%	697	136	19.5%	7,710	2,117	27.5%	695	165	23.7%	7,677	2,656	34.6%
2007	679	102	15.0%	7,893	1,305	16.5%	678	144	21.2%	7,865	2,073	26.4%	677	183	27.0%	7,844	2,636	33.6%
2008	779	73	9.4%	8,372	1,339	16.0%	777	129	16.6%	8,335	2,114	25.4%	775	172	22.2%	8,317	2,637	31.7%
2009	695	76	10.9%	8,046	1,236	15.4%	692	127	18.4%	8,012	1,945	24.3%	690	163	23.6%	7,981	2,512	31.5%
2010	641	55	8.6%	7,913	1,221	15.4%	637	115	18.1%	7,862	1,989	25.3%	635	146	23.0%	7,833	2,579	32.9%
2011	631	80	12.7%	7,058	1,087	15.4%	627	138	22.0%	7,020	1,770	25.2%	625	164	26.2%	6,987	2,215	31.7%
2012	596	65	10.9%	6,925	1,069	15.4%	590	121	20.5%	6,896	1,760	25.5%	—	—	—	—	—	—
2013	607	65	10.7%	7,054	1,044	14.8%	—	—	—	—	—	—	—	—	—	—	—	—

Table 3. Recidivism Rates by Length of Prison Stay 2000-2011: 3-Year Follow-up

Release Year	One Year or Less			1-2 Years			2-3 Years			3-5 Years			>5 Years		
	Total Releases	Recidivists		Total Releases	Recidivists		Total Releases	Recidivists		Total Releases	Recidivists		Total Releases	Recidivists	
2000	2,654	1,121	42.2%	2,064	829	40.2%	1,103	421	38.2%	807	307	38.0%	492	142	28.9%
2001	2,467	1,058	42.9%	1,929	751	38.9%	944	350	37.1%	909	342	37.6%	614	200	32.6%
2002	2,685	1,090	40.6%	2,067	758	36.7%	1,042	371	35.6%	942	319	33.9%	785	206	26.2%
2003	2,707	1,131	41.8%	2,283	828	36.3%	1,060	366	34.5%	927	317	34.2%	879	247	28.1%
2004	3,036	1,262	41.6%	2,412	830	34.4%	1,089	385	35.4%	877	290	33.1%	902	229	25.4%
2005	3,157	1,195	37.9%	2,566	901	35.1%	1,137	380	33.4%	865	265	30.6%	809	167	20.6%
2006	3,157	1,196	37.9%	2,479	824	33.2%	1,131	383	33.9%	908	254	28.0%	697	164	23.5%
2007	3,323	1,254	37.7%	2,655	875	33.0%	1,027	344	33.5%	862	234	27.1%	654	112	17.1%
2008	3,325	1,173	35.3%	2,991	918	30.7%	1,140	348	30.5%	877	223	25.4%	759	147	19.4%
2009	3,210	1,163	36.2%	2,746	804	29.3%	1,194	347	29.1%	788	223	28.3%	733	138	18.8%
2010	3,029	1,094	36.1%	2,839	947	33.4%	1,056	320	30.3%	849	225	26.5%	695	139	20.0%
2011	2,482	884	35.6%	2,586	846	32.7%	1,053	329	31.2%	786	209	26.6%	705	111	15.7%

Table 4. Recidivism Rates by Risk Level 2000-2011: 3- Year Follow-up

Release Year	High Risk			Moderate Risk			Low Risk		
	Total Releases	Recidivists		Total Releases	Recidivists		Total Releases	Recidivists	
2000	2,505	1,356	54.1%	2,802	1,075	38.4%	1,812	388	21.4%
2001	2,321	1,296	55.8%	2,746	1,030	37.5%	1,794	374	20.8%
2002	2,367	1,207	51.0%	3,138	1,111	35.4%	2,012	424	21.1%
2003	2,380	1,231	51.7%	3,311	1,191	36.0%	2,160	466	21.6%
2004	2,430	1,197	49.3%	3,515	1,269	36.1%	2,371	530	22.4%
2005	2,416	1,179	48.8%	3,707	1,268	34.2%	2,409	460	19.1%
2006	2,323	1,088	46.8%	3,719	1,270	34.1%	2,324	461	19.8%
2007	2,253	1,060	47.0%	3,874	1,259	32.5%	2,393	499	20.9%
2008	2,254	982	43.6%	4,169	1,311	31.4%	2,662	514	19.3%
2009	2,033	922	45.4%	4,121	1,304	31.6%	2,512	444	17.7%
2010	1,911	845	44.2%	4,098	1,372	33.5%	2,453	507	20.7%
2011	1,632	685	42.0%	3,752	1,280	34.1%	2,222	411	18.5%

Table 5. Recidivism Rates by Original Offense Type 2000-2011: 3-Year Follow-up

Release Year	Violent Offender			Property Offender			Drug Offender			Public Order Offender		
	Total Releases	Recidivists		Total Releases	Recidivists		Total Releases	Recidivists		Total Releases	Recidivists	
2000	2,707	976	36.1%	2,217	1,006	45.4%	1,538	534	34.7%	650	301	46.3%
2001	2,634	933	35.4%	2,148	988	46.0%	1,343	460	34.3%	717	312	43.5%
2002	2,917	943	32.3%	2,332	946	40.6%	1,447	523	36.1%	816	328	40.2%
2003	3,096	995	32.1%	2,196	912	41.5%	1,644	601	36.6%	916	380	41.5%
2004	3,092	1,023	33.1%	2,396	1,016	42.4%	1,823	600	32.9%	1,004	357	35.6%
2005	3,047	899	29.5%	2,227	926	41.6%	2,083	654	31.4%	1,174	428	36.5%
2006	3,093	944	30.5%	2,150	859	40.0%	1,975	614	31.1%	1,148	402	35.0%
2007	3,170	934	29.5%	2,167	883	40.7%	1,891	551	29.1%	1,286	448	34.8%
2008	3,351	936	27.9%	2,271	822	36.2%	2,007	607	30.2%	1,453	442	30.4%
2009	3,342	940	28.1%	2,063	799	38.7%	1,733	497	28.7%	1,506	432	28.7%
2010	3,338	965	28.9%	1,954	795	40.7%	1,640	519	31.6%	1,515	443	29.2%
2011	3,084	840	27.2%	1,701	708	41.6%	1,457	446	30.6%	1,358	384	28.3%

Examining the Effects of Residential Situations and Residential Mobility on Offender Recidivism

Crime & Delinquency
2015, Vol. 61(3) 375–401
© 2011 SAGE Publications
Reprints and permissions:
sagepub.com/journalsPermissions.nav
DOI: 10.1177/0011128711399409
cad.sagepub.com



**Benjamin Steiner,¹
Matthew D. Makarios,²
and Lawrence F. Travis III³**

Abstract

Drawing from theories of social control, this study involved an examination of the time-varying effects of six different residential situations and residential mobility on offenders' odds of recidivism during the year immediately following their release from prison. Analyses of data collected on a statewide sample of offenders released under supervision in Ohio generated results favoring a control perspective. Both residential mobility and residential situations such as living with a spouse or parent were relevant for understanding differences among offenders in their odds of recidivism. Stable characteristics of offenders such as gender and prior criminal history were also linked to recidivism.

Keywords

parole, recidivism, offender, social control

¹University of Nebraska, Omaha

²University of Wisconsin–Parkside, Kenosha

³University of Cincinnati, OH

Corresponding Author:

Benjamin Steiner, School of Criminology and Criminal Justice, University of Nebraska, Omaha, 6001 Dodge Street, 218 CPACS, Omaha, NE 68182-0149.

Email: bmsteiner@unomaha.edu

Because of their high recidivism rates, offenders released from prisons contribute significantly to crime rates and state prison populations (Blumstein & Beck, 2005; Rosenfeld, Wallman, & Fornango, 2005; Travis & Lawrence, 2002). Understanding the factors that influence offenders' odds of recidivism can guide the development of practical solutions to the problem (e.g., classification instruments and correctional treatment programs) and inform theories of offender behavior (Committee on Community Supervision and Desistance From Crime, 2008; Travis & Visser, 2005).

Empirical findings from longitudinal studies of offending patterns have underscored the importance of continuity and change in individuals' behavior (see, for example, Committee on Community Supervision and Desistance From Crime, 2008; Laub & Sampson, 2003; Sampson & Laub, 1993). Even though studies of offender recidivism are typically restricted to short intervals of time (e.g., 1 year after release), researchers in this area have recognized the contribution of continuity and change and begun to focus on the potential effects of both time-varying life circumstances, such as offenders' employment or relationship status, and time-invariant offender characteristics, such as offenders' prior record (e.g., MacKenzie & De Li, 2002; Uggen, 2000). These few studies to date have provided evidence that short-term changes in offenders' situations or local life circumstances can influence their odds of offending (Horney, Osgood, & Marshall, 1995; MacKenzie & De Li, 2002; McGloin, Sullivan, Piquero, & Pratt, 2007; Sullivan, McGloin, Pratt, & Piquero, 2006). One potentially relevant, and often varying, life circumstance could be offenders' residential situation (i.e., who they live with). Using a statewide sample of offenders released from prison under postrelease supervision in Ohio, we add to the limited research on offender behavior by examining the effects of different residential situations and residential mobility on recidivism, while controlling for other relevant predictors of recidivism. Drawing from theories of social control, we posit that different residential situations and residential mobility coincide with variation in the level of social control present in offenders' lives. Variation in the level of social control can affect offenders' odds of recidivism.

Theoretical Framework

The focus of this study is on recidivism during the year immediately following offenders' release from prison. Although the recidivism process can occur over a longer period of time (see, for example, Maltz, 1984), examination of the factors associated with recidivism during a restricted period of time can still inform our understanding of the recidivism process (Committee on Community Supervision and Desistance From Crime, 2008; Maruna & Toch, 2005). In addition,

large-scale studies of recidivism have determined that most offenders who recidivate do so within the 1st year after their release (e.g., Langan & Levin, 2002), underscoring that this period of offenders' reentry is perhaps the most critical time to understand. Furthermore, determination of the factors that influence offenders' likelihood of recidivism in the short term is of particular relevance to correctional administrators because, in general, they only deal with offenders for a narrow period of time (La Vigne, Thomson, Visser, Kachnowski, & Travis, 2003). In the jurisdiction under examination in this study (Ohio), for example, the majority of offenders are sentenced to postrelease control (PRC; mandatory parole) for 3 years or less. In practice, however, offenders typically serve only 1 to 1.5 years under supervision.¹ Thus, longitudinal studies of offenders who are restricted to short intervals of time can inform theories of offender behavior (e.g., desistance) and provide correctional agencies with practical information regarding factors that reflect continuity (i.e., static factors) and induce change (i.e., dynamic factors) in offender behavior on a more day-to-day basis (see Gendreau, Little, & Goggin, 1996, for a discussion of the practical application of static and dynamic predictors of recidivism).

In this study, we link potential predictors to recidivism using a social control perspective. A control perspective is well suited to studying adult offenders because it recognizes continuity and change in individuals' behavior (Laub & Sampson, 2003; Sampson & Laub, 1993). Continuity is reflected by stable differences between individuals in their propensities to offend (Gottfredson & Hirschi, 1990). In contrast, within-individual changes in exposure to institutions of formal and informal social control often induce turning points that can be the triggering events that influence offenders' odds of recidivism (Laub & Sampson, 2003; Sampson & Laub, 1993). Change can be viewed as a long-term process or in the short term as a response to variations in individuals' situations or local life circumstances (Horney et al., 1995; Laub & Sampson, 2003). In this context, the residential situations and related residential stability of offenders released from prison are life circumstances that are likely to affect the degree of social control over offenders' behavior. We hypothesize that variations in offenders' residential situations and residential mobility influence their odds of recidivism.²

Offenders' Residential Situations, Mobility, and Recidivism

The link between offenders' residential situation and offending has been grounded in a social control perspective (Horney et al., 1995; Laub & Sampson, 2003; MacKenzie & De Li, 2002; Sampson & Laub, 1993). For instance, individuals who are married and cohabitating could be less likely to recidivate

because of the direct control of spouses and because marriage can restrict opportunities for recidivism by altering social networks and/or changing daily routines (Horney et al., 1995; Laub & Sampson, 2003; MacKenzie & De Li, 2002; Sampson & Laub, 1993). Compared with individuals who are simply married or living with a boyfriend/girlfriend, individuals who are married and cohabitating may also have a higher level of commitment to their relationship (Holtzworth-Munroe, Smutzler, & Bates, 1997; Stets & Straus, 1989). A greater level commitment to a relationship may influence the quality and level of attachment in the marriage, which can affect offenders' odds of recidivism (Laub, Nagin, & Sampson, 1998; Laub & Sampson, 2003). In support of these ideas, Horney et al. (1995) uncovered that men who were married and cohabitating were less likely to offend, whereas men living with a girlfriend were more likely to offend. Similarly, MacKenzie and De Li (2002) observed that men who were living with their spouse were less likely to commit nondrug crime. In contrast, living with a girlfriend had no effect on this type of offending. Neither living situation had an effect on drug dealing, however.

Sampson and Laub (1993) underscored the importance of family in inhibiting offending during individuals' childhood years. Yet, the potential effects of parents or other relatives have not received much empirical attention within the context of adulthood. This is probably because for most adults relationships with friends and significant others become more important, and familial effects on adult behaviors become less proximate. However, offenders returning from prison are often devoid of social networks and/or ties, and parents and other family members can be (and often are) one of their few available resources that may facilitate successful reentry (Clear, Waring, & Scully, 2005; Visser, Baer, & Naser, 2006; Visser & Courtney, 2007). Living with a parent or other relative may provide indirect control over offenders' behavior because even though the strength of the attachment between parent and child or between family members may weaken during the offender's incarceration, it could also strengthen more quickly than potential attachments between offenders and other prosocial individuals. Parents and other relatives also have a vested interest in seeing their family member succeed, and so they may be willing to assist parole authorities in the supervision (direct control) of the offender. Although it is likely that some offenders' parents are poor and some parents or other relatives exhibit antisocial tendencies themselves, it is also true that even people who are deviant themselves can be good parents and "bad parents" are good parents much of the time (Clear et al., 2005; Uggen, Wakefield, & Western, 2005). In addition, parole authorities often restrict offenders from living with individuals (other than parents and spouses) who are also under supervision or have a criminal history (Glaser, 1969; Petersilia, 2003).

Prosocial ties (such as between an offender and his or her law-abiding relative) can inhibit offending by bringing new resources to the offender and/or altering or expanding social networks (Clear et al., 2005; Uggen et al., 2005). For all these reasons, it is reasonable to expect that offenders who live with their parents or other relatives will be less likely to recidivate.

Parole authorities not only have the power to restrict who offenders live with but also to direct where offenders live. Released offenders can be placed in halfway houses or homeless shelters, or referred to inpatient treatment programs. These referrals or placements can occur as the result of community sanctions for violations of conditions of postrelease supervision or as a part of case-management plans designed to address offenders' reentry needs. Regardless of how offenders are placed in residential programming, involvement in the program can formally control offenders' behavior by structuring their routines, increasing supervision over their behaviors, and limiting opportunities to violate the terms of their release (Petersilia, 2003).

In contrast to offenders who live in the aforementioned residential situations, offenders who are homeless or have absconded are in situations that lack supervision, assistance, and/or prosocial associations. Offenders living in these situational contexts often have fewer ties to conventional others and/or less to lose by deviating from (or further from) supervision. For those offenders in these situations, conformity may be less likely.

Offenders' residential mobility may also influence the level of control over their behavior. The inability to find and maintain stable housing can inhibit the forming of prosocial networks and decrease involvement in conventional activities (Sampson, 1988; Sampson, 1991). Residential instability may also weaken offenders' stake in conformity or attachment to their community (Sampson, 1991; Wooldredge & Thistlethwaite, 2002). Findings from related studies suggest that offenders who move more often are more likely to recidivate (Meredith, Speir, & Johnson, 2007; Visher & Courtney, 2007).

Other Relevant Controls Over Offenders' Behavior

A reliable examination of the effects of different residential situations and residential mobility on recidivism requires consideration of other variables that can be included in a model as statistical controls. These predictors of recidivism might also proxy various aspects of informal control over offenders' behavior. For example, age may be inversely related to recidivism because younger offenders often have fewer conventional relationships and are less likely to be involved in activities reflecting more conformist lifestyles. Studies have revealed support for a negative relationship between age and recidivism (e.g., Gendreau

et al., 1996; Griffin & Armstrong, 2003; MacKenzie, Browning, Skroban, & Smith, 1999; Rosenfeld et al., 2005).

African American offenders (particularly males) may be more likely to recidivate because of the overrepresentation of minority offenders from economically and socially disadvantaged neighborhoods (Rose & Clear, 1998), where feelings of resentment and hostility toward legal authority are pervasive among residents (Anderson, 2001; Sampson & Bartusch, 1998). If African American offenders do not hold much respect for the rules of supervision because they question the legitimacy of those rules, recidivism may be more likely. Evidence regarding the effect of offenders' race, however, is mixed. (see, for example, DeJong, 1997; Gendreau et al., 1996; Griffin & Armstrong, 2003; Huebner, Varano, & Bynum, 2007; MacKenzie & De Li, 2002; Rosenfeld et al., 2005).

Employment might exhibit control over offenders, as they might have more to lose by engaging in deviance (MacKenzie & De Li, 2002; Uggen et al., 2005). Offenders' involvement in employment may also be suggestive of a greater commitment to convention (Hirschi, 1969; Toby, 1957). Employment can also restrict opportunities for deviance and assist offenders in altering existing social networks (Uggen et al., 2005). Empirical findings from related studies suggest that offenders who are employed have lower odds of recidivism (DeJong, 1997; Gendreau et al., 1996; Griffin & Armstrong, 2003; MacKenzie & De Li, 2002; Uggen et al., 2005; Visser & Courtney, 2007).

Also important to consider are indicators of offenders' committing offense and prior criminal history (DeJong, 1997; Gendreau et al., 1996; MacKenzie et al., 1999; MacKenzie & De Li, 2002; Visser & Courtney, 2007). The salience of continuity in offending behavior is well documented (e.g., Laub & Sampson, 2003; Sampson & Laub, 1993), and so offenders who have lengthier criminal histories or more prior violations of release conditions should be more likely to recidivate. Researchers have revealed that offenders convicted of drug or property offenses (as opposed to other offenses) are more likely to recidivate (Langan & Levin, 2002; Rosenfeld et al., 2005; Solomon, Kachnowski, & Bhati, 2005).

Related to the potential importance of offenders' prior criminal history may be offenders' prior associates. Offenders who were previously associated with organized or territorial groups of other offenders (e.g., gangs) may have more difficulty altering their social networks. For example, Anderson (2001) documented the struggles that some offenders have when they return to communities and attempt to negotiate the line between the decent and the street life. For offenders who have ties to antisocial peer groups, the pull of those groups away from convention may make street life and consequently recidivism more likely. In support of these ideas, Huebner et al. (2007) found that offenders who were involved in a gang prior to their incarceration were more likely to recidivate after their release.

Method

The data for this study were collected as a part of a larger project designed to evaluate the effects of a change to the Ohio Department of Rehabilitation and Correction (ODRC) parole-violation sanction policy.³ The target populations for the larger study included all offenders released on discretionary parole or PRC (mandatory parole) in Ohio during a 3-month period before (October-December, 2003) and after (August-October, 2005) the violation sanction policy was implemented statewide.⁴ The larger study revealed that the change to the sanctioning policy had no effect on various measures of offender recidivism (see Martin & Van Dine, 2008), and so the two samples were combined for the purposes of the current study.

Data and Measures

The samples used for the larger study were selected using the same procedures. Offenders were selected from a list of all the offenders released under postrelease supervision in Ohio for the first time in their current case during the periods mentioned above. All of the female offenders on the list were selected to ensure adequate representation. Male offenders were selected randomly with the goal of 95% confidence intervals for parameter estimates. The male sample also included an oversample of 20% to account for unusable cases (e.g., interstate compacts), cases with missing data, and so forth. These procedures resulted in 1,040 and 1,012 offenders for the two samples, respectively, and a combined sample of 2,052 offenders. Sample weights were derived to adjust for the oversampling of female offenders. These weights were normalized for the multivariate analyses.

Information regarding each offender was collected from a number of official sources (e.g., case files), which were cross-referenced against each other to increase the reliability of the data. The data regarding offenders' residential situations were particularly strong because of the nature of parole work (e.g., parole officers are required to track offenders' whereabouts in their field notes) and because officers were required to enter all address changes into a computer database as soon as they became aware of them. Printed documentation of these address changes were commonly found in the offender files. The data were collected by two researchers, and offenders were followed for a full year after their release or, if applicable, until the date they recidivated.

From the sample of 2,052 offenders, cases were removed if they were interstate compact cases ($n = 27$), were offenders released to detainers ($n = 8$), or had missing data on any of the variables of interest ($n = 33$). These procedures reduced the sample used here to 1,984 offenders released under supervision in

Table 1. Descriptive Statistics for Final Study Sample (Weighted) and the Ohio Release Population.

Measure	Study Sample		Ohio Release Population	
	Proportion or <i>M</i>	<i>SD</i>	Proportion or <i>M</i>	<i>SD</i>
Age	34.72	(10.32)	34.01	(9.72)
Female	0.09		0.09	
Non-White	0.53		0.52	
Incarcerated for drug offense	0.15		0.14	
Incarcerated for property offense	0.22		0.22	
Discretionary parole	0.28		0.25	
<i>n</i>	1,984		19,757	

Note: All measures are dummy coded except age.

the state of Ohio. Table 1 contains descriptions of the weighted sample and the population of offenders released in Ohio during 2003 and 2005 based on measures that were available electronically. Comparisons between the population parameters and sample statistics reported in Table 1 suggest that the sample was not significantly different from the populations on measures of age, race, gender, or committing offense type.

Recently released offenders are a highly mobile group. Visser and Courtney (2007) found that more than 60% of their sample moved at least once during the year after they were released, and nearly a third of the offenders moved several times. The data analyzed for this study revealed a similar level of mobility. Regardless of the outcome examined, more than half of the offenders moved at least once and a substantial minority ($\approx 27\%$) moved more than once ($M \approx 2.12$, $SD \approx 1.27$). The need to recognize multiple residential situations within the same offender and attribute the outcome variables to the correct situation required the creation of a longitudinal person-period data set. Specifically, months were nested within offenders, permitting us to assess monthly changes in offenders' residential situations, mobility, and so forth.⁵ This was particularly important for the examination of residential situations because it was not uncommon for offenders to live in a residential situation without incident for the majority of the study period but experience problems within a month or two after they had moved to a new situation. Only months that the offenders were living in the community were included in the study.⁶

All the measures included in the final models and the final Level 1 sample sizes are described in Table 2. Important to note is that the descriptions of the

Table 2. Sample Means and Standard Deviations (Unweighted).

Measures	Rearrested	Rearrested for Felony
Outcomes		
Rearrested hazard rate	0.05 (0.22)	—
Rearrested for felony hazard rate	—	0.02 (0.16)
Within-individual predictors		
Lived with spouse	0.05 (0.22)	0.05 (0.22)
Lived with boyfriend/girlfriend	0.08 (0.28)	0.09 (0.28)
Lived with parent	0.35 (0.48)	0.34 (0.47)
Lived with other relative	0.20 (0.40)	0.19 (0.40)
Lived in residential program	0.11 (0.31)	0.11 (0.32)
Homeless or at large	0.05 (0.21)	0.06 (0.23)
Number of prior residences	0.46 (0.80)	0.66 (1.04)
Prior violation	0.28 (0.45)	0.39 (0.49)
n_1	16,626	19,086
Between-individual predictors		
Age	34.83 (10.26)	
Female	0.19 (0.39)	
African American	0.51 (0.50)	
Employed	0.62 (0.48)	
Retired, disabled, or receiving SSI	0.09 (0.28)	
Incarcerated for drug offense	0.16 (0.36)	
Incarcerated for property offense	0.23 (0.42)	
High risk	0.16 (0.37)	
Low risk	0.43 (0.50)	
Gang member	0.14 (0.35)	
Discretionary parole	0.28 (0.45)	
n_2	1,984	

Note: SSI = supplemental security income. All measures are dummy coded except number of prior residences and age.

outcome measures and within-individual measures reported in Table 2 are summary statistics that are based on the number of offenders in the sample who were at risk for each month of the study, rather than simply the number of offenders. Recidivism was measured with two variables, including whether an offender was arrested for a new offense or a violation of their release conditions (*rearrested*) and whether an offender was arrested for a new felony offense (*rearrested for felony*). Both outcome measures were examined because some changes in offenders' residential situations could technically be considered violations of their release conditions and therefore may have been more likely to result in an arrest.

Rearrests were chosen over other measures (e.g., reincarceration) to avoid problems associated with measures that require further procession into the criminal justice system (see Maltz, 1984). Each of the measures of recidivism is technically an official measure and therefore may underestimate the offenders' actual offending behavior (see MacKenzie et al., 1999). Even though official measures of recidivism have been considered a valid indicator of offender behavior (e.g., Farrall, 2005), the limitations of the measures should be kept in mind when interpreting the findings.

In addition to the outcome variables, offenders' residential situations, residential mobility, and one of the control variables were measured within individuals to allow their effects to vary over time (monthly). We examined six different residential situations, including whether an offender *lived with spouse, lived with boyfriend/girlfriend, lived with parent, lived with other relative, lived in residential program*, or *was homeless or at large*.⁷ All of the other possible residential situations (e.g., living with a roommate) were pooled and designated as the reference category. Living with a parent was distinguished from living with other relatives because the strength of the attachment between individuals and their parents or spouse is often greater than their attachment to siblings or other relatives (Sampson & Laub, 1993). Thus, the degree of control over offenders who lived in those types of situations was expected to be greater. In addition, and in contrast to other relatives, parole authorities rarely restricted offenders from living with significant others or parents.⁸

Other within-individual measures included *number of prior residences* and *prior violation*. Number of prior residences measures the total number of residential moves an offender accrued prior to the beginning of each month. Prior violation reflects whether an offender had committed a technical violation prior to the beginning of each month.

We also included between-individual predictors measuring each offenders' *age* at the start of supervision, whether they were *female, African American, employed, or retired, disabled, or receiving supplemental security income (SSI)*. Employed indicates whether an offender had a period of steady employment during the follow-up period. Although other researchers have measured employment within individuals (e.g., Horney et al., 1995; MacKenzie & De Li, 2002), we were unable to do so here. We observed too much between-officer variability in the quality of their field notes with regard to dates of employment to ascertain whether or when offenders changed or lost their jobs. For example, it was often the case that officers would record that an offender had obtained employment but several months later note that the offender was still searching for work (indicating they had lost their previous job). As such, we chose to error on the side of caution and measure employment between individuals.

Several variables tapping offenders' prior criminal behavior were also included. Specifically, we included whether an offender was *incarcerated for a drug offense* or a *property offense*, classified *high* or *low risk*, as well as whether they were designated a *gang member*. The measures of high and low risk were taken from the ODRC's additive static risk assessment that primarily comprised of indicators of an offenders' prior criminal history and ranks individuals as either high, medium, or low risk. The measure of gang membership was retrieved from ODRC prison records and indicates participation in a security threat group. Similar to Huebner et al.'s (2007) measure of gang membership, the measure used in this study does not indicate whether offenders continued their gang involvement after their release from prison. Finally, we examined whether offenders were released on *discretionary parole* as opposed to mandatory parole (in Ohio, PRC).

Statistical Analysis

As discussed above, the focus on time-varying and time-invariant predictors of recidivism required the creation of a person-period data set, with repeated monthly observations nested within each of the offenders. The dichotomous indicators of recidivism during the monthly observations were examined with discrete time-hazard models. However, the focus on within-individual change raised concerns about the applicability of the traditional discrete time-hazard model (e.g., within-individual changes in offenders' behavior may not be independent of offenders' stable characteristics). These potential problems for the traditional discrete time-hazard model was overcome by incorporating the model within a multilevel estimation method (see Hedeker & Mermelstein, 2011; Osgood, 2010; Raudenbush & Bryk, 2002). The multilevel discrete time-hazard modeling technique (a) facilitated the examination of changes in residential situations and residential mobility for each offender that were observed during the time frame of the study, (b) adjusted for the dependence among multiple observations within the same offender, (c) permitted the hypothesis tests to be based on the appropriate sample sizes (months vs. offenders), and (d) removed (through group-mean centering) between-offender variation from the within-offender observations that might have corresponded with differences in recidivism rates across offenders.⁹ Group-mean centering also restricted the Level 1 analyses to within-individual variation, permitting the examination of the effects of within-individual changes on recidivism.¹⁰

The analysis proceeded in several stages. First, an unconditional model revealed significant variance ($p \leq .05$) in each outcome at Level 1 (within offenders) and Level 2 (between offenders). Next, various specifications of the baseline hazard functions were examined to determine the appropriate

representation for the main effect of time. The Level 1 predictors were then added to the models. Each of these predictors was fixed across all supervision units; however, the Level 1 model intercepts were allowed to vary across supervision units. Consistent with objective (d) from above, the measures of offenders' residential situations were centered on their means for each offender. Finally, the Level 2 predictors were entered, allowing for examination of the main effects of the Level 2 predictors on the Level 1 intercepts.

A potential concern with using bi-level estimation methods with these data involved the limited number of months within some of the offenders (e.g., some offenders were rearrested soon after release). This situation raised concerns about the reliability of the Level 1 intercepts, and so the Empirical Bayes (EB) estimates of Level 1 intercepts were modeled at Level 2 (Raudenbush & Bryk, 2002). As the Level 1 predictors were group-mean centered, these models also included control variables representing the Level 2 means of the Level 1 explanatory variables (e.g., proportion of months living with spouse; Osgood, 2010; Raudenbush & Bryk, 2002).¹¹

Findings

Table 2 reveals that the average hazard rates for the two outcomes were .05 (rearrested) and .02 (rearrested for felony), respectively. In other words, offenders typically had a conditional probability of .05 that they were rearrested and a conditional probability of .02 that they were rearrested for a new felony offense during each month of the study period. During the entire year after their release from prison, 44% of these offenders were rearrested, whereas 24% of the offenders were rearrested for a new felony. Examination of the monthly conditional probabilities of the two measures of recidivism (not shown) revealed minimal variability across the 12 months examined here.¹² Examination of preliminary models with a general specification for the time predictors resulted in time coefficients that were nearly identical, suggesting that there was no discernable relationship between time and the odds of recidivism. For these reasons, we constrained the effect of time on recidivism (hazard) to be constant across all the time periods examined in this study. Treating the effect of time as constant across the time periods contributed to a more parsimonious model and generated more stable coefficient estimates of the effects of the predictor variables (Singer & Willett, 2003).

Table 3 contains the bivariate relationships between offenders' residential situations and both measures of recidivism. These analyses are presented in addition to the multivariate analyses because the bivariate relationships permit comparisons between the effects of each residential situation relative to all the

Table 3. Bivariate Relationships Between Offenders' Residential Situations and Recidivism.

	Rearrested	Rearrested for Felony
	β	β
Lived with spouse	-1.00** (.17)	-0.48** (.13)
Lived with boyfriend/girlfriend	0.77** (.09)	0.77** (.07)
Lived with parent	-1.12** (.07)	-1.26** (.06)
Lived with other relative	-0.78** (.09)	-0.44** (.07)
Lived in residential program	-1.35** (.08)	-0.98** (.06)
Homeless or at large	3.28** (.12)	1.69** (.07)

Note: Maximum likelihood coefficients (with standard errors) generated from discrete time-hazard models reported.

** $p \leq .01$.

other situations, as opposed to comparisons between the residential situations and the reference category. Regarding the multivariate analyses, the results from the Level 1 (within individual) models are contained in Table 4, and Table 5 displays the Level 2 (between individual) effects.¹³

Rearrest

The bivariate analyses (Table 3) revealed that offenders who lived with their spouse, a parent, other relative, or in a residential program were at lower risk to be rearrested. Offenders who lived with their boyfriend/girlfriend or were homeless or at large had higher odds of being rearrested.

Turning to the multivariate analysis, the results from the within-individual model (Table 4) revealed that offenders who lived with their spouse, parent, other relative, or in a residential program were less likely to be rearrested. Offenders who lived with their boyfriend/girlfriend or were homeless or at large had a higher likelihood of being rearrested. Offenders who moved more frequently or had a prior violation were also more likely to be arrested. Based on the odds ratios reported in Table 4, compared with the reference category, offenders who lived with their spouse had 43% lower odds of being rearrested. In contrast, in

Table 4. Level I Discrete Time-Hazard Models Predicting Recidivism.

	Rearrested		Rearrested for Felony	
	β	e^{β}	β	e^{β}
Constant	-2.04		-2.81	
Lived with spouse	-0.55** (.17)	0.57	-0.62** (.11)	0.54
Lived with boyfriend/girlfriend	0.60** (.10)	1.82	0.27** (.06)	1.31
Lived with parent	-0.18* (.09)	0.83	-0.85** (.06)	0.43
Lived with other relative	-0.33** (.08)	0.72	-0.47** (.06)	0.62
Lived in residential program	-0.23** (.09)	0.79	-0.43** (.05)	0.65
Homeless or at large	1.50** (.12)	4.48	0.04 (.06)	1.04
Number of prior residences	1.19** (.03)	3.28	1.08** (.02)	2.96
Prior violation	0.81** (.05)	2.25	0.92** (.04)	2.52
n_1	16,626		19,086	
Proportion within-individual variation explained	0.40		0.51	

Note: Maximum likelihood coefficients (with standard errors) and odds ratios reported.

* $p \leq .05$. ** $p \leq .01$.

the months offenders lived with their boyfriend or girlfriend, their odds of being rearrested was 82% higher. Compared with the reference category, offenders who lived with a parent had a 17% lower risk of being rearrested, whereas offenders who lived with a relative had 28% lower odds of being rearrested. During the months offenders lived in a residential program, they had a 20% lower risk of being rearrested. Finally, each time an offender moved was associated with a 125% increase in the risk, they were rearrested. The significant predictors in the model accounted for 40% of the within-individual variation in this outcome.

The results of the between-offender model are presented in Table 5. Younger offenders and male offenders were both more likely to be rearrested. Offenders who were employed, retired, disabled, receiving SSI, classified low risk, or released on discretionary parole had a lower rate of rearrest. By contrast,

Table 5. Level 2 Main Effects on Recidivism (Level 1 *eb* Intercepts as Outcomes).

	Rearrested		Rearrested for Felony	
	γ	<i>b</i>	γ	<i>b</i>
Intercept	-1.98		-4.15	
Age	-0.03** (.01)	-.10	-0.05** (.01)	-.11
Female	-0.70** (.15)	-.09	-0.91** (.30)	-.06
African American	-0.16 (.12)	-.03	0.05 (.18)	-.01
Employed	-0.87** (.13)	-.14	-1.67** (.20)	-.18
Retired, disabled, or receiving SSI	-0.71** (.23)	-.07	-1.75** (.36)	-.11
Incarcerated for property offense	0.47** (.14)	.07	0.58** (.21)	.06
Incarcerated for drug offense	0.10 (.16)	.01	0.15 (.25)	.01
High risk	0.57** (.17)	.07	0.65** (.25)	.06
Low risk	-0.89** (.13)	-.15	-0.86** (.19)	-.10
Gang member	0.57** (.17)	.07	0.59** (.24)	.05
Discretionary parole	-0.49** (.14)	-.07	-0.67** (.20)	-.07
n_2	1,984			
Proportion between individual variation explained	0.32		0.29	

Note: SSI = supplemental security income. Unstandardized coefficients (with standard errors) and standardized coefficients reported. Models include controls for mean levels of all the Level 1 predictors.

* $p \leq .05$. ** $p \leq .01$.

offenders who were incarcerated for property offenses, classified high risk, or designated a gang member were more likely to be rearrested. Whether offenders were African American or incarcerated for a drug offense had no effect on their rate of rearrest. The significant predictors explained 32% of the between-individual variation in the rate of rearrest.

Rearrest for Felony

The findings from the bivariate analyses (Table 3) were consistent with those from the analyses of rearrest. Offenders who lived with their spouse, a parent, other relative, or in a residential program had lower odds of rearrest for a new felony. Offenders who lived with their boyfriend/girlfriend or were homeless or at large had higher odds of rearrest for a new felony.

The analysis of within-individual effects on rearrest for a new felony (Table 4) revealed that offenders who lived with a spouse, parent, other relative, or in a residential program had a lower probability of rearrest for a new felony. By contrast, offenders who lived with their boyfriend/girlfriend had a higher likelihood of rearrest for a new felony. These results were all consistent with the analysis of rearrest. Unique to this outcome, however, having been homeless or at large had no effect on offenders' likelihood of rearrest for a felony. Consistent with the models of rearrest, offenders who moved more frequently or had a prior violation of their release conditions had higher odds of being rearrested for a new felony. The odds ratios reported in Table 4 suggest that, compared with the reference group, offenders who lived with their spouse had 46% lower odds of being rearrested for a new felony. However, during the months offenders lived with their boyfriend/girlfriend, they had a 31% higher risk of being rearrested for a new felony. Offenders who lived with a parent or lived with a relative had 57% and 38% lower odds of recidivism, respectively. During the months offenders were living in a residential program, their odds of being rearrested for a new felony were 35% lower. Each time an offender moved was associated with a 196% increase in the odds of recidivism. The model explained 51% of the within-individual variation in rearrest for a new felony.

The offender-level analysis of the rate of rearrest for a new felony (Table 4) revealed findings that were completely consistent with those derived from the model of the rate of rearrest. Younger offenders and male offenders were both more likely to be rearrested for a new felony. Offenders who were employed, retired, disabled, receiving SSI, classified low risk, or released on discretionary parole had a lower probability of being rearrested for a new felony. Offenders incarcerated for property offenses, classified as high risk, or designated gang members had higher rates of rearrest for a new felony. Neither race (African American) nor incarcerated for a drug offense had any effect on the rearrest rate for a new felony. Taken together, the relevant predictors explained 29% of the between-individual variation in the rate of rearrest for a new felony.

Discussion and Conclusions

The findings from this study underscore the importance of offenders' residential situations and residential mobility on their likelihood of recidivism. Each of the residential situations that we examined here was related to at least one of the two measures of recidivism. Consistent with our predictions, during the months offenders lived with their spouse, parent, other relative, or in a residential program, they were less likely to recidivate. During the months that offenders lived with a boyfriend/girlfriend or were homeless or at large, they typically had higher odds of recidivism. Offenders who moved more frequently were also more likely to recidivate. These findings are consistent with those derived from other studies that suggest that the situational context or local life circumstances of offenders can affect their likelihood of offending (e.g., Horney et al., 1995; Griffin & Armstrong, 2003).

Taken together, the results from this study are also favorable to a social control perspective and suggest that future studies should examine more direct measures of the concepts that were examined here. For example, we uncovered differences between the effects of living with a spouse versus living with a boyfriend/girlfriend. These findings are consistent with Horney et al.'s (1995) and underscore Sampson and Laub's (1993) discussion regarding the importance of involvement in quality relationships. Specifically, they argued that it is the strength of the attachment to the relationship that affects offenders' likelihood of reoffending (see, for example, Laub et al., 1998; Laub & Sampson, 2003). It may be worthwhile to go beyond comparisons between measures of married and cohabitating versus other cohabitating relationships, and examine more directly the strength of offenders' attachment to their relationship with significant others.

We also observed that offenders who live with a parent or other relative were less likely to recidivate. The effects of parents or other family members on individuals' likelihood of deviance have received considerable attention within the context of juvenile delinquency (see, for example, Sampson & Laub, 1993, for a review of this literature), but the potential effect of parents or other relatives on adult offending has rarely been examined. The dearth of attention to potential parental or other familial effects is probably attributable to the assumption that most individuals leave their parents' home after reaching adulthood. Contact with other relatives may also be less frequent in adulthood, weakening the ties between individuals and these other family members. Within the context of prisoner reentry, however, parents and other relatives are often one of the few resources for released offenders to draw from (Visher & Courtney, 2007). Future studies may want to examine the content and quality

of parental or other familial relationships, to shed light on whether the effect of parents or other relatives on offenders' likelihood of recidivism results from the direct supervision these individuals provide, or whether the attachment between parent or other relatives and offenders becomes stronger when offenders return home to their parents' or other family members' residence.

Future studies may also want to examine more directly the countering influence of supervising officials on offender's self-selection into high-risk residential situations. We speculated that parole officials may restrict offenders from living with individuals, including family members (aside from parents or spouses), who were under supervision or had criminal histories. Our speculations were based on (a) nonsystematic observations made during the collection of the data for this study and (b) department policy that required the release authorities in Ohio to investigate all potential residential situations where offenders may reside on their release. Factors that were considered relevant for restricting offenders from living in a residence include the availability of firearms, criminal records of individuals living in the residence, familial relationships, family members attitudes, and so forth. Pursuant to conditions of release, related factors could be used by Ohio parole officers to deny changes of residence if offenders request to change their residence. Nonsystematic observations made during the collection of the data used for this study suggested that denial of initial placements was quite common. Residence changes were also denied, although to a lesser extent. It is worth mentioning, however, that offenders' self-selection into high-risk residential situations was not always countered by formal control. This seemed especially true in the case of significant others, who in some cases may not have provided the supportive environment that offenders returning to communities often require. An important, and policy relevant, question may be whether or when parole officials should restrict offenders from cohabitating with certain individuals (e.g., family members).

The effects of formal controls on this population were also persistent. During the months that offenders lived in a residential program, they were less likely to recidivate, perhaps because of the formal control the program provided over their behavior. By contrast, individuals who lived in situations devoid of control such as being homeless or at large were more likely to recidivate. Taken together, these findings are consistent with other studies of the effects of formal controls (e.g., Committee on Community Supervision and Desistance From Crime, 2008; MacKenzie & De Li, 2002) and from a more practical perspective, support the use of residential programming for encouraging prosocial behavior among this population.

Aside from the substantive findings concerning offenders' residential situations, we also observed other results that were consistent with much of the prior research on offender recidivism. In support of findings regarding continuity of

offending behavior (see, for example, Laub & Sampson, 2003), we found relatively consistent relationships between our measures of recidivism and offenders' risk level, committing offense type (property), and their prior violation history. We also observed that female offenders, older offenders, and those offenders who were employed during supervision were less likely to recidivate, whereas gang members were more likely to recidivate. These findings reinforce related findings from other recent studies of offender recidivism (see, for example, DeJong, 1997; Gendreau et al., 1996; Griffin & Armstrong, 2003; Huebner et al., 2007; MacKenzie & De Li, 2002; Uggen et al., 2005; Visher & Courtney, 2007).

Interestingly, we did not observe effects for offenders' race. These findings contrast those derived from other studies (e.g., DeJong, 1997; Gendreau et al., 1996; Griffin & Armstrong, 2003; Rosenfeld et al., 2005). The differences in the findings between studies could be due to model specification, as we were able to include a number of predictors that, due to data restrictions, could not be included in some prior studies. Our findings could also be the result of the examination of a statewide sample. Many of the existing studies have examined more restricted samples such as offenders released in a city or county. Recall that we argued that the effects of offenders' race may be linked to the neighborhood in which the offenders are released (see also Rose & Clear, 1998). Although we could not examine this idea directly here, it may very well be that the relationship that has been observed in other studies was attenuated here by the inclusion of offenders who shared similar characteristics but were released in nonurban areas.

From a more practical perspective, our findings reinforce observations regarding the influence of both static and dynamic factors on offenders' likelihood of recidivism (see, for example, Gendreau et al., 1996). Although we discussed these processes within the context of continuity and change, the findings derived from this study can just as easily be interpreted in a more applied context. To be sure, studies that examine the influences of offender recidivism in the short term may be of particular importance to correctional administrators because they often work with offenders for only short intervals of time. Recall that the typical period of supervision in Ohio is less than a year and a half. Findings from studies that examine both time-invariant (static) and time-variant (dynamic) predictors of recidivism can be useful not only for guiding the development of offender assessment tools but also for informing correctional administrators about the factors that are associated with changes in offenders' odds of reoffending during the course of the supervision period. This information could, in turn, be used to inform treatment and supervision strategies designed to reduce recidivism.

Finally, it is worth mentioning some important limitations to this study that should be kept in mind when considering the findings. First, many of the measures included here only proxy some of the concepts that we discussed such as

offenders' attachment to their spouse. Additional studies that include more direct measures of some of these concepts are needed to determine the relevance of the ideas supported in part by these analyses. Future studies may also seek to examine whether residential situations or residential mobility are only proxies for some other factors that affect offenders' odds of recidivism. For instance, it might be important to examine not only the effects of whether offenders live in certain situations or are more mobile but also *why* they choose certain situations or decide to move from one situation to the next. Second, the decision to only follow offenders for 1 year following their release may limit the generalizability of the findings. Although the majority of offenders released in Ohio are only under supervisions for a period of time less than a year and a half, this may not be the case in other jurisdictions, in particular, states with indeterminate sentencing schemes. However, in their national-level study, Langan and Levin (2002) observed that more than 65% of all offenders who were rearrested within a 3-year period were arrested in the 1st year of their release, and so the problem may be less of a concern. Third, the examination of dichotomous indicators of recidivism created a potential problem for the offender-level estimates. Specifically, the estimates derived from the offender-level analyses were potentially influenced by the relative stability of the individual offenders' rates of recidivism. Even though additional analyses indicated that our results were valid, the problem could not be completely overcome. The problem could also be more severe in other data sets with similar structures. Researchers seeking to examine within-individual change in the future may want to proceed with caution when examining outcomes similar to ours. Relatedly, future researchers may want to collect repeated measures of dichotomous indicators of recidivism, so as to permit the estimation of more stable recidivism rates. Finally, it is worth reiterating that the outcome measures and a number of the predictor variables (including offenders' residential situations) were created from information retrieved from official sources. Even though attempts were made to increase the reliability of the measures by cross-referencing the information across multiple sources, the information and timing of information was still potentially subject to some discretionary recording by parole officers. All causal inferences drawn from this study were, in part, dependent on the accuracy of the dates contained within parole officials' records.

The limitations of the study aside, the findings derived from this sample of offenders released under supervision in Ohio offer some important insights regarding offender behavior in the short term, but additional research on this rapidly growing, high-risk population is sorely needed. Only after a number of studies uncover consistent effects on offender recidivism, both in the short- and long term, can parole administrators use this information to derive more

sensible methods for addressing the problem. The relevance of returning offender populations for public safety underscores the importance of examining the influences on offender recidivism for improving supervision strategies classification instruments, and developing of community treatment, not to mention informing our understanding of offender behavior.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interests with respect to the authorship and/or publication of this article.

Funding

This project was indirectly supported by award number 2005-IJ-CX-0038 from the National Institute of Justice, Principal Investigators: Ohio Department of Rehabilitation and Correction.

Notes

1. According to Ohio Revised Code (5120:1-1-41), the parole board must order a period of postrelease control (PRC) of 5 years for offenders sentenced for sexual offenses or felony one offenses and 3 years for offenders sentenced for felony two offenses and felony three offenses where the offender caused or threatened to cause physical harm to a person. The parole board may order a period of PRC of up to 3 years for all nonviolent felony three offenses, felony four offenses, and felony five offenses. (In practice, a 1-year period of PRC is typically imposed.) The parole board may also terminate or modify the period of PRC before the supervision period is concluded. For example, during the years 2004 to 2008, the average length of PRC served by offenders in Ohio was about 1.4 years.
2. The model described here does not permit an empirical test of control theory *per se* because more direct measures of relevant concepts are needed. We chose control theory because it provides a unified framework for studying many of the within- and between-individual predictors found to be relevant in related research (see, for example, Laub & Sampson, 2003). It is worth noting, however, that other theories could be applied because the measures examined here can only proxy informal social controls. For instance, some of our measures could be construed as proxies for various aspects of strain theory (Agnew, 1999, 2001). As an example, offenders who were unemployed could have felt greater strain because they were not earning a legitimate income, possibly increasing their odds of recidivism.
3. The violation sanction policy was designed to structure officers' responses to offenders' violations of the conditions of their release. The primary intent of the policy was to promote consistency in offender treatment and reduce officers' reliance on violation hearings. A more detailed description of the policy can be found in Martin and Van Dine (2008).

4. The state of Ohio has been a determinate-sentencing state since 1996. Although the implementation of sentencing guidelines abolished discretionary parole release, the guidelines still provided for PRC supervision for those offenders who would have previously received parole and discretionary PRC placement for nonviolent offenders. Offenders sentenced before the implementation of the sentencing guidelines, but released during the period of the study, were still released under discretionary parole supervision.
5. In cases where an offender moved during the month, the residential situation where they lived for the majority of the month was used.
6. The number of months at risk differed across offenders because some offenders recidivated (as defined for this study) before the study-end date and also because some offenders were incarcerated for portions of the study period for reasons other than those resulting in their recidivism (as measured for this study). Thus, the number of months modeled at Level 1 reflects the number of "street" months for each offender.
7. This decision to combine all other relatives into the same category was based on (a) the discussion of parole officials restricting offenders from residing with family members (other than parents and spouses) who had a criminal record or were also on supervision and (b) the similarity of bivariate relationships between different measures of familial relationships (e.g., sibling vs. other relative) and the outcomes examined in this study. Although it is often the case that offenders are in violation of their release conditions when they do not maintain a stable residence, a measure reflecting whether an offender was homeless or at large was included in the models as a statistical control, but also for theoretical reasons. The logic behind this decision may be questioned, but violations of release conditions do not always result in formal action (see, for example, McCleary, 1978) and those that do are sometimes handled in the community without an arrest. Even though the majority of offenders who were homeless or at large for extended periods of time were rearrested, we were also interested in the effects of being homeless or at large on other measures of recidivism that were not linked to the behavior of parole officials (e.g., rearrested for a felony). For these reasons, along with the need to control the effect of being homeless or at large on recidivism, we included the measure in all of the models.
8. Ohio Adult Parole Authority policy requires release authorities to investigate all potential residential situations where offenders may reside on their release. Factors that are considered relevant for restricting offenders from living in a residence include the availability of firearms, criminal records of individuals living in the residence, familial relationships, family members attitudes, and so forth. Pursuant to conditions of release, related factors could be used by Ohio parole officers to deny changes of residence if offenders request to change their residence. Information on parole officials' decisions to restrict offenders from living in certain

residential situations was not collected. During the collection of the data for this study, however, we did observe that residency restrictions were a relatively frequent occurrence.

9. It is not uncommon for some types of offenders to self-select into certain residential situations (e.g., younger offenders may have been more likely to live with a parent); however, by group-mean centering the time-varying predictors, any between-offender variation that may have influenced the within-offender effects was removed, permitting estimation of within-offender effects that were independent of between-offender differences (Osgood, 2010; Raudenbush & Bryk, 2002).
10. Estimation of a multilevel discrete time-hazard model also adjusts for problems (e.g., biased standard errors) associated with data that are unbalanced (Hedeker & Mermelstein, 2011; Raudenbush & Bryk, 2002). The data examined in this study were unbalanced for two reasons: (a) offenders who recidivated were censored and (b) the months offenders spent in jail for issues other than those that would constitute the relevant measure of recidivism were not included in the analyses (e.g., detained for an outstanding warrant).
11. Prior studies of within-individual change have examined the number of self-reported behaviors per month (e.g., Horney et al., 1995; Griffin & Armstrong, 2003; MacKenzie & De Li, 2002). The outcomes examined here were dichotomous measures of recidivism, only measured once during the 1-year follow-up period. Although this was not a problem for estimating the time-varying effects (Level 1), this situation did create a potential problem for the offender-level (Level 2) estimates. Specifically, the Level 2 outcome (the recidivism rate) was necessarily influenced by the differences in the number of months offenders were at risk. In hierarchical analyses of dichotomous outcomes, the Level 2 outcome becomes an adjusted rate of the Level 1 outcome. (Technically, the Level 2 intercepts that were generated from these models were not adjusted for the Level 1 effects because the Level 1 predictors were group-mean centered.) For the analyses performed for this study, the numerator of the Level 2 outcome (recidivated, 0 = *no*, 1 = *yes*) was standardized by the number of Level 1 units (months an offender was at risk, 1 to 12). Thus, an offender who was rearrested in the 2nd month after his or her release would have a substantially different value than an offender who was rearrested in the 8th month after his or her release. Although we could not eliminate this problem, we did estimate the models (with the same predictors included) predicting a dichotomous indicator of each outcome. Comparisons across the two analyses revealed no substantive differences in the offender-level effects.
12. For both outcomes, the range of the monthly conditional probabilities of recidivism was less than .02, and most of the monthly conditional probabilities of recidivism fell within .01 of the average conditional probability for the respective measure of recidivism. The only exception was the conditional probability an offender was

rearrested during Month 12 (the study-end date), which was heavily influenced by the density of nonrecidivists. Still, the difference between the highest conditional probability of rearrest and the conditional probability of rearrest for Month 12 was .026, and the difference between the average conditional probability of rearrest and the conditional probability of rearrest during Month 12 was .014.

13. The coefficient estimates contained in Tables 3 and 4 can be interpreted similar to logistic regression coefficients. To facilitate the interpretation of the magnitude of the Level 1 effects, odds ratios are also reported. The Level 2 (offender level) estimates contained in Table 5 can be interpreted in the same way as ordinary least squares estimates. Recall that in multilevel analyses of dichotomous outcomes, the outcome becomes [the] adjusted (to the) rate of the Level 1 outcome (recidivism) at Level 2 (Raudenbush & Bryk, 2002). To gauge the magnitudes of effects, standardized coefficients (β weights) are also reported.

References

- Agnew, R. (1999). A general strain theory of community differences in crime rates. *Journal of Research in Crime and Delinquency*, 36, 123-155.
- Agnew, R. (2001). Building on the foundations of general strain theory: Specifying the types of strain most likely to lead to crime and delinquency. *Journal of Research in Crime and Delinquency*, 38, 319-361.
- Anderson, E. (2001). Going straight: The story of a young inner-city ex-convict. *Punishment & Society*, 3, 135-152.
- Blumstein, A., & Beck, A. J. (2005). Reentry as a transient state between liberty and recommitment. In J. Travis & C. Visser (Eds.), *Prisoner reentry and crime in America* (pp. 50-79). New York, NY: Cambridge University Press.
- Clear, T., Waring, E., & Scully, K. (2005). Communities and reentry: Concentrated reentry cycling. In J. Travis & C. Visser (Eds.), *Prisoner reentry and crime in America* (pp. 179-208). New York, NY: Cambridge University Press.
- Committee on Community Supervision and Desistance From Crime. (2008). *Parole, desistance from crime, and community integration*. Washington, DC: National Academies Press.
- DeJong, C. (1997). Survival analysis and specific deterrence: Integrating theoretical and empirical models of recidivism. *Criminology*, 35(4), 561-575.
- Farrall, S. (2005). Officially recorded convictions for probationers: The relationship with self-report and supervisory observations. *Legal and Criminological Psychology*, 10, 121-131.
- Gendreau, P., Little, T., & Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: What works? *Criminology*, 34(4), 575-607.
- Glaser, D. (1969). *The effectiveness of a prison and parole system*. New York, NY: Bobbs-Merrill.

- Gottfredson, M., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.
- Griffin, M., & Armstrong, G. (2003). The effect of local life circumstances on female probationers' offending. *Justice Quarterly*, 20, 213-239.
- Hedeker, D., & Mermelstein, R. J. (2011). Multilevel analysis of ordinal outcomes related to survival data. In J. J. Hox & J. K. Roberts (Eds.), *Handbook of advanced multilevel analysis* (pp. 115-136). New York, NY: Routledge.
- Hirschi, T. (1969). *Causes of delinquency*. Berkeley: University of California Press.
- Holtzworth-Munroe, A., Smutzler, N., & Bates, L. (1997). A brief review of the research on husband violence: Part III: Sociodemographic factors, relationship factors, and differing consequences of husband-wife violence. *Aggression and Violent Behavior*, 2, 285-307.
- Horney, J., Osgood, D. W., & Marshall, I. H. (1995). Criminal careers in the short term: Intra-individual variability in crime and its relation to local life circumstances. *American Sociological Review*, 60, 655-673.
- Huebner, B. M., Varano, S. P., & Bynum, T. S. (2007). Gangs, guns, and drugs: Recidivism among serious, young offenders. *Criminology & Public Policy*, 6, 187-222.
- La Vigne, N. G., Thomson, G. L., Visher, C., Kachnowski, V., & Travis, J. (2003). *A portrait of prisoner reentry in Ohio*. Washington, DC: Urban Institute.
- Langan, P. A., & Levin, D. J. (2002). *Recidivism of prisoners released in 1994*. Washington, DC: Bureau of Justice Statistics.
- Laub, J., Nagin, D., & Sampson, R. (1998). Trajectories of change in criminal offending: Good marriages and the desistance process. *American Sociological Review*, 63, 225-238.
- Laub, J., & Sampson, R. (2003). *Shared beginnings, divergent lives: Delinquent boys to age 70*. Cambridge, MA: Harvard University Press.
- MacKenzie, D. L., Browning, K., Skroban, S. B., & Smith, D. A. (1999). The impact of probation on the criminal activities of offenders. *Journal of Research in Crime and Delinquency*, 36, 423-453.
- MacKenzie, D. L., & De Li, S. (2002). The impact of formal and informal social controls on the criminal activities of probationers. *Journal of Research in Crime and Delinquency*, 36, 423-453.
- Maltz, M. D. (1984). *Recidivism*. Orlando, FL: Academic Press.
- Martin, B., & Van Dine, S. (2008). *Examining the impact of Ohio's progressive sanction grid*. Washington, DC: National Institute of Justice.
- Maruna, S., & Toch, H. (2005). The impact of imprisonment on the desistance process. In J. Travis & C. Visher (Eds.), *Prisoner Reentry and Crime in America* (pp. 139-178). New York, NY: Cambridge University Press.
- McCleary, R. (1978). *Dangerous men: The sociology of parole*. Beverly Hills, CA: SAGE.

- McGloin, J. M., Sullivan, C. J., Piquero, A., & Pratt, T. (2007). Local life circumstances and offending specialization/versatility: Comparing opportunity and propensity models. *Journal of Research in Crime and Delinquency*, 44, 321-346.
- Meredith, T., Speir, J. C., & Johnson, S. (2007). Developing and implementing automated risk assessments in parole. *Justice Research and Policy*, 9, 1-24.
- Osgood, D. W. (2010). Statistical models of life events and criminal behavior. In A. Piquero & D. Weisburd (Eds.), *Handbook of quantitative criminology* (pp. 375-398). New York, NY: Springer.
- Petersilia, J. (2003). *When prisoners come home: Parole and prisoner reentry*. New York, NY: Oxford University Press.
- Raudenbush, S., & Bryk, A. (2002). *Hierarchical linear models: Applications and data analysis methods* (2nd ed.). Thousand Oaks, CA: SAGE.
- Rose, D., & Clear, T. (1998). Incarceration, social capital, and crime: Implications for social disorganization theory. *Criminology*, 36, 441-479.
- Rosenfeld, R., Wallman, J., & Fornango, R. (2005). The contribution of ex-prisoners to crime rates. In J. Travis & C. Visher (Eds.), *Prisoner reentry and crime in America* (pp. 80-104). New York, NY: Cambridge University Press.
- Sampson, R. (1988). Local friendship ties and community attachment in mass society: A multilevel systemic model. *American Sociological Review*, 53, 766-779.
- Sampson, R. (1991). Linking the micro- and macro-level dimensions of community social organization. *Social Forces*, 70, 43-64.
- Sampson, R., & Bartusch, D. J. (1998). Legal cynicism and (subcultural?) tolerance of deviance: The neighborhood context of racial differences. *Law & Society Review*, 32, 777-804.
- Sampson, R., & Laub, J. (1993). *Crime in the making: Pathways and turning points throughout life*. Cambridge, MA: Harvard University Press.
- Singer, J. D., & Willett, J. B. (2003). *Applied longitudinal data analysis: Modeling change and event occurrence*. Oxford, UK: Oxford University Press.
- Solomon, A., Kachnowski, V., & Bhati, A. (2005). *Does parole work? Analyzing the impact of postprison supervision on rearrest outcomes*. Washington, DC: Urban Institute.
- Stets, J., & Straus, M. (1989). The marriage license as a hitting license: A comparison of assaults in dating, cohabitating, and married couples. *Journal of Marriage and Family*, 4, 161-180.
- Sullivan, C. J., McGloin, J. M., Pratt, T., & Piquero, A. (2006). Rethinking the "norm" of offender generality: Investigating specialization in the short-term. *Criminology*, 44, 199-234.
- Toby, J. (1957). Social disorganization and stake in conformity: Complementary factors in the predatory behavior of hoodlums. *Journal of Criminal Law and Criminology*, 48, 12-17.

- Travis, J., & Lawrence, S. (2002). *Beyond the prison gates: The state of parole in America*. Washington, DC: Urban Institute.
- Travis, J., & Visser, C. A. (2005). Introduction: Viewing public safety through the reentry lens. In J. Travis & C. Visser (Eds.), *Prisoner reentry and crime in America* (pp. 1-14). New York, NY: Cambridge University Press.
- Uggen, C. (2000). Work as a turning point in the life course of criminals: A duration model of age, employment, and recidivism. *American Sociological Review*, 65, 529-546.
- Uggen, C., Wakefield, S., & Western, B. (2005). Work and family perspectives on reentry. In J. Travis & C. Visser (Eds.), *Prisoner reentry and crime in America* (pp. 209-243). New York, NY: Cambridge University Press.
- Visser, C., Baer, D., & Naser, R. (2006). *Ohio prisoners' reflections on returning home*. Washington, DC: Urban Institute.
- Visser, C. A., & Courtney, S. M. E. (2007). *One year out: Experiences of prisoners returning to Cleveland* (Returning Home Policy Brief). Washington, DC: Urban Institute.
- Wooldredge, J., & Thistlethwaite, A. (2002). Reconsidering domestic violence recidivism: Conditional effects of legal controls by individual and aggregate levels of stake in conformity. *Journal of Quantitative Criminology*, 18, 45-70.

Author Biographies

Benjamin Steiner is an assistant professor in the School of Criminology and Criminal Justice at the University of Nebraska at Omaha. He holds a PhD from the University of Cincinnati.

Matthew D. Makarios is an assistant professor in the Criminal Justice Department at the University of Wisconsin–Parkside. He holds a PhD from the University of Cincinnati. His research interests focus on evidence-based corrections and life-course criminology. His research has appeared in *Criminal Justice and Behavior* and *Justice Quarterly*.

Lawrence F. Travis III received his PhD in criminal justice from the State University of New York at Albany in 1982. He is a professor of criminal justice at the University of Cincinnati, where he has been employed since 1980. Previously, he served as research director for the Oregon State Board of Parole and as a research analyst for the National Parole Institutes. He is an editor of *Policing: An International Journal of Police Strategies and Management* and has published extensively on a variety of criminal justice topics.



Bureau of Justice Statistics

Recidivism of Sex Offenders Released from Prison in 1994

Offender characteristics

Sentences and criminal records

Comparisons to other offenders

Rearrests and reconvictions

Rearrests for sex crimes against children

U.S. Department of Justice
Office of Justice Programs
810 Seventh Street, N.W.
Washington, D.C. 20531

John Ashcroft
Attorney General

Office of Justice Programs

Deborah J. Daniels
Assistant Attorney General

World Wide Web site:
<http://www.ojp.usdoj.gov>

Bureau of Justice Statistics

Lawrence A. Greenfeld
Director

World Wide Web site:
<http://www.ojp.usdoj.gov/bjs>

For information contact:
National Criminal Justice Reference Service
1-800-851-3420



Recidivism of Sex Offenders Released from Prison in 1994

By Patrick A. Langan, Ph.D.

Erica L. Schmitt

and Matthew R. Durose

Statisticians, Bureau of Justice Statistics

November 2003, NCJ 198281

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics

Lawrence A. Greenfeld, Director

Patrick A. Langan, Erica L. Schmitt,
and Matthew R. Durose, all BJS statis-
ticians, wrote this report. Carolyn
Williams and Tom Hester edited and
produced it.

November 2003, NCJ 198281

Introduction and highlights	1	Four measures of recidivism	13	State where rearrested for any type of crime
Definitions	3	Four measures		All sex offenders (table 19)
Imprisonment offense		All sex offenders (table 7)		Sex offenders compared to non-sex offenders
Sex offender		Sex offenders compared to non-sex offenders		Rapists and sexual assaulters (table 19)
Rapist		Rapists and sexual assaulters (table 7)		Child molesters and statutory rapists (table 20)
Sexual assaulter		Child molesters and statutory rapists (table 8)		
Child molester		Time to recidivism		Rearrest and reconviction for a new sex crime
Statutory rapist		All sex offenders (table 9)		24
First release		Rapists and sexual assaulters (table 9)		Rearrest and reconviction
Prior arrest		Child molesters and statutory rapists (table 10)		All sex offenders (table 21)
Rearrest				Sex offenders compared to non-sex offenders
Reconviction		Rearrest for any type of crime	18	Rapists and sexual assaulters (table 21)
Returned to prison		Demographic characteristics		Child molesters and statutory rapists (table 22)
— with a new sentence		All sex offenders (table 11)		Time to rearrest
— with or without a new sentence		Rapists and sexual assaulters (table 11)		All sex offenders (table 23)
		Child molesters and statutory rapists (table 12)		Rapists and sexual assaulters (table 23)
Demographic characteristics	7	Time served before 1994 release		Child molesters and statutory rapists (table 24)
All sex offenders (table 1)		All sex offenders (table 13)		Demographic characteristics
Rapists and sexual assaulters (table 1)		Rapists and sexual assaulters (table 13)		All sex offenders (table 25)
Child molesters and statutory rapists (table 2)		Child molesters and statutory rapists (table 14)		Time served before 1994 release
				All sex offenders (table 26)
Sentence length and time served	9	Prior arrest for any type of crime		Prior arrest for any type of crime
All sex offenders (table 3)		All sex offenders (table 15)		All sex offenders (table 27)
Rapists and sexual assaulters (table 3)		Rapists and sexual assaulters (table 15)		Rapists and sexual assaulters (table 27)
Child molesters and statutory rapists (table 4)		Child molesters and statutory rapists (table 16)		Child molesters and statutory rapists (table 28)
				Number of prior arrests for any type of crime
Prior criminal record	11	Number of prior arrests for any type of crime		All sex offenders (table 29)
All sex offenders (table 5)		All sex offenders (table 17)		Prior arrest for a sex crime
Sex offenders compared to non-sex offenders		Rapists and sexual assaulters (table 17)		All sex offenders (table 30)
Rapists and sexual assaulters (table 5)		Child molesters and statutory rapists (table 18)		Rapists and sexual assaulters (table 30)
Child molesters and statutory rapists (table 6)				Child molesters and statutory rapists (table 31)
				State where rearrested for a sex crime
				All sex offenders (table 32)
				Sex offenders compared to non-sex offenders
				Rapists and sexual assaulters (table 32)
				Child molesters and statutory rapists (table 33)

**Rearrest for a sex crime
against a child 30**

Undercounts of sex crimes
against children

No data on precise ages
of molested children

Rearrest

All sex offenders (table 34)

Sex offenders compared to non-sex
offenders

Rapists and sexual assaulters
(table 34)

Child molesters and statutory
rapists (table 35)

Prior arrest for a sex crime
against a child

All sex offenders (table 36)

Rapists and sexual assaulters
(table 36)

Child molesters and statutory
rapists (table 37)

Molester's and child's age at time
of imprisonment offense

Child molesters (table 38)

State where rearrested for a sex crime
against a child

All sex offenders (table 39)

Sex offenders compared to non-sex
offenders

Rapists and sexual assaulters
(table 39)

Child molesters and statutory
rapists (table 40)

**Rearrest for other
types of crime 34**

All sex offenders (table 41)

Rapists and sexual assaulters
(table 41)

Child molesters and statutory
rapists (table 42)

Victims of sex crimes 36

Characteristics of victims of rape or
sexual assault (unnumbered
table)

Methodology 37

Number of sex offenders released
from State prisons in 1994 and
number selected for this report,
by State (Appendix table)

Introduction

In 1994, prisons in 15 States released 9,691 male sex offenders. The 9,691 men are two-thirds of all the male sex offenders released from State prisons in the United States in 1994. This report summarizes findings from a survey that tracked the 9,691 for 3 full years after their release. The report documents their “recidivism,” as measured by rates of rearrest, reconviction, and reimprisonment during the 3-year followup period.

This report gives recidivism rates for the 9,691 combined total. It also separates the 9,691 into four overlapping categories and gives recidivism rates for each category:

- 3,115 released rapists
- 6,576 released sexual assaulters
- 4,295 released child molesters
- 443 released statutory rapists.

The 9,691 sex offenders were released from State prisons in these 15 States: Arizona, Maryland, North Carolina, California, Michigan, Ohio, Delaware, Minnesota, Oregon, Florida, New Jersey, Texas, Illinois, New York, and Virginia.

Highlights

The 15 States in the study released 272,111 prisoners altogether in 1994. Among the 272,111 were 9,691 men whose crime was a sex offense (3.6% of releases).

On average the 9,691 sex offenders served 3½ years of their 8-year sentence (45% of the prison sentence) before being released in 1994.

Rearrest for a new sex crime

Compared to non-sex offenders released from State prisons, released sex offenders were 4 times more likely to be rearrested for a sex crime. Within the first 3 years following their release from prison in 1994, 5.3% (517 of the 9,691) of released sex offenders were rearrested for a sex crime. The rate for the 262,420 released non-sex offenders was lower, 1.3% (3,328 of 262,420).

The first 12 months following their release from a State prison was the period when 40% of sex crimes were allegedly committed by the released sex offenders.

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

The study compared recidivism rates among prisoners who served different lengths of time before being released from prison in 1994. No clear association was found between how long they were in prison and their recidivism rate.

Before being released from prison in 1994, most of the sex offenders had been arrested several times for different types of crimes. The more prior arrests they had, the greater their likelihood of being rearrested for another sex crime after leaving prison. Released sex offenders with 1 prior arrest (the arrest for the sex crime for which they were imprisoned) had the lowest rearrest rate for a sex crime, about 3%; those with 2 or 3 prior arrests for some type of crime, 4%; 4 to 6 prior arrests, 6%; 7 to 10 prior arrests, 7%; and 11 to 15 prior arrests, 8%.

Rearrest for a sex crime against a child

The 9,691 released sex offenders included 4,295 men who were in prison for child molesting.

Of the children these 4,295 men were imprisoned for molesting, 60% were age 13 or younger.

Half of the 4,295 child molesters were 20 or more years older than the child they were imprisoned for molesting.

On average, the 4,295 child molesters were released after serving about 3 years of their 7-year sentence (43% of the prison sentence).

Compared to the 9,691 sex offenders and to the 262,420 non-sex offenders, released child molesters were more likely to be rearrested for child molesting. Within the first 3 years following release from prison in 1994, 3.3% (141 of 4,295) of released child molesters were rearrested for another sex crime against a child. The rate for all 9,691 sex offenders (a category that includes the 4,295 child molesters) was 2.2% (209 of 9,691). The rate for all 262,420 non-sex offenders was less than half of 1% (1,042 of the 262,420).

Of the approximately 141 children allegedly molested by the child molesters after their release from prison in 1994, 79% were age 13 or younger.

Released child molesters with more than 1 prior arrest for child molesting were more likely to be rearrested for child molesting (7.3%) than released child molesters with no more than 1 such prior arrest (2.4%).

Rearrest for any type of crime

Compared to non-sex offenders released from State prison, sex offenders had a lower overall rearrest rate. When rearrests for any type of crime (not just sex crimes) were counted, the study found that 43% (4,163 of 9,691) of the 9,691 released sex offenders were rearrested. The overall rearrest rate for the 262,420 released non-sex offenders was higher, 68% (179,391 of 262,420).

The rearrest offense was a felony for about 75% of the 4,163 rearrested sex offenders. By comparison, 84% of the 179,391 rearrested non-sex offenders were charged by police with a felony.

Reconviction for a new sex crime

Of the 9,691 released sex offenders, 3.5% (339 of the 9,691) were reconvicted for a sex crime within the 3-year followup period.

Reconviction for any type of crime

Of the 9,691 released sex offenders, 24% (2,326 of the 9,691) were reconvicted for a new offense. The reconviction offense included all types of crimes.

Returned to prison for any reason

Within 3 years following their release, 38.6% (3,741) of the 9,691 released sex offenders were returned to prison. They were returned either because they received another prison sentence for a new crime, or because of a technical violation of their parole, such as failing a drug test, missing an appointment with their parole officer, or being arrested for another crime.

Imprisonment offense The 9,691 prisoners were men released from State prisons in 1994 after serving some portion of the sentence they received for committing a sex crime. The sex crime they committed is referred to throughout the report as their “imprisonment offense.” Their imprisonment offense should not be confused with any new offense they may have committed after release.

Sex offender The 9,691 released men were all violent sex offenders. They are called “violent” because the crimes they were imprisoned for are widely defined in State statutes as “violent” sex offenses. “Violent” means the offender used or threatened force in the commission of the crime or, while not actually using force, the offender did not have the victim’s “factual” or “legal” consent. Factual consent means that, for physical reasons, the victim did not give consent, such as when the offender had intercourse with a sedated hospital patient or with a woman who had fallen unconscious from excessive drug taking. “Legal” consent means that the victim willingly participated but, in the eyes of the law, the victim was not old enough or not sufficiently mentally capable (perhaps due to mental illness or mental retardation) to give his or her “legal” consent.

State statutes give many different names to violent sex offenses: “forcible rape,” “statutory rape,” “object rape,” “sexual assault,” “sexual abuse,” “forcible sodomy,” “sexual misconduct,” “criminal sexual conduct,” “lascivious conduct,” “carnal abuse,” “sexual contact,” “unlawful sexual intercourse,” “sexual battery,” “unlawful sexual activity,” “lewd act with minor,” “indecent liberties with a child,” “carnal knowledge of a child,” “incest with a minor,” and “child molesting.”

“Violent” sex offenses are distinguished from “nonviolent” sex offenses and from “commercialized sex offenses.” Nonviolent sex offenses include morals and decency offenses (for example,

indecent exposure and peeping tom), bestiality and other unnatural acts, adultery, incest between adults, and bigamy. Commercialized sexual offenses include prostitution, pimping, and pornography. As used throughout this report, the terms “sex crimes” and “sex offenders” refer exclusively to violent sex offenses.

Each of the 9,691 sex offenders in this report is classified as either a rapist or a sexual assaulter. Classification was based on information about the imprisonment offense contained in prison records supplied for each sex offender released from prison in 1994. Also based on imprisonment offense information, an inmate could be categorized as a child molester and/or a statutory rapist. Classification to either of these two categories is in addition to, not separate from, classification as a rapist or sexual assaulter. For example, of the 3,115 sex offenders classified as rapists, 338 were child molesters. Or, to put it another way, the imprisonment offense for 338 of the 4,295 child molesters identified in this report was rape. Similarly, 3,957 of the 4,295 child molesters were also sexual assaulters.

	Total	Rapists	Sexual assaulters
Child molesters	4,295	338	3,957
Statutory rapists	443	21	422

The report gives statistics for all sex offenders and each of the four types — rapists, sexual assaulters, child molesters, and statutory rapists. (See *Methodology* on page 37 for details on how sex offenders were separated into categories.)

Rapist “Violent sex crimes” are separated into two categories: “rape” (short for “forcible rape”) and “other sexual assault.” As used throughout this report the term “rapist” refers to a released sex offender whose imprisonment offense was defined by State law as forcible intercourse (vaginal, anal, or oral) with a female or male. Rape includes “forcible sodomy” and “penetration with a foreign object.” Rape excludes statutory rape or any

other nonforcible sexual act with a minor or with someone unable to give legal or factual consent. As used throughout this report, “rape” always means “forcible rape.” “Statutory rape” is not a type of forcible rape.

A total of 3,115 sex offenders are identified in the report as released rapists — about a third (32%) of the 9,691 released sex offenders. However, enough information to clearly distinguish rapists from other sexual assaulters was not always available in the prison records used to categorize sex offenders into different types. Consequently, the number of rapists among the 9,691 was almost certainly greater than 3,115; how much greater is unknown.

An obstacle to identifying rapists from penal code information is that the label “rape” is not used in about half the 50 States. However, released sex offenders whose imprisonment offense was rape could still be identified. To illustrate, in one State, the term criminal sexual conduct refers to all types of sex crimes. The statutory language was consulted to determine if an offender’s imprisonment offense involved “intercourse” that was “forcible,” in accordance with the definition of rape used in this report. If the offense was not found to involve intercourse (or penetration), then the inmate was not classified as a rapist. The same was true of force; if the statutory language did not include a reference to force (or coercion), the offense was not categorized as rape.

Sexual assaulter By definition in the report, all sex offenders are either “rapists” or “sexual assaulters.” Sex offenders whose imprisonment offense could not be positively identified as “rape” were placed in the “sexual assault” category. To the extent that rapists were reliably distinguished from sexual assaulters, “sexual assaulters” identified in this report were released sex offenders whose imprisonment

offense was “sexual assault,” defined as one of the following:

1. forcible sexual acts, not amounting to intercourse, with a victim of any age,
2. nonforcible sexual acts with a minor (such as statutory rape or incest with a minor or fondling), or
3. nonforcible sexual acts with someone unable to give legal or factual consent because of mental or physical reasons (for example, a mentally ill or retarded person or a sedated hospital patient).

A total of 6,576 sex offenders are identified in this report as released sexual assaulters. The 6,576 sexual assaulters made up about two-thirds (68%) of the 9,691 released sex offenders.

Child molester Many of the 9,691 sex offenders were released prisoners whose imprisonment offense was the rape or sexual assault of a child. Throughout the report, released sex offenders whose forcible or nonforcible sex crime was against a child are referred to as “child molesters.” The sex crime did not have to involve intercourse to fit the definition of child molestation.

Of the 9,691 sex offenders, 4,295 were identified as child molesters based on prison records made available for the study. However, because complete information was not always supplied, not every child molester could be identified. Of the 9,691 released sex offenders, undoubtedly more than 4,295 were child molesters, but 4,295 represent all who could be identified from the information available. One reason child molesters were not easily identified from penal code information is that most States do not use the term “child molester” in their penal code. Nevertheless, all States have laws against sexual activity with children, which does facilitate identification. As a result of the uncertainty regarding the number of child molesters among the 9,691 sex offenders, the study cannot say what percentage of the victims of

the 9,691 sex offenders’ offenses were children, and what percentage were adults.

In short, the 4,295 released child molesters in this report were men who —

- a. had forcible intercourse with a child or
- b. committed “statutory rape” (meaning nonforcible intercourse with a child) or
- c. with or without force, engaged in any other type of sexual contact with a child.

Of the 4,295, at least 338 (about 8%) had forcible intercourse, and at least 443 (10%) committed statutory rape.

Statutory rapist State laws define various circumstances in which intercourse between consenting partners is illegal: for example, when one of the partners is married or when the two are blood relatives or when one is a “child.” Laws that criminalize consensual intercourse based solely on the marital status of the partners are called “adultery laws.” Those that criminalize it based solely on blood relationship are “incest laws.” Laws that prohibit consensual sexual intercourse based solely on the ages of the partners are called “statutory rape laws.”

Statutory rape pertains exclusively to consensual intercourse, as opposed to other types of sexual contact with a child, such as forcible intercourse, forcible fondling, or consensual fondling. Statutory rape is one specific form of what this study calls “child molestation.” The child victim of statutory rape can be male or female, and the offender can be male or female. The offender can be almost any relative (“statutory rape” includes incest with a child), an unrelated person well known to the child (such as a school teacher, neighbor, or minister), someone the child hardly knows, or a stranger.

Statutory rape laws define a “child” as a person who is below the “age of

consent,” meaning below the minimum age at which a person can legally consent to having intercourse. Age of consent in the 50 States ranges from 14 to 18. Most States set age of consent at 16. In those States, consensual intercourse with someone age 16 or older is usually not a criminal offense, but intercourse with someone below 16 generally is. However, all States make exceptions to their age rules. Consequently, consensual intercourse with children below the age of consent is not always a crime, and consensual intercourse with children who are old enough to give consent is not always legally permissible.

Exceptions for children below age of consent Certain statutory exceptions exist to legal prohibitions against nonforcible intercourse with children who are below the age of consent. One way exceptions are made in statutes is by specifying the minimum age the offender must be (for example, at least age 18, at least age 20) for intercourse to be unlawful. Persons below this minimum age generally cannot be prosecuted. Another common way exceptions are made (virtually every State has these provisions in its laws) is by specifying how much older than the victim the perpetrator must be for criminal prosecution to occur. For example, by law in one State where age of consent is 16, no prosecution can occur unless the age difference is at least 3 years. In that State it is legal for a 17-year-old to have consensual intercourse with a 15-year-old, even though 15 is below the age of consent; but the same act with a 15-year-old is illegal when the other is 18. That is because the 17-year-old is not 3 years older than the 15-year-old, whereas the 18-year-old is. The aim of such exceptions is to distinguish teen behavior from exploitative relationships between adults and children. Another exception is consensual intercourse between husband and wife; no prosecution can occur if one spouse is below the age of consent.

Exceptions for children old enough to give consent Certain adults can be prosecuted for having consensual intercourse with a child who has reached the age of consent. For example, in one State it is a third degree felony for a psychotherapist to have intercourse with a 17-year-old client even though 17 is over the minimum age of consent in that State. In another State, where an adult generally cannot be prosecuted for having consensual intercourse with a 16-year-old, an exception is made when the adult is the child's school teacher. In that case the teacher can be prosecuted for a "class A" misdemeanor. Exceptions are made for other professions as well (clergy, for example).

In this report, 443 of the 9,691 released sex offenders are identified as statutory rapists based on information supplied by the prisons that released them. There were more than 443 statutory rapists among the 9,691 released male sex offenders, but the 443 are all that could be positively identified with the limited information available. One reason statutory rapists are not easily identified from penal code information available on the released sex offenders is that most States do not use the term "statutory rape" in their laws.

First release Though all 9,691 sex offenders in the study were released in 1994, for a fourth of the offenders 1994 was not the first year of release since receiving their prison sentence. This group had previously served a portion of the sentence and were released, then violated parole and were returned to prison to continue serving time still left on that sentence. For the remaining 75% of sex offenders released, the 1994 release was their "first release," meaning their first discharge from prison since being convicted and sentenced to prison.

"First release" should not be confused with first ever release from a prison. "First release" pertains solely to the sentence for the imprisonment offense

(as defined above). It does not pertain to any earlier prison sentences offenders may have served for some other offense.

Attention is drawn to first releases because certain statistics in the report — for example, "average time served," "percent of sentence served," "child molester's age when he committed the sex crime for which he was imprisoned" — could only be computed for those prisoners classified as first releases. For such statistics, date first admitted to prison for their imprisonment offense was needed. Since prison records made available for the study only provided this admission date on first releases, first releases necessarily formed the basis for the statistics.

Prior arrest Statistics on prior arrests were calculated using arrest dates from the official criminal records of the 9,691 released sex offenders. Only dates of arrest were counted, not the number of arrest charges associated with that arrest date. To illustrate, one man was arrested on March 5, 1970, and that one arrest resulted in 3 separate arrest charges being filed against him. In this study, that March 5 arrest is considered one prior arrest.

Prior arrests were measured two different ways in this report. The first way did not include the imprisonment offense for which the sex offender was in prison in 1994. Prior arrest statistics that did not include the imprisonment offense are found in sections of the report that describe the criminal records of the 9,691 sex offenders at the time of release from prison. In this case, any arrest that had occurred on a date prior to the sex offender's arrest for his imprisonment offense was considered a prior arrest. For example, one released sex offender was found to have four different dates of arrest prior to the date of arrest for his imprisonment offense. Those four arrests resulted in 17 different charges being brought against him. When describing

this released prisoner's criminal record, he is considered to have four prior arrests.

The second way of measuring prior arrests did include the imprisonment offense of the released sex offender. Prior arrest statistics that did include the imprisonment offense are found in sections of the report that describe the recidivism rates of the 9,691 sex offenders following their release from prison. In this case, any arrest that had occurred on a date prior to the sex offender's release from prison was considered a prior arrest. By definition, all 9,691 sex offenders had at least one arrest prior to their release, which was the sex crime arrest responsible for their being in prison in 1994. This means that the sex offender who was arrested on four different dates prior to the arrest for his imprisonment offense under the first definition of prior arrest was, under this second definition, classified as having five prior arrests, once his imprisonment offense is included.

Thirteen tables in the report provide statistics on prior arrests (and, in 2 of the 13, prior convictions and prior imprisonments). In tables 15, 16, 17, 18, 27, 28, 29, 30, 31, 36, and 37, "prior arrests" includes the sex crime arrest for the imprisonment offense; these tables have the heading "prior to 1994 release." In tables 5 and 6, "prior arrests" excludes that arrest; these tables have the heading "prior to the sex crime for which imprisoned."

In all tables, the same counting rule was used: arrest dates, not arrest charges, were counted to obtain the number of prior arrests.

Rearrest Unless stated otherwise, this recidivism measure is defined as the number or percentage of released prisoners who, within the first three years following their 1994 release, were arrested either in the same State that released them (in this report those arrests are called "in-State" arrests) or in a different State (those arrests are

referred to as “out-of-State” arrests). Data on arrests came from State RAP sheets and FBI RAP sheets. RAP sheets (Records of Arrest and Prosecution) are law enforcement records intended to document a person’s entire adult criminal history, including every arrest, prosecution and adjudication for a felony or serious misdemeanor offense. Arrests, prosecutions and adjudications for minor traffic offenses, public drunkenness, and other petty crimes are not as fully recorded as those for serious crimes. The “percent rearrested” is calculated by dividing the number rearrested by the number released from prison in 1994.

All measures of recidivism based on criminal records are subject to two types of errors. Type 1 errors arise when the arrest or the conviction in the released prisoner’s record is for a crime that person did not commit. Type 2 errors arise when the released prisoner commits a crime but he is not arrested for it, or, even if he is, the arrest does not result in his conviction.

Some amount of type 1 and type 2 error is inevitable, however recidivism is measured. But that does not mean that all recidivism measures are equally suitable, no matter the purpose they are intended to serve. The main purpose of this recidivism study was to document the percentage of sex offenders who continued their involvement in various types of crime after their release from prison in 1994. The more suitable measure for that is the one with the fewest type 2 errors: the one, in other words, less prone to saying someone is not committing crimes when he actually is. Between rearrest and reconviction as the recidivism measure, the one less likely to make that type of error is rearrest. One reason is that the rigorous standard used to convict someone — “proof beyond a reasonable doubt” — makes it certain that guilty persons will sometimes go free. Another reason is record keeping: the justice system does better at recording arrests than

convictions in RAP sheets. For such reasons, this study uses rearrest more often than reconviction as the measure of recidivism.

Rearrest forms a conservative measure of reoffending because many crimes do not result in arrest. Not all types of crime are alike in this regard. Crimes committed in nonpublic places (such as in the victim’s home) by one family member against another (such as by the husband against his wife, or by the father against his own child) are a type that is less likely than many other types to be reported to police and, consequently, less likely to result in arrest. Sex crimes, particularly those against children, are a specific example of this type. While some sex offenders in this study probably committed a new sex crime after their release and were not arrested or convicted, the study cannot say how many.

As mentioned above, one reason why sex offenders are not arrested is that no one calls the police. Results from the National Crime Victimization Survey indicate that the offenses of rape/sexual assault are the least likely crimes to be reported to the police. (See *Reporting Crime to the Police*, 1993-2000, March 2003, <<http://www.ojp.usdoj/bjs/abstract/rcp00.htm>>.)

Reconviction Except where stated otherwise, this recidivism measure pertains to State and Federal convictions in any State (not just convictions in the State that released them) in the three years following release. Information on convictions came from State and FBI RAP sheets. RAP sheets are intended to document every conviction for a felony or serious misdemeanor, but not every conviction for a minor offense. “Percent reconvicted” is calculated by dividing the number reconvicted by the number released from prison in 1994. (It is not calculated by dividing the number reconvicted by the number rearrested.)

Return to prison Two recidivism measures are returned to prison — with a new sentence with or without a new sentence. Recidivism defined as *Returned to prison with a new sentence* pertains exclusively to sex offenders who, within 3 years following release, were reconvicted for any new crime in any State following their release and received a new prison sentence for the new crime.

Recidivism defined as *Returned to prison with or without a new sentence* includes resentenced offenders plus any who were returned to prison within 3 years because they had violated a technical condition of their release. Technical violations include things such as failing a drug test, missing an appointment with their parole officer, or being arrested for a new crime. Offenders returning to prison for such violations are sometimes referred to as “technical violators.”

Prisons should not be confused with jails. A prison is a State or Federal correctional facility reserved for convicted persons with relatively long sentences (generally over a year). A jail is a local correctional facility for convicted persons with short sentences or for persons awaiting trial. Returns to prison refer to any prison, not necessarily the same prison that released the offender in 1994.

The “percent returned to prison with a new sentence” is calculated by dividing the number returned to prison with a new sentence by the number released from prison in 1994. The “percent returned to prison with or without a new sentence” is calculated by dividing the number returned to prison with or without a new sentence by the number released from prison in 1994.

Data on returns with a new sentence are based on State and FBI RAP sheets. Data on returns with or without a new sentence are based on State and FBI RAP sheets plus prison records.

Demographic characteristics

All sex offenders

Of the 9,691 released sex offenders, approximately —

- 6,503 (67.1% of the 9,691) were white males (table 1)
- 3,053 (31.5%) were black males
- 136 (1.4%) were males of other races (Asian, Pacific Islander, American Indian, and Alaska Native).

The vast majority of sex offenders were non-Hispanic males (80.1%). Half were over the age of 35 when released.

Rapists and sexual assaulters

As defined in this report, all sex offenders are either “rapists” or “sexual assaulters.” Of the 9,691 released sex offenders, 3,115 were rapists and the remaining 6,576 were sexual assaulters.

Of the 3,115 rapists, 1,735 (55.7% of 3,115) were white males and 1,327 (42.6%) were black males. Of the 6,576 sexual assaulters, 4,768 (72.5% of 6,576) were white males and 1,723 (26.2%) were black males.

Rapists and sexual assaulters were close in age at time of release: over 70% were age 30 or older. Median age at time of release was about 35 years for both rapists and sexual assaulters.

Table 1. Demographic characteristics of sex offenders released from prison in 1994, by type of sex offender

Prisoner characteristic	Percent of released prisoners		
	All	Rapists	Sexual assaulters
Total	100%	100%	100%
Race			
White	67.1%	55.7%	72.5%
Black	31.5	42.6	26.2
Other	1.4	1.7	1.3
Hispanic origin			
Hispanic	19.9%	22.6%	18.9%
Non-Hispanic	80.1	77.4	81.1
Age at release			
18-24*	12.2%	10.6%	13.0%
25-29	16.4	17.3	16.0
30-34	20.0	22.4	18.8
35-39	19.1	20.9	18.3
40-44	13.3	13.3	13.3
45 or older	19.0	15.5	20.6
Age at release			
Average	36.8 yrs	36.1 yrs	37.1 yrs
Median	35.3	34.9	35.5
Total released	9,691	3,115	6,576

Note: The 9,691 sex offenders were released in 15 States. Data identifying race were reported for 98.5% of 9,691 released sex offenders; Hispanic origin for 82.5%; age for virtually 100%.

*Age at release 18-24 includes the few who were under age 18 when released from prison in 1994.

Child molesters and statutory rapists

Some of the 9,691 sex offenders were men whose imprisonment offense was a sex offense against a child. Precisely how many is unknown. In this report, the 4,295 who could be identified are called “child molesters” (table 2). The 4,295 identified child molesters included some (443 out of the 4,295) whose specific sex offense against a child was non-forcible intercourse. These 443 are called “statutory rapists.” There were more than 443 among the 4,295, but 443 were all that could be identified from the limited information obtained for the study.

Both the 4,295 child molesters and the 443 statutory rapists were predominantly non-Hispanic white males. Nearly three-fourths of the child molesters (73.2%) were age 30 or older. Just over half the statutory rapists (54%) were 30 or older at the time they were released from prison.

Among the released child molesters there were 3,333 white men (77.6% of 4,295) and 889 black men (20.7%). The 443 statutory rapists included 324 white men (73.2% of 443) and 110 black men (24.8%).

Table 2. Demographic characteristics of child molesters and statutory rapists released from prison in 1994

Prisoner characteristic	Percent of released prisoners	
	Child molesters	Statutory rapists
Total	100%	100%
Race		
White	77.6%	73.2%
Black	20.7	24.8
Other	1.7	2.0
Hispanic origin		
Hispanic	23.5%	15.9%
Non-Hispanic	76.5	84.1
Age at release		
18-24*	11.4%	24.8%
25-29	15.4	21.2
30-34	17.7	14.7
35-39	18.6	14.9
40-44	14.3	10.2
45 or older	22.6	14.2
Age at release		
Average	37.8 yrs	33.6 yrs
Median	36.5	31.0
Total released	4,295	443

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists in 11 States. Because of overlapping definitions, all statutory rapists also appear under the column “child molesters.” Data identifying race were reported for 99.5% of 4,295 released child molesters; Hispanic origin for 87.8%; and age for 100%.

*Age at release 18-24 includes the few who were under age 18 when released from prison in 1994.

Sentence length and time served

All sex offenders

All 9,691 sex offenders selected to be in this study had a prison sentence greater than 1 year. The shortest terms were a day over 1 year; the longest were life sentences. The fact that sex offenders with a life sentence (18 offenders in the study) were among the 9,691 released in 1994 should not be surprising because only rarely do life sentences in the United States literally mean imprisonment for the remainder of a person's life. Most felons receiving a life sentence are eventually paroled (unpublished tabulation of data from the 1997 BJS Survey of Inmates in State Correctional Facilities).

On average, a sex offender released from prison in 1994 had an 8-year term and served 3½ years of that sentence (45%) before being released (table 3). Half of the released sex offenders had a sentence length of 6 years or less. Half had served no more than a third of their sentence before being released. When released, the majority (54.5%) had more than 3 years of their sentence remaining to be served.

Rapists and sexual assaulters

Rape always involves forcible intercourse, whereas sexual assault (as the term is used here) never does, although it can involve other types of forcible sexual assault. Because forcible intercourse is considered to be a more serious offense than other forms of forcible sexual assault, penalties for rape are generally more severe than those for sexual assault.

Consistent with the more serious nature of rape —

- on average a released rapist had a longer sentence (just over 11 years) than a sexual assaulter (just under 7 years)

- on average a rapist spent more time in confinement before being released (5¼ years) than a sexual assaulter (just under 3 years)
- median sentence length was longer for rapists (half of the rapists had a sentence of 9 years or more, while half of the sexual assaulters had a sentence of 5½ years or more)
- 39.2% of the 3,115 rapists were in prison for over 5 years prior to release, while 12.5% of the 6,576 sexual assaulters served 61 months or more
- rapists served 49% of their sentence before being released, compared to 43% for sexual assaulters.

Depending on the length of their sentence and the amount of time they had served before being released, some of the released sex offenders would have been on parole (or some other type of conditional release) throughout the full 3 years they were tracked in this study. For example, when released, 63.3% of rapists had more than 3 years left to serve on their sentence. In their case, any new crimes they committed during this 3-year followup period were offenses committed while still on parole. By comparison, just over half of released sexual assaulters had more than 3 years left to serve.

Table 3. Sentence length and time served for sex offenders released from prison in 1994, by type of sex offender

Characteristic	All	Rapists	Sexual assaulters
Sentence length (in months)			
Mean	97.3 mo	134.0 mo	82.5 mo
Median	72.0	108.0	66.0
Time served (in months)			
Mean	42.3 mo	62.6 mo	34.1 mo
Median	32.3	48.2	26.5
Percent of sentence served	44.9%	49.3%	43.1%
Upon release in 1994, percent who had served —			
6 months or less	4.5%	3.1%	5.0%
7-12	9.5	3.0	12.1
13-18	16.5	10.5	19.0
19-24	9.7	5.1	11.5
25-30	8.1	6.1	8.9
31-36	9.9	8.0	10.7
37-60	21.6	24.9	20.2
61 months or more	20.2	39.2	12.5
Upon release in 1994, percent with time still remaining to be served			
6 months or less	2.8%	2.4%	2.9%
7-12	5.0	5.7	4.7
13-18	8.4	6.2	9.2
19-24	12.8	9.3	14.2
25-30	8.1	6.2	8.8
31-36	8.5	6.9	9.1
37-60	25.1	22.8	26.0
61 months or more	29.4	40.5	24.9
Total first releases	6,470	1,859	5,860

Note: The 6,470 sex offenders were released in 13 States. Figures are based on first releases only. First releases include only those offenders leaving prison for the first time since beginning their sentence. First releases exclude those who left prison in 1994 but who had previously been released under the same sentence and had returned to prison for violating the conditions of release.

Child molesters and sexual assaulters

On average, child molesters were released after serving nearly 3 years (33.7 months) of their nearly 7-year sentence (81.1 months) (table 4). Statutory rapists were released after serving a little over 2 years of their approximately 4-year sentence. Upon release, almost half of the child molesters still had at least 3 years of their sentence remaining to be served, compared to 15% of statutory rapists.

Table 4. Sentence length and time served for child molesters and statutory rapists released from prison in 1994

Characteristic	Child molesters	Statutory rapists
Sentence length (in months)		
Mean	81.1 mo	49.5 mo
Median	66.0	36.0
Time served (in months)		
Mean	33.7 mo	27.6 mo
Median	25.8	19.4
Percent of sentence served	43.3%	52.8%
Upon release in 1994, percent who had served —		
6 months or less	5.7%	9.6%
7-12	12.6	20.4
13-18	20.8	18.2
19-24	10.1	14.3
25-30	7.2	8.6
31-36	11.2	7.0
37-60	19.7	13.4
61 months or more	12.8	8.6
Upon release in 1994, percent with time still remaining to be served		
6 months or less	2.5%	10.8%
7-12	5.4	17.4
13-18	10.2	26.9
19-24	16.1	13.1
25-30	7.9	8.5
31-36	8.9	8.5
37-60	24.9	9.2
61 months or more	24.1	5.6
Total first releases	3,104	317

Note: The 3,104 child molesters were released in 13 States; the 317 statutory rapists in 10 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters." Figures are based on first releases only. First releases include only those offenders leaving prison for the first time since beginning their sentence. First releases exclude those who left prison in 1994 but who had previously been released under the same sentence and had returned to prison for violating the conditions of release.

All sex offenders

Arrests and convictions for minor traffic offenses, public drunkenness, and other petty crimes are often not entered into official criminal records. Since official records formed the basis for this study's statistics on arrests and convictions, these statistics understate levels of contact with the justice system. Statistics shown throughout this report on arrests and convictions pertain mostly to arrests and convictions for felonies and serious misdemeanors.

Statistics on prior arrests in this section of the report do not include the imprisonment offense for which the sex offender was in prison in 1994.

At the time the 9,691 male sex offenders were arrested for the sex crime that resulted in their imprisonment —

- 78.5% (7,607 of the 9,691 men) had been arrested at least one earlier time (table 5)
- half had 3 or more prior arrests for some type of crime
- 58.4% (5,660 men) had at least one prior criminal conviction
- 13.9% (1,347 men) had a prior conviction for a violent sex offense
- 4.6% (446 men) had been convicted for a sex crime against a child
- nearly a quarter had served time in a State or Federal prison at least once before for some type of crime.

All 9,691 were in prison in 1994 because they had been arrested and convicted for a sex offense. For 71.5% of the 9,691 men (6,929), that arrest was their first ever for a violent sex crime. In other words, these 6,929 men had no previous arrest for a sex offense. For the remaining 28.5% (2,762 men), that arrest was not their first sex offense arrest. Some had been arrested once before for a sex crime and some two or more times before.

To illustrate, one of the 9,691 sex offenders in this study had his first arrest for a sex crime in 1966, when he was age 19; he was also arrested for sex crimes in the 1970's and 1980's, in three different States. The arrest for his

imprisonment offense was in 1982. In the early part of 1983, 4 months after his arrest, he was convicted of sexual assault and began serving a 25-year prison term. Eleven years later, in 1994 at age 47, he was released.

For 75% of the 9,691 sex offenders, their 1994 release represents their first release since being sentenced for their sex offense. The remaining 25% had previously served time under the same sentence, had been released, had violated one or more conditions of their parole and, consequently, were returned to prison to continue serving time still remaining on their sentence.

Table 5. Prior criminal record of sex offenders released from prison in 1994, by type of sex offender

Prior to the sex crime for which imprisoned	All	Rapists	Sexual assaulters
Percent with at least 1 prior arrest for — ^a			
Any crime	78.5%	83.1%	76.3%
Any sex offense	28.5	28.7	28.4
Sex offense against a child	10.3	5.7	12.5
Prior arrests for any crime^a			
Mean	4.5	5.0	4.2
Median	3	3	2
Percent with at least 1 prior conviction for — ^a			
Any crime	58.4%	62.9%	56.2%
Any sex offense	13.9	14.6	13.5
Sex offense against a child	4.6	3.4	5.2
Prior convictions for any crime^a			
Mean	1.8	2.0	1.7
Median	1	1	1
Percent with prior prison sentence for any crime^a	23.7%	28%	21.6%
Percent who were first releases^b	74.9%	66.9%	78.7%
Total released	9,691	3,115	6,576

Note: The 9,691 sex offenders were released in 15 States.

^a"Prior" does not include the arrest, conviction, or prison sentence that was the reason the sex offenders were in prison in 1994. Persons with no prior arrest or prior convictions were coded zero and were included in the calculations of mean and median priors. Calculation of prior convictions excluded Ohio, and calculation of prior prison sentences excluded Ohio and Virginia.

^bData on first releases are based on releases from 13 States. First releases include only those offenders leaving prison for the first time since beginning their sentence. First releases exclude those who left prison in 1994 but who had previously been released under the same sentence and had returned to prison for violating the conditions of release.

Sex offenders compared to non-sex offenders

A total of 262,420 non-sex offenders were released from State prisons in 1994 in the 15 States. Of the 262,420 non-sex offenders, 94% had at least 1 prior arrest and 82% had at least 1 prior conviction (not in a table). Overall, the 9,691 sex offenders had a shorter criminal history than the 262,420 non-sex offenders. Before the arrest that resulted in their prison sentence, sex offenders had been arrested 4.5 times, on average. This prior arrest record was about half that of non-sex offenders (8.9 prior arrests). In addition, among the 1994 prison releases, 23.7% of the sex offenders (2,297), compared to 44.3% of non-sex offenders (116,252), had served prior prison sentences.

Sex offenders were more likely to have been arrested (28.5%) or convicted (13.9%) for a sexual offense than non-sex offenders (6.5% with a prior arrest for a sex crime; 0.2% with a prior conviction for a sex crime). The same is true for child molesting — about 1 in 10 sex offenders had a prior arrest for a sex offense against a child, compared to about 1 in 100 non-sex offenders.

Rapists and sexual assaulters

For approximately 71% of the 3,115 rapists, the arrest for rape that resulted in their imprisonment was their first for a sex crime. The remaining 29% had one or more prior sex crime arrests. Likewise, for sexual assaulters, the sexual assault arrest that led to their imprisonment was the first arrest for a sex crime for 72% of the 6,576 sexual assaulters. The remaining 28% had been arrested at least once before for some type of sex crime.

Table 6. Prior criminal record of child molesters and statutory rapists released from prison in 1994

Prior to the sex crime for which imprisoned	Child molesters	Statutory rapists
Percent with at least 1 prior arrest for —^a		
Any crime	76.8%	80.6%
Any sex offense	29.0	38.4
Sex offense against a child	18.3	19.6
Prior arrests for any crime^a		
Mean	4.1	4.8
Median	2	3
Percent with at least 1 prior conviction for —^a		
Any crime	54.6%	64.6%
Any sex offense	11.9	21.2
Sex offense against a child	7.3	11.5
Prior convictions for any crime^a		
Mean	1.6	2.2
Median	1	1
Percent with prior prison sentence for any crime^a	19.3%	23.4%
Percent who were first releases^b	74.5%	73.7%
Total released	4,295	443

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists in 11 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters."

^a"Prior" does not include the arrest, conviction, or prison sentence that was the reason the sex offenders were in prison in 1994. Persons with no prior arrest or prior convictions were coded zero and were included in the calculations of mean and median priors. Calculation of prior convictions excluded Ohio, and calculation of prior prison sentences excluded Ohio and Virginia.

^bData on first releases are based on releases from 13 States. First releases include only those offenders leaving prison for the first time since beginning their sentence. First releases exclude those who left prison in 1994 but who had previously been released under the same sentence and had returned to prison for violating the conditions of release.

Child molesters and sexual assaulters

The 4,295 child molesters had at least 1 arrest for child molesting (the arrest that led to their imprisonment). For 3,509 (81.7%) of them, that arrest was their first ever arrest for child molesting (table 6). For the other 786 men (18.3% of the 4,295), that was not their first. Some had one prior arrest for a sex offense against a child, some had two, and others had three or more.

Among those with three or more priors was a man whose first arrest for child molesting was in 1966, when he was age 20. When released in 1994, he was serving an 11-year sentence for molesting a child under age 14. The prior criminal record of this serial pedophile spanned three decades, with arrests for child molesting in the 1970's, the 1980's, and the 1990's.

Four measures of recidivism

This section measures recidivism four ways:

- percent rearrested for any type of crime
- percent reconvicted for any type of crime
- percent returned to prison with a new prison sentence for any type of crime
- percent returned to prison with or without a new prison sentence.

"Percent rearrested" is calculated by dividing "the number rearrested" by "the number released from prison in 1994."

"Percent reconvicted" is obtained by dividing "the number reconvicted" by "the number released from prison in 1994." (It is *not* calculated by dividing "the number reconvicted" by "the number rearrested.")

"Percent returned to prison with a new sentence" is calculated by dividing "the number returned to prison with a new sentence" by "the number released from prison in 1994." (It is *not* calculated by dividing "the number returned to prison with a new sentence" by "the number reconvicted.")

Except where stated otherwise, all four recidivism measures —

- refer to the full 3-year period following the prisoner's release in 1994
- include both "in-State" and "out-of-State" recidivism.

"In-State" recidivism refers to new offenses committed within the State that released the prisoner in 1994. "Out-of-State" recidivism is any new offenses in States other than the one that released him in 1994.

Not all 4 of the recidivism measures are based on data from 15 States —

- "Percent rearrested" is based on 15 States

• "Percent reconvicted" is based on 14 of the 15 States participating in the study

• "Percent returned to prison with a new sentence" is based on 13 of the 15 States

• "Percent returned to prison with or without a new sentence" is based on 9 of the 15.

Three of the four recidivism measures were calculated from data on fewer than 15 States because the information needed to perform the calculations was not available (or not readily available) from each of the 15 participating States. Notes at the bottom of the tables alert readers to such missing data.

Four measures

All sex offenders

The 9,691 sex offenders in this study were all released from prison in 1994.

Within the first 3 years following their release —

• 43% (4,163 of the 9,691) were rearrested for at least 1 new crime (table 7)

• 24% (2,326 of the 9,691) were reconvicted for any type of crime

• 11.2% (1,085 of the 9,691) were returned to prison with another sentence

• 38.6% (3,741 of the 9,691) were returned to prison with or without a new sentence.

For approximately three-fourths of the 4,163 men who were rearrested for some new crime, their most serious rearrest offense was a felony; for the remaining fourth, the most serious was a misdemeanor (not shown in table).

Of the 4,163 men rearrested for some new offense, nearly 9 in 10 (87%) were still on parole when taken into custody (not shown in table).

Table 7. Recidivism rate of sex offenders released from prison in 1994, by recidivism measure and type of sex offender

Recidivism measure	Percent of released prisoners		
	All	Rapists	Sexual assaulters
Within 3 years following release:			
Rearrested for any type of crime	43.0%	46.0%	41.5%
Reconvicted for any type of crime ^a	24.0%	27.3%	22.4%
Returned to prison with a new sentence for any type of crime ^b	11.2%	12.6%	10.5%
Returned to prison with or without a new sentence ^c	38.6%	43.6%	36.1%
Total released	9,691	3,115	6,576

Note: The 9,691 sex offenders were released in 15 States.

^aBecause of missing data, prisoners released in Ohio were excluded from the calculation of percent reconvicted.

^b"New prison sentence" includes new sentences to State or Federal prisons but not to local jails. Because of missing data, prisoners released in Ohio and Virginia were excluded from the calculation of percent returned to prison with a new sentence.

^c"With or without a new sentence" includes prisoners with new sentences to State or Federal prisons plus prisoners returned for technical violations. Because of missing data, prisoners released in 6 States (Arizona, Delaware, Maryland, New Jersey, Ohio, and Virginia) were excluded from the calculation of percent returned to prison with or without a new sentence. New York State custody records did not always distinguish prison returns from jail returns. Consequently, some persons received in New York jails were probably mistakenly classified as prison returns. Also, California with a relatively high return-to-prison rate affects the overall rate of 38.6%. When California is excluded, the return-to-prison rate falls to 27.9%.

The 2,326 reconvicted for a new crime consisted of 1,672 (71.9%) whose most serious conviction offense was a felony, and 654 (28.1%) whose most serious offense was a misdemeanor (not shown in table).

Of the 2,326 reconvicted for any new crime after their release, 1,085 were resentenced to prison, and the remaining 1,241 were placed on probation or ordered to pay a fine or sentenced to short-term confinement in a local jail. The 1,241 not resentenced to prison made up a little over half (53%) of the total 2,326 reconvicted. One reason why over half were not resentenced to prison was that the new conviction offense for about 650 of the 2,326 newly convicted men (approximately 30%) was a misdemeanor rather than a felony, and State laws usually do not permit State prison sentences for misdemeanors.

Altogether, 3,741 (38.6%) of the 9,691 released sex offenders were returned to prison either because of a new sentence or a technical violation. Of the 3,741, 2,656 (71%) were returned for a technical violation, such as failing a drug test, missing an appointment with the parole officer, or being arrested for another crime; and 1,085 were returned with a new prison sentence. The 2,656 consisted of 664 who were reconvicted but not resentenced to prison, plus 1,992 not reconvicted.

As previously explained, a total of 1,241 released sex offenders were reconvicted but not resentenced to prison for their new crime. The 1,241 included 664 (described immediately above) who were returned to prison for a technical violation. The 664 were 54% of the 1,241, indicating that most of those who were reconvicted but not given a new prison sentence were, nevertheless, returned to prison.

Sex offenders compared to non-sex offenders

The 15 States in this study released 272,111 prisoners altogether in 1994. The 9,691 released sex offenders made up 3.6% of that total. The remaining 262,420 released prisoners were non-sex offenders. Of the 262,420 non-sex offenders, 68% (179,391 men and women out of the 262,420) were rearrested for a new crime within 3 years (not shown in table). The 43% overall rearrest rate of the 9,691 released sex offenders (4,163 out of 9,691) was low by comparison.

Another difference was the rearrest charge. The rearrest offense was a felony for about 3 out of 4 (75%) of the 4,163 rearrested sex offenders (not shown in table). By comparison, about 84% of the 179,391 non-sex offenders were charged by police with a felony (not shown in table).

Of the 4,163 sex offenders rearrested for a new crime, nearly 9 in 10 (87%) were on parole when taken into custody; of the 179,391 rearrested non-sex offenders, also about 9 in 10 (85%) were on parole (not shown in table).

There was a difference in reconvictions. The reconviction rate for the 9,691 released sex offenders was 24.0%, compared to 47.8% for 262,420 non-sex offenders released in 1994 (not shown in table). The 2,326 sex offenders reconvicted for any new crime included 1,672 (71.9%) whose most serious conviction offense was a felony (not shown in table). Of the 262,420 non-sex offenders, 125,437 (47.8%) were reconvicted, which included 94,078 (75.0%) whose most serious reconviction offense was a felony (not shown in table).

Rapists and sexual assaulters

Within the first 3 years following release —

- 46.0% of the 3,115 rapists (1,432 men) and 41.5% of the 6,576 sexual assaulters (2,731 men) were rearrested for all types of crimes (table 7)
- 27.3% of the 3,115 rapists (850 men) were reconvicted, compared to 22.4% of the 6,576 sexual assaulters (1,473 men) for all types of crimes
- 12.6% of the 3,115 rapists (392 men) and 10.5% of the 6,576 sexual assaulters (690 men) were resentenced to prison for their reconviction offense
- 43.6% of the 3,115 rapists (1,358 men) and 36.1% of the 6,576 sexual assaulters (2,374 men) were returned to prison either because of a new sentence or because of a technical violation of their parole.

For approximately three-fourths of the 1,432 rapists who were rearrested for a new crime, the crime was a felony; for the remainder, the most serious was a misdemeanor (not shown in table). As indicated earlier, 2,731 sexual assaulters were rearrested for a new offense after their release, and for about three-fourths, their most serious rearrest offense was a felony; for the remainder, the most serious crime was a misdemeanor (not shown in table).

The 850 rapists reconvicted for any new crime included 617 (72.6%) whose most serious reconviction offense was a felony; the 1,473 reconvicted sexual assaulters included 1,052 (71.4%) who were reconvicted for a felony (not shown in table).

Child molesters and statutory rapists

Of the child molesters and statutory rapists released from prison in 1994 —

- 1,693 of the 4,295 child molesters (39.4%) and 221 of the 443 statutory rapists (49.9%) were rearrested for a new crime (not necessarily a new sex crime) (table 8)
- 876 of the 4,295 child molesters (20.4%) and 145 of the 443 statutory rapists (32.7%) were reconvicted for any type of crime
- 9% of the 4,295 child molesters and 13% of the 443 statutory rapists

were resentenced to prison for their new conviction offense

- 38% of the 4,295 child molesters and 46% of the 443 statutory rapists were back in prison within 3 years as a result of either a new prison sentence or a technical violation of their parole.

The most serious offense for three-fourths of the 1,693 child molesters who were rearrested was a felony, and a misdemeanor for the remainder (not shown in table). Following their release in 1994, 221 statutory rapists were rearrested for a new crime. The most serious offense that approximately

three-fourths were charged with was a felony (not shown in table).

The 876 child molesters reconvicted for any type of crime included 643 (73.4%) whose most serious reconviction offense was a felony; the 145 reconvicted statutory rapists included 97 (66.7%) whose most serious was a felony (not shown in table).

Table 8. Recidivism rate of child molesters and statutory rapists released from prison in 1994, by recidivism measure

Recidivism measure	Percent of released prisoners	
	Child molesters	Statutory rapists
Within 3 years following release:		
Rearrested for any type of crime	39.4%	49.9%
Reconvicted for any type of crime ^a	20.4%	32.7%
Returned to prison with a new sentence for any type of crime ^b	9.1%	13.2%
Returned to prison with or without a new sentence ^c	38.2%	45.7%
Total released	4,295	443

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists in 11 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters."

^aBecause of missing data, prisoners released in Ohio were excluded from the calculation of percent reconvicted.

^b"New prison sentence" includes new sentences to State or Federal prisons but not to local jails. Because of missing data, prisoners released in Ohio and Virginia were excluded from the calculation of percent returned to prison with a new sentence.

^c"With or without a new sentence" includes prisoners with new sentences to State or Federal prisons plus prisoners returned for technical violations. Because of missing data, prisoners released in 6 States (Arizona, Delaware, Maryland, New Jersey, Ohio, and Virginia) were excluded from the calculation of percent returned to prison with or without a new sentence. New York State custody records did not always distinguish prison returns from jail returns. Consequently, some persons received in New York jails were probably mistakenly classified as prison returns. Also, California with a relatively high return-to-prison rate affects the overall rate of 39.4%. When California is excluded, the return-to-prison rate falls to 23.4%.

Time to recidivism

All sex offenders

Within 6 months following their release, 16% of the 9,691 men were rearrested for a new crime (not necessarily another sex offense) (table 9). Within 1 year, altogether 24.2% were rearrested. Within 2 years the cumulative total reached 35.5%. By the end of the 3-year followup period, 43% (4,163 of the 9,691) were rearrested for some type of crime.

These statistics indicate that most recidivism within the first 3 years following release occurred in the first year (56%, since $24.2\% / 43\% = 56\%$).

While the bulk of rearrests occurred in the first year, that period did not account for the bulk of reconvictions or reimprisonments. This is largely because a sizable number of those rearrested in the first year were not reconvicted and reimprisoned until sometime in the second year, due to the additional time needed to prosecute, convict, and sentence a criminal defendant. For example, by the end of the first year, 8.6% of the 9,691 released sex offenders were reconvicted, and by the end of the third year, a cumulative total of 24% were reconvicted, indicating that the first year accounted for a relatively small percentage of all the reconvictions in the 3 years (36%, since $8.6\% / 24\% = 36\%$).

Rapists and sexual assaulters

Forty-six percent of released rapists were rearrested within 3 years, and over half of those rearrests (56%) occurred in the first year (since $25.8\% /$

$46.0\% = 56\%$). Similarly, 41.5% of released sexual assaulters were rearrested within the first 3 years following their 1994 release, and over half of those rearrests (56%) occurred in the first year (since $23.4\% / 41.5\% = 56\%$).

Table 9. Recidivism rate of sex offenders released from prison in 1994, by type of recidivism measure, type of sex offender, and time after release

Time after 1994 release	Cumulative percent of sex offenders released from prison in 1994		
	All	Rapists	Sexual assaulters
Rearrested for any type of crime within —			
6 months	16.0%	16.3%	15.8%
1 year	24.2	25.8	23.4
2 years	35.5	38.6	34.0
3 years	43.0	46.0	41.5
Reconvicted for any type of crime within —^a			
6 months	3.6%	4.3%	3.3%
1 year	8.6	10.0	8.0
2 years	17.2	19.9	15.9
3 years	24.0	27.3	22.4
Returned to prison with a new sentence for any type of crime within —^b			
6 months	1.8%	1.9%	1.8%
1 year	4.0	4.1	3.9
2 years	8.0	9.0	7.5
3 years	11.2	12.6	10.5
Total released	9,691	3,115	6,576

Note: The 9,691 sex offenders were released in 15 States.

^aBecause of missing data, prisoners released in Ohio were excluded from the calculation of percent reconvicted.

^b"New sentence" includes new sentences to State or Federal prisons but not to local jails. Because of missing data, prisoners released in Ohio and Virginia were excluded from the calculation of percentage returned to prison with a new sentence.

Table 10. Recidivism rate of child molesters and statutory rapists released from prison in 1994, by type of recidivism measure and time after release

Time after 1994 release	Cumulative percent of sex offenders released from prison in 1994	
	Child molesters	Statutory rapists
Rearrested for any type of crime within —		
6 months	16.0%	18.5%
1 year	22.9	29.8
2 years	32.9	42.4
3 years	39.4	49.9
Reconvicted for any type of crime within —^a		
6 months	3.0%	4.5%
1 year	7.1	13.6
2 years	14.5	24.4
3 years	20.4	32.7
Returned to prison with a new sentence for any type of crime within —^b		
6 months	1.5%	0.9%
1 year	3.1	4.0
2 years	6.5	9.3
3 years	9.1	13.2
Total released	4,295	443

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists in 11 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters."

^aBecause of missing data, prisoners released in Ohio were excluded from the calculation of percent reconvicted.

^b"New sentence" includes new sentences to State or Federal prisons but not to local jails. Because of missing data, prisoners released in Ohio and Virginia were excluded from the calculation of percentage returned to prison with a new sentence.

Child molesters and statutory rapists

Of the 4,295 released child molesters, 1,693 (39.4%) were rearrested during the 3-year followup period (table 10). The majority of those charged (approximately 982 of the 1,693, or 58%) were charged in the first 12 months. While 49.9% of released statutory rapists were rearrested within 3 years, nearly three-fifths of those rearrests occurred within the first year following release (29.8% / 49.9% = 60%).

Table 11. Rearrest rate of sex offenders released from prison in 1994, by type of sex offender and demographic characteristics of released prisoners

Prisoner characteristic	Percent rearrested for any type of crime within 3 years		
	All	Rapists	Sexual assaulters
Race			
White	36.7%	39.1%	35.8%
Black	56.1	55.0	57.0
Other	40.4	38.5	41.7
Hispanic origin			
Hispanic	42.2%	47.7%	39.6%
Non-Hispanic	45.9	50.2	44.3
Age at release			
18-24	59.8%	58.6%	60.2%
25-29	54.2	53.8	54.3
30-34	48.8	52.6	46.7
35-39	41.4	46.1	38.9
40-44	34.7	41.2	31.6
45 or older	23.5	23.0	23.7
Total released	9,691	3,115	6,576

Note: The 9,691 sex offenders were released in 15 States. Data identifying race were reported for 98.5%; Hispanic origin for 82.5%; age for virtually 100%.

Demographic characteristics

All sex offenders

Race Black men (56.1%) released in 1994 were more likely than white men (36.7%) to be rearrested for a new crime (not limited to just a new sex crime) within the first 3 years following their release (table 11).

Hispanic origin Among released sex offenders, non-Hispanics (45.9%) were more likely than Hispanics (42.2%) to have a new arrest within the 3-year followup period.

Age The younger the prisoner when released, the higher the rate of recidivism. For example, of all the sex offenders under age 25 at the time of discharge from prison, 59.8% were

Table 13. Rearrest rate of sex offenders released from prison in 1994, by type of sex offender and time served before release

Time served in prison before 1994 release	Percent rearrested for any type of crime within 3 years		
	All	Rapists	Sexual assaulters
6 months or less	45.7%	48.3%	45.0%
7-12	42.1	32.1	43.1
13-18	38.9	37.6	39.2
19-24	46.7	51.1	45.9
25-30	44.6	42.9	45.1
31-36	35.7	42.6	33.7
37-60	38.9	43.2	36.7
61 months or more	39.9	43.4	35.5
Total first releases	6,470	1,859	5,860

Note: The 6,470 sex offenders were released in 13 States. Figures are based on first releases only. First releases include only those offenders leaving prison for the first time since beginning their sentence. First releases exclude those who left prison in 1994 but who had previously been released under the same sentence and had returned to prison for violating the conditions of release.

Table 12. Rearrest rate of child molesters and statutory rapists released from prison in 1994, by demographic characteristics of released prisoners

Prisoner characteristic	Percent rearrested for any type of crime within 3 years	
	Child molesters	Statutory rapists
Race		
White	36.2%	46.0%
Black	51.7	61.5
Other	37.8	55.6
Hispanic origin		
Hispanic	37.1%	56.9%
Non-Hispanic	41.9	48.8
Age at release		
18-24	59.6%	70.0%
25-29	51.4	56.4
30-34	46.5	47.7
35-39	38.0	37.9
40-44	28.0	44.4
45 or older	23.8	23.8
Total released	4,295	443

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists in 11 States. Data identifying race were reported for 98.5%; Hispanic origin for 82.5%; age for virtually 100%.

rearrested for some type of crime within 3 years, or more than double the 23.5% of those age 45 or older.

Rapists and sexual assaulters

Race Among releasees whose imprisonment offense was sexual assault, 57% of black men and 35.8% of white men were rearrested for all types of crimes. A higher rearrest rate for blacks was also found among released rapists.

Hispanic origin Among released rapists, non-Hispanics (50.2%) were more likely than Hispanics (47.7%) to be rearrested within the 3-year followup period. The same was true among released prisoners whose imprisonment offense was sexual assault.

Age For both rapists and sexual assaulters, younger releasees had higher rearrest rates than older releasees.

Child molesters and statutory rapists

Race The rearrest rate among released child molesters was 51.7% for black men and 36.2% for white men (table 12). Among statutory rapists, black men (61.5%) had a higher rearrest rate than white men (46.0%).

Hispanic origin Among released prisoners whose imprisonment offense was statutory rape, Hispanics (56.9%) were more likely than non-Hispanics (48.8%) to be rearrested within the 3-year followup period. The opposite was true of child molesters, as Hispanics had a lower rearrest rate (37.1%) than non-Hispanics (41.9%).

Age The younger the sex offender was when released, the higher was his likelihood of being rearrested. For example, the rearrest percent for statutory rapists younger than 25 was higher (70.0%) than the rearrest percent for statutory rapists ages 25 to 30 (56.4%). The same was true among child molesters.

Time served before 1994 release

All sex offenders

Sex offenders who served the shortest amount of time in prison before being released (6 months or less) had a higher rearrest rate (45.7%) than those who served the longest (over 5 years, 39.9% rate) (table 13). Similarly, prisoners who served 6 months or less had a higher rearrest rate (45.7%) than those who served 7 months to 1 year (42.1%). However, other comparisons did not indicate a connection between serving more time and lower recidivism. For example, among sex offenders who served 1 to 1½ years in prison before being released, 38.9% were rearrested for all types of crimes, compared to 46.7% of sex offenders who served a bit longer — 1½ to 2 years. Similarly, released prisoners

Table 14. Rearrest rate of child molesters and statutory rapists released from prison in 1994, by time served before being released

Time served in prison before 1994 release	Percent rearrested for any type of crime within 3 years	
	Child molesters	Statutory rapists
6 months or less	42.9%	56.7%
7-12	39.7	45.3
13-18	34.5	43.9
19-24	45.5	48.9
25-30	39.4	25.9
31-36	27.2	59.1
37-60	31.5	21.4
61 months or more	29.9	33.3
Total first releases	3,104	317

Note: The 3,104 child molesters were released in 13 States; the 317 statutory rapists in 10 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters." Figures are based on first releases only. First releases include only those offenders leaving prison for the first time since beginning their sentence. First releases exclude those who left prison in 1994 but who had previously been released under the same sentence and had returned to prison for violating the conditions of release.

who served between 3 and 5 years in prison had a higher rate of rearrest (38.9%) than released prisoners who served 2½ to 3 years (35.7%). Because of these mixed results, and others illustrated below, the data do not warrant any general conclusion about an association between the level of recidivism and the amount of time served.

Rapists and sexual assaulters

Among sexual assaulters who served no more than 6 months, 45.0% were rearrested for all types of crimes. Those who served a little longer — from about 6 months to 1 year — had a lower rearrest rate, 43.1%. Those released after serving even more time — 1 to 1½ years — had an even lower rate, 39.2%. However, there are numerous instances where serving more time was not linked to lower recidivism. For example, rapists released after about 1 to 1½ years in prison had a 37.6% rearrest rate, while those imprisoned a little longer — from about 1½ to 2 years — had a higher rate, 51.1%.

Child molesters and statutory rapists

Among released statutory rapists and child molesters, the results continued to be mixed regarding an association between the rate of recidivism and the amount of time served (table 14). For example, child molesters released after serving about 2 to 2½ years had a higher rate of rearrest for all types of crimes (39.4%) than those who served somewhat longer — about 2½ to 3 years (27.2%). However, the rearrest rate rose (31.5%) among molesters who served more time — 3 to 5 years.

Table 15. Rearrest rate of sex offenders released from prison in 1994, by type of sex offender and prior arrest for any type of crime

Arrest prior to 1994 release	All	Rapists	Sexual assaulters
Percent rearrested for any type of crime within 3 years			
Total	43.0%	46.0%	41.5%
The arrest responsible for their being in prison in 1994 was —*			
Their first arrest for any type of crime	24.8	28.3	23.6
Not their first arrest for any type of crime	47.9	49.6	47.1
Percent of released prisoners			
Total	100%	100%	100%
The arrest responsible for their being in prison in 1994 was —*			
Their first arrest for any type of crime	21.5	16.9	23.7
Not their first arrest for any type of crime	78.5	83.1	76.3
Total released	9,691	3,115	6,576

Note: The 9,691 sex offenders were released in 15 States.

*By definition, all sex offenders had at least 1 arrest prior to their release: namely, the sex crime arrest responsible for their being in prison in 1994.

Prior arrest for any type of crime

All sex offenders

For 2,084 sex offenders (21.5% of the 9,691 total), their only arrest prior to being released in 1994 was the arrest for their imprisonment offense (a sex offense) (table 15). Among these 2,084 released sex offenders with just 1 prior arrest, 24.8% were rearrested for a new crime (not necessarily a new sex crime). For the remaining 7,607 (78.5% of 9,691), their prior record showed an arrest for the sex offense responsible for their current imprisonment plus at least 1 earlier arrest for some type of crime. Of these 7,607 prisoners, 47.9% were rearrested, or about double the rate of their counterparts with 1 prior arrest (24.8%).

Rapists and sexual assaulters

Of the 3,115 released rapists, 83.1% (2,589 rapists) had more than 1 arrest

for some type of crime prior to their release from prison in 1994, and 16.9% (526 rapists) had just 1 prior arrest, the arrest for the sex crime that resulted in their being in prison in 1994. The multiple prior arrests for the 2,589 rapists included the arrest for their imprisonment offense plus at least 1 other arrest for any type of crime. The 2,589 with more than 1 prior arrest had a rearrest rate (49.6%) nearly double that of the 526 with just 1 prior (28.3%).

Child molesters and statutory rapists

Of the 4,295 child molesters, 76.8% (3,299 men) had more than 1 prior arrest (table 16). These 3,299 child molesters had a rearrest rate (44.3%) nearly double the 23.3% rate of the 996 molesters with just 1 prior arrest (996 is 23.2% of 4,295). The 357 statutory rapists with more than 1 prior arrest (357 is 80.6% of 443) had a rearrest rate (55.7%) more than double the 25.6% rate of the 86 statutory rapists with 1 prior arrest (86 is 19.4% of 443).

Table 16. Rearrest rate of child molesters and statutory rapists released from prison in 1994, by prior arrest for any type of crime

Arrest prior to 1994 release	Child molesters	Statutory rapists
Percent rearrested for any type of crime within 3 years		
Total	39.4%	49.9%
The arrest responsible for their being in prison in 1994 was —*		
Their first arrest for any type of crime	23.3	25.6
Not their first arrest for any type of crime	44.3	55.7
Percent of released prisoners		
Total	100%	100%
The arrest responsible for their being in prison in 1994 was —*		
Their first arrest for any type of crime	23.2	19.4
Not their first arrest for any type of crime	76.8	80.6
Total released	4,295	443

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists in 11 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters."

*By definition, all sex offenders had at least 1 arrest prior to their release: namely, the sex crime arrest responsible for their being in prison in 1994.

Number of prior arrests for any type of crime

Statistics on prior arrests in this section of the report do include the imprisonment offense of the released sex offender.

All sex offenders

The number of times a prisoner was arrested in the past was a relatively good predictor of whether that prisoner would continue his criminality after release (table 17). Prisoners with just one prior arrest for any type of crime had a 24.8% rearrest rate for all types of crimes. With two priors, the percentage rearrested rose to 31.9%. With three, it increased to 36.9%. With four, it went up to 42.6%. With additional priors, there were further increases, ultimately reaching a rearrest rate of 67.0% for released prisoners with the longest criminal record (more than 15 prior arrests).

Rapists and sexual assaulters

Both rapists and sexual assaulters followed the pattern described immediately above: the more prior arrests they had, the more likely they were to have a new arrest for some type of crime after their release in 1994.

Table 17. Rearrest rate of sex offenders released from prison in 1994, by type of sex offender and number of prior arrests for any type of crime

Number of adult arrests prior to 1994 release*	All	Rapists	Sexual assaulters
Percent rearrested for any type of crime within 3 years			
1 prior arrest for any type of crime	24.8%	28.3%	23.6%
2	31.9	36.4	29.9
3	36.9	36.3	37.1
4	42.6	47.2	40.4
5	50.5	48.6	51.6
6	49.7	47.3	50.9
7-10	59.0	59.6	58.6
11-15	65.1	63.7	66.0
16 or more	67.0	66.1	67.5
Percent of released prisoners			
All sex offenders	100%	100%	100%
1 prior arrest for any type of crime	21.5	16.9	23.7
2	16.0	15.2	16.3
3	11.9	12.1	11.8
4	9.0	9.2	8.9
5	7.2	8.0	6.8
6	6.3	6.6	6.1
7-10	14.4	15.8	13.8
11-15	7.9	8.9	7.4
16 or more	5.8	7.2	5.2
Total released	9,691	3,115	6,576

Note: The 9,691 sex offenders were released in 15 States.

*By definition, all sex offenders had at least 1 arrest prior to their release: namely, the arrest responsible for their being in prison in 1994. In this table, that arrest is counted as 1 prior arrest.

Child molesters and statutory rapists

Among released prisoners with the smallest number of prior arrests (1 prior arrest), 23.3% of child molesters and 25.6% of statutory rapists were rearrested for all types of crimes within 3 years (table 18). Rearrest rates generally rose with each increase in the number of prior arrests. Among released prisoners with the largest number of prior arrests (more than 15), 62.0% of child molesters and 76.2% of statutory rapists had at least 1 new arrest after being released in 1994.

State where rearrested for any type of crime

The State where the rearrest occurred was not always the State that released the prisoner. In some cases, the released sex offender left the State where he was imprisoned and was rearrested for a new crime in a different State. For example, a sex offender released from prison in California may have traveled to Nevada, where he was arrested for committing another crime.

Sex offenders

A total of 4,163 sex offenders were rearrested for some type of new crime after their 1994 release. Of the 4,163 arrests, 16.0% — or 1 in 6 — were outside the State where the prisoner was released (table 19). The rest (84.0%) were made in the State that released them.

Sex offenders compared to non-sex offenders

The 15 States in this study released 262,420 non-sex offenders in 1994, of whom 179,391 were rearrested for a new crime within 3 years (not shown in table). Of the 179,391 arrests for any type of crime, 11.2%, or 20,092 arrests, were arrests that occurred outside the State that released them.

Table 18. Rearrest rate of child molesters and statutory rapists released from prison in 1994, by number of prior arrests for any type of crime

Number of adult arrests prior to 1994 release*	Child molesters	Statutory rapists
Percent rearrested for any type of crime within 3 years		
1 prior arrest for any type of crime	23.3%	25.6%
2	28.0	29.3
3	32.4	46.9
4	39.2	41.0
5	47.4	60.6
6	50.2	53.8
7-10	58.1	65.1
11-15	62.9	81.3
16 or more	62.0	76.2
Percent of released prisoners		
All sex offenders	100%	100%
1 prior arrest for any type of crime	23.2	19.4
2	17.2	13.1
3	12.1	11.1
4	8.5	8.8
5	7.0	7.4
6	6.4	5.9
7-10	13.6	18.7
11-15	7.3	10.8
16 or more	4.8	4.7
Total released	4,295	443

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists in 11 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters."

*By definition, all sex offenders had at least one arrest prior to their release: namely, the arrest responsible for their being in prison in 1994. In this table, that arrest is counted as 1 prior arrest.

Rearrested sex offenders had a higher percentage: 1 in 6 of their rearrests for any type of crime were in a State other than the one that released them.

Rapists and sexual assaulters

Following their 1994 release, 1,432 rapists and 2,731 sexual assaulters

were rearrested for any new crime (table 19). For 17.4% of the 1,432 rearrested rapists, and 15.2% of the 2,731 rearrested sexual assaulters, the place where the arrest occurred was in a different State than the one that released them.

Table 19. Where sex offenders were rearrested for any new crime following release from prison in 1994, by type of sex offender

State where rearrested within 3 years	Percent of rearrested prisoners		
	All	Rapists	Sexual assaulters
Total	100%	100%	100%
Same State where released	84.0	82.6	84.8
Another State	16.0	17.4	15.2
Total rearrested for any new crime	4,163	1,432	2,731

Note: The 4,163 rearrested sex offenders were released in 15 States, but table percentages are based on 14 States.

Child molesters and statutory rapists

Out of the 4,295 child molesters, 1,693 were rearrested for any new crime after being released from prison in 1994 (table 20). The 1,693 recidivists consisted of 84.8% whose new arrest was in the same State that released them in 1994, and 15.2% whose alleged violation occurred in a different State.

About half of all statutory rapists were not rearrested for any type of crime after their release. Of the 221 who were, 16.6% were rearrested outside the State where they were released.

Table 20. Where child molesters and statutory rapists were rearrested for any new crime following release from prison in 1994

State where rearrested within 3 years	Percent of rearrested prisoners	
	Child molesters	Statutory rapists
Total	100%	100%
Same State where released	84.8	83.4
Another State	15.2	16.6
Total rearrested for any new crime	1,693	221

Note: The 1,693 rearrested child molesters were released in 15 States, but table percentages are based on 14 States. The 221 rearrested statutory rapists were released in 11 States, but table percentages are based on 10 States.

Rearrest and reconviction

All sex offenders

Based on official arrest records, 517 of the 9,691 released sex offenders (5.3%) were rearrested for a new sex crime within the first 3 years following their release (table 21). The new sex crimes for which these 517 men were arrested were forcible rapes and sexual assaults. For virtually all of the 517, the most serious sex crime for which they were rearrested was a felony. Their victims were children and adults. The study cannot say what percentage were children and what percentage were adults because arrest files did not record the victim's age.

Of the total 9,691 released sex, 3.5% (339 of the 9,691) were reconvicted for a sex crime (a forcible rape or a sexual assault) within 3 years.

Sex offenders compared to non-sex offenders

The 15 States in this study released a total of 272,111 prisoners in 1994. The 9,691 released sex offenders made up less than 4% of that total. Of the remaining 262,420 non-sex offenders, 3,328 (1.3%) were rearrested for a new sex crime within 3 years (not shown in table). By comparison, the 5.3% rearrest rate for the 9,691 released sex offenders was 4 times higher.

Assuming that the 517 sex offenders who were rearrested for another sex crime each victimized no more than one victim, the number of sex crimes they committed after their prison release totaled 517. Assuming that the 3,328 non-sex offenders rearrested for a sex crime after their release also victimized one victim each, the number of sex crimes they committed was 3,328. The combined total number of sex crimes is 3,845 (517 plus 3,328 = 3,845). Released sex offenders accounted for 13% and released non-sex offenders accounted for 87% of the 3,845 sex crimes committed by

all the prisoners released in 1994 (517 / 3,845 = 13% and 3,328 / 3,845 = 87%).

Rapists and sexual assaulters

Of the 3,115 rapists, 5.0% (155 men) had a new arrest for a sex crime (either a sexual assault or another forcible rape) after being released. Of the 6,576 released sexual assaulters, 5.5% (362 men) were rearrested for a new sex crime (either a forcible rape or another sexual assault).

A total of 100 released rapists were reconvicted for a sex crime. The 100 men were 3.2% of the 3,115 rapists released in 1994. Among the 6,576 released sexual assaulters, 3.7% (243 men) were reconvicted for a sex crime.

Child molesters and statutory rapists

After their release, 5.1% (221 men) of the child molesters and 5.0% (22 men) of the statutory rapists were rearrested for a new sex crime (table 22). Not all of the new sex crimes were against children. The new sex crimes were forcible rapes and various types of sexual assaults.

Following their release, 3.5% (150 men) of the 4,295 released child molesters were convicted for a new sex crime against a child or an adult. The sex crime reconviction rate for the 443 statutory rapists was 3.6% (16 reconvicted men).

Table 21. Of sex offenders released from prison in 1994, percent rearrested and percent reconvicted for any new sex crime, by type of sex offender

	All	Rapists	Sexual assaulters
Percent rearrested for any new sex crime within 3 years	5.3%	5.0%	5.5%
Percent reconvicted for any new sex crime within 3 years*	3.5%	3.2%	3.7%
Total released	9,691	3,115	6,576

Note: The 9,691 sex offenders were released in 15 States.

*Because of missing data, prisoners released in Ohio were excluded from the calculation of percent rearrested. Due to data quality concerns, calculation of percent reconvicted excluded Texas prisoners classified as "other type of release."

Table 22. Of child molesters and statutory rapists released from prison in 1994, percent rearrested and percent reconvicted for any new sex crime

	Child molesters	Statutory rapists
Percent rearrested for any new sex crime within 3 years	5.1%	5.0%
Percent reconvicted for any new sex crime within 3 years*	3.5%	3.6%
Total released	4,295	443

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists in 11 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters."

*Because of missing data, prisoners released in Ohio were excluded from the calculation of percent rearrested. Due to data quality concerns, calculation of percent reconvicted excluded Texas prisoners classified as "other type of release."

Time to rearrest

All sex offenders

Within 6 months following their release, 1.4% of the 9,691 men were rearrested for a new sex crime (table 23). Within 1 year the cumulative total grew to 2.1% rearrested. By the end of the 3-year followup period, altogether 5.3% had been rearrested for another sex crime. The first year was the period when 40% of the new sex crimes were committed (since 2.1% / 5.3% = 40%).

Rapists and sexual assaulters

The first year following release accounted for 40% of the new sex crimes committed by both released rapists (since 2.0% / 5.0% = 40%) and released sexual assaulters (since 2.2% / 5.5% = 40%).

Child molesters and statutory rapists

For child molesters and statutory rapists, the first year following their release was the period when the largest number of recidivists were rearrested. Similar to rapists and sexual assaulters, about 40% of the arrests for new sex crimes committed by child molesters and statutory rapists occurred during the first year (table 24).

Demographic characteristics

All sex offenders

Race Among sex offenders released from prison in 1994, black men (5.6%) and white men (5.3%) were about equally likely to be rearrested for another sex crime (table 25).

Hispanic origin Among released sex offenders, non-Hispanics were more likely to be rearrested for a new sex offense (6.4%) than Hispanics (4.1%). One reason for the lower rearrest rate for Hispanics may be that some were deported immediately following their release.

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

Table 23. Of sex offenders released from prison in 1994, percent rearrested for any new sex crime, by type of sex offender and time after release

Time after 1994 release	Cumulative percent rearrested for any new sex crime within specified time		
	All	Rapists	Sexual assaulters
6 months	1.4%	1.3%	1.4%
1 year	2.1	2.0	2.2
2 years	3.9	3.7	4.1
3 years	5.3	5.0	5.5
Total released	9,691	3,115	6,576

Note: The 9,691 sex offenders were released in 15 States.

Table 24. Of child molesters and statutory rapists released from prison in 1994, percent rearrested for any new sex crime, by time after release

Time after 1994 release	Cumulative percent rearrested for any new sex crime within specified time	
	Child molesters	Statutory rapists
6 months	1.3%	1.4%
1 year	2.2	2.0
2 years	3.9	3.2
3 years	5.1	5.0
Total released	4,295	443

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists in 11 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters."

Table 25. Of sex offenders released from prison in 1994, percent rearrested for any new sex crime, by demographic characteristics of released prisoners

Prisoner characteristic	Percent of released sex offenders rearrested for any new sex crime within 3 years
Total released	5.3%
Race	
White	5.3%
Black	5.6
Other	4.4
Hispanic origin	
Hispanic	4.1%
Non-Hispanic	6.4
Age at release	
18-24	6.1%
25-29	5.5
30-34	5.8
35-39	6.1
40-44	5.6
45 or older	3.3
Total released	9,691

Note: The 9,691 sex offenders were released in 15 States. Data identifying race were reported for 98.5% of 9,691 released sex offenders; Hispanic origin for 82.5%; age for virtually 100%.

Time served before 1994 release

All sex offenders

The study compared recidivism rates among prisoners who served different lengths of time before being released from prison in 1994. No clear association was found between how long they were in prison and their recidivism rate (table 26). For example, those sex offenders who served from 7 to 12 months were rearrested for a new sex crime at a higher rate (5.2%) than those who served slightly less time (3.8%), which seemed to suggest that serving more time raised the recidivism rate. But other comparisons suggested the opposite. Compared to men who were confined for 7 to 12 months (5.2% rearrest rate), those who served more time (13 to 18 months) were less likely to be rearrested for any new sex crime (4.1%).

Prior arrest for any type of crime

All sex offenders

Of the 9,691 released sex offenders, 21.5% (2,084 of the 9,691) had only 1 arrest in their criminal record up to the time they were released (table 27). That one arrest was the arrest for the sex crime that resulted in a prison term. The remaining 78.5% (7,607 men) had the arrest for their imprisonment offense in their record, and they also had at least 1 earlier arrest for some type of crime. For example, some had an earlier arrest for theft or a drug offense. Most of them did not have an earlier arrest for a sex crime.

Compared to the 2,084 sex offenders with the 1 arrest in their criminal record, the 7,607 with a longer prior arrest record were more likely to be

rearrested for another sex crime (5.9% compared to 3.3%).

Rapists and sexual assaulters

Of the 3,115 released rapists, the majority (83.1% of the 3,115, or 2,589 men) had more than 1 arrest (for any type of crime) prior to release from prison in 1994. Of these 2,589 released rapists, 5.4% (140) had a new arrest for a sex crime. The rate was lower (3.0%) for the 526 released rapists with no prior arrest.

Results for sexual assaulters followed the same pattern: the 5,017 sexual assaulters with more than 1 prior arrest (76.3% of 6,576 is 5,017) were more likely to be rearrested for a new sex crime (6.2%) than the 1,559 with just the 1 prior arrest (23.7% of 6,576 is 1,559).

Table 26. Of sex offenders released from prison in 1994, percent rearrested for any new sex crime, by time served before being released

Time served in prison before 1994 release	Percent of released sex offenders rearrested for any new sex crime within 3 years
6 months or less	3.8%
7-12	5.2
13-18	4.1
19-24	6.4
25-30	5.2
31-36	3.3
37-60	5.2
61 months or more	4.9
Total first releases	6,470

Note: The 6,470 sex offenders were released in 13 States. Figures are based on first releases only. First releases include only those offenders leaving prison for the first time since beginning their sentence. First releases exclude those who left prison in 1994 but who had previously been released under the same sentence and had returned to prison for violating the conditions of release.

Table 27. Of sex offenders released from prison in 1994, percent rearrested for any new sex crime, by type of sex offender and prior arrest for any type of crime

Arrest prior to 1994 release	All	Rapists	Sexual assaulters
Percent rearrested for any new sex crime within 3 years			
Total	5.3%	5.0%	5.5%
The arrest responsible for their being in prison in 1994 was —*			
Their first arrest for any type of crime	3.3	3.0	3.4
Not their first arrest for any type of crime	5.9	5.4	6.2
Percent of released prisoners			
Total	100%	100%	100%
The arrest responsible for their being in prison in 1994 was —*			
Their first arrest for any type of crime	21.5	16.9	23.7
Not their first arrest for any type of crime	78.5	83.1	76.3
Total released	9,691	3,115	6,576

Note: The 9,691 sex offenders were released in 15 States.

*By definition, all sex offenders had at least 1 arrest prior to their release: namely, the arrest responsible for their being in prison in 1994. "First arrest for any type of crime" pertains exclusively to those released prisoners whose first arrest was the sex offense arrest responsible for their being in prison in 1994.

Child molesters and statutory rapists

Released child molesters with more than one prior arrest were more likely than those with only one arrest in their criminal record to be rearrested for a new sex crime (5.7% compared to 3.2%) (table 28). The same was true of statutory rapists (5.3% compared to 3.5%).

Number of prior arrests for any type of crime

All sex offenders

The more arrests (for any type of crime) the sex offender had in his criminal record, the more likely he was to be rearrested for another sex crime after his release from prison (table 29). Sex offenders with one prior arrest (the arrest for the sex crime for which they had been imprisoned) had the lowest rate, about 3%; those with 2 or 3 prior arrests for some type of crime, 4%; 4 to 6 prior arrests, 6%; 7 to 10 prior arrests, 7%; and 11 to 15 prior arrests, 8%.

Table 28. Of child molesters and statutory rapists released from prison in 1994, percent rearrested for any new sex crime, by prior arrest for any type of crime

Arrest prior to 1994 release	Child molesters	Statutory rapists
Percent rearrested for any new sex crime within 3 years		
Total	5.1%	5.0%
The arrest responsible for their being in prison in 1994 was — *		
Their first arrest for any type of crime	3.2	3.5
Not their first arrest for any type of crime	5.7	5.3
Percent of released prisoners		
Total	100%	100%
The arrest responsible for their being in prison in 1994 was — *		
Their first arrest for any type of crime	23.2	19.4
Not their first arrest for any type of crime	76.8	80.6
Total released	4,295	443

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists in 11 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters."

*By definition, all sex offenders had at least 1 arrest prior to their release: namely, the arrest responsible for their being in prison in 1994. "First arrest for any type of crime" pertains exclusively to those released prisoners whose first arrest was the sex offense arrest responsible for their being in prison in 1994.

Table 29. Of sex offenders released from prison in 1994, percent rearrested for any new sex crime, by number of prior arrests for any type of crime

Number of adult arrests prior to 1994 release	Percent rearrested for any new sex crime within 3 years
All sex offenders	5.3%
1 prior arrest for any type of crime	3.3
2	4.3
3	4.4
4	5.8
5	6.3
6	6.1
7-10	6.9
11-15	7.8
16 or more	7.4
Percent of released prisoners	
All sex offenders	100%
1 prior arrest for any type of crime	21.5
2	16.0
3	11.9
4	9.0
5	7.2
6	6.3
7-10	14.4
11-15	7.9
16 or more	5.8
Total released	9,691

Note: The 9,691 sex offenders were released in 15 States. By definition, all sex offenders had at least 1 arrest prior to their release: namely, the arrest responsible for their being in prison in 1994. In this table, that arrest is counted as one prior arrest.

Prior arrest for a sex crime

All sex offenders

Prior to their release in 1994, 2,762 of the sex offenders (28.5% of the total 9,691) had 2 or more arrests for a sex offense in their criminal record: the arrest for the sex offense that resulted in their imprisonment, plus at least 1 earlier arrest for a sex crime (table 30). For the remaining 6,929 (71.5% of the total 9,691), their only prior arrest for a sex crime was the arrest that brought them into prison. (Any other prior arrests the 6,929 may have had were for non-sex crimes.) Following their release, the 2,762 with more than 1 sex crime in their criminal background were about twice as likely to be rearrested for another sex crime (8.3%) as the 6,929 with a single prior arrest (4.2%).

Rapists and sexual assaulters

Rapists (4.0%) and sexual assaulters (4.2%) with one prior arrest for a sex crime were less likely to be rearrested for another sex crime than rapists (7.4%) and sexual assaulters (8.7%) who had been arrested two or more times for a sex crime prior to release from prison in 1994.

Child molesters and statutory rapists

By definition, all 4,295 child molesters had been arrested for a sex offense at least once prior to their release in 1994 — the sex offense that landed them in prison. For 3,049 of them (71% of 4,295), that arrest was their only prior arrest for a sex offense (table 31). The remaining 1,246 child molesters (29% of 4,295) had at least 2 prior arrests for a sex crime: the arrest for their imprisonment offense plus at least 1 other prior arrest for a sex offense (not necessarily one against a child). Of the 1,246 child molesters with multiple sex crimes in their past, 8.4% (105 of the 1,246) were rearrested for another sex crime (not necessarily another sex crime against a child), or more than double the 3.8% rate for the 3,049

released child molesters with just 1 prior arrest for a sex crime.

Similar results were found for released statutory rapists. Those with a more

extensive record of prior arrests for sex crimes were more likely to be rearrested for another sex crime (8.8%) than those with just one past arrest (2.6%).

Table 30. Of sex offenders released from prison in 1994, percent rearrested for any new sex crime, by type of sex offender and prior arrest for any sex crime

Arrest prior to 1994 release	All	Rapists	Sexual assaulters
Percent rearrested for any new sex crime within 3 years			
Total	5.3%	5.0%	5.5%
The arrest responsible for their being in prison in 1994 was — *			
Their first arrest for any sex crime	4.2	4.0	4.2
Not their first arrest for any sex crime	8.3	7.4	8.7
Percent of released prisoners			
Total	100%	100%	100%
The arrest responsible for their being in prison in 1994 was — *			
Their first arrest for any sex crime	71.5	71.3	71.6
Not their first arrest for any sex crime	28.5	28.7	28.4
Total released	9,691	3,115	6,576

Note: The 9,691 sex offenders were released in 15 States.

*By definition, all sex offenders had at least 1 arrest prior to their release: namely, the arrest responsible for their being in prison in 1994. "First arrest for any sex crime" pertains exclusively to those released prisoners whose first arrest was the sex offense arrest responsible for their being in prison in 1994.

Table 31. Of child molesters and statutory rapists released from prison in 1994, percent rearrested for any new sex crime, by prior arrest for any sex crime

Arrest prior to 1994 release	Child molesters	Statutory rapists
Percent rearrested for any new sex crime within 3 years		
Total	5.1%	5.0%
The arrest responsible for their being in prison in 1994 was — *		
Their first arrest for any sex crime	3.8	2.6
Not their first arrest for any sex crime	8.4	8.8
Percent of released prisoners		
Total	100%	100%
The arrest responsible for their being in prison in 1994 was — *		
Their first arrest for any sex crime	71.0	61.6
Not their first arrest for any sex crime	29.0	38.4
Total released	4,295	443

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists, 11 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters."

*By definition, all sex offenders had at least 1 arrest prior to their release: namely, the arrest responsible for their being in prison in 1994. "First arrest for any sex crime" pertains exclusively to those released prisoners whose first arrest was the sex offense arrest responsible for their being in prison in 1994.

State where rearrested for a sex crime

When sex offenders were arrested for new sex crimes after their release, the new arrest typically occurred in the same State that released them. Those arrests are referred to as "in-State" arrests. When released sex offenders left the State where they were incarcerated and were charged by police with new sex crimes, those arrests are referred to as "out-of-State" arrests.

All sex offenders

Of the 9,691 released sex offenders, 517 were rearrested for a new sex crime within 3 years. Most of those sex crime arrests (85.2% of the 517, or 440 men) were in the same State that released them (table 32). Seventy-seven of them (14.8% of the 517) were arrests in a different State.

Sex offenders compared to non-sex offenders

The 15 States in this study released 262,420 non-sex offenders in 1994, of whom 3,328 were rearrested for a new sex crime within 3 years (not shown in table). Of the 3,328 non-sex offenders arrested for a new sex crime, an estimated 10% were men rearrested outside the State that released them. The 15% figure for released sex offenders was high by comparison (table 32).

Rapists and sexual assaulters

A total of 155 released rapists and 362 released sexual assaulters were rearrested for a new sex crime within the 3-year followup period. In-State arrests for new sex crimes accounted for 85% of the rearrested rapists and 85% of the rearrested sexual assaulters. Out-of-State arrests accounted for the rest.

Child molesters and statutory rapists

A total of 221 child molesters were rearrested for a new sex crime (not necessarily against a child) after their release (table 33). Among the 221 were 191 (86.6%) whose new sex crime arrest was in the same State that

released them in 1994. For the remaining 13.4%, the arrest was elsewhere.

Of all statutory rapists, 5% (22) were rearrested for a new sex crime after their release. Of these 22, none had the new arrest outside the State that released them.

Table 32. Where sex offenders were rearrested for a new sex crime following their release from prison in 1994, by type of sex offender

State where rearrested within 3 years	Percent of rearrested prisoners		
	All	Rapists	Sexual assaulters
Total	100%	100%	100%
Same State where released	85.2	85.2	85.2
Another State	14.8	14.8	14.8
Total rearrested for a new sex crime	517	155	362

Note: The 517 rearrested sex offenders were released in 15 States, but table percentages are based on 14 States.

Table 33. Where child molesters and statutory rapists were rearrested for a new sex crime following their release from prison in 1994

State where rearrested within 3 years	Percent of rearrested prisoners	
	Child molesters	Statutory rapists
Total	100%	100%
Same State where released	86.6	100
Another State	13.4	0
Total rearrested for a new sex crime	221	22

Note: The 221 rearrested child molesters were released in 14 States, but table percentages are based on 13 States. The 22 rearrested statutory rapists were released in 6 States, but table percentages are based on 5 States.

Undercounts of sex crimes against children

This section documents percentages of men who were arrested for a sex crime against a child after their release from prison in 1994. To some unknown extent, these recidivism rates undercount actual rearrest rates. That is because the arrest records that the study used to document sex crime arrests did not always contain enough information to identify those sex crime arrests in which the victim of the crime was a child. Some sense of the potential size of the undercount can be gained by comparing rearrests for any sex crime and rearrests for any sex crime against a child. Rates of rearrest for a sex crime (tables 21 and 22) are from 2 to 3½ percentage points higher than rates of rearrest for a sex crime against a child (tables 34 and 35), suggesting that rates of rearrest for a sex crime against a child could be, at most, a few percentage points below actual rates.

No data on precise ages of molested children

This section also documents the ages of the children that the men were alleged to have molested after their release from prison. Sex crime statutes contained in the arrest records of the released prisoners were used to obtain ages. The first step was to identify those sex crime statutes that were applicable just to children. Among those that were, some were found to apply just to children whose age fell within a certain range (for example, under 12, or 13 to 15, or 16 to 17). Those statutes applicable to children within specified age ranges became the source of information on the approximate ages of the allegedly molested children. Information on precise ages could not be determined because statutes applicable just to children of a specific age (for example, just to 12-year-olds, or just to age 15-year-olds) do not exist.

Rearrest

All sex offenders

Following their release in 1994, 209 of the total 9,691 released sex offenders (2.2%) were rearrested for a sex offense against a child (table 34). For virtually all 209, the rearrest offense was a felony. For the reason given earlier, the 2.2% figure undercounts the percentage rearrested for a sex offense against a child. It seems unlikely that the correct figure could be as high as 5.3% (table 21), which is the percentage rearrested for a sex crime against a person of any age. The only way it could be that high is if none of the sex crime arrests after release were crimes in which the victim was an adult, an unlikely possibility. The more likely possibility is that the 2.2% figure undercounts the rate by a maximum of 1 or 2 percentage points.

An estimated 76% of the children allegedly molested by the 209 men after their prison release were age 13 or younger, 12% were 14- or 15-years-old, and the remaining 12% were 16- or 17-years-old.

Sex offenders compared to non-sex offenders

Prisons in the 15 States in the study released 272,111 prisoners altogether in 1994, 9,691 of whom were the sex offenders in this report. As previously stated, 2.2% of the 9,691 sex offenders were rearrested for a child sex crime after their release. That rate is high compared to the rate for the remaining 262,420 non-sex offenders. Of the 262,420 non-sex offenders, less than half of 1 percent (1,042 of the 262,420) were rearrested for a sex offense against a child within the 3-year followup period (not shown in table).

Since each of the 1,042 was charged at arrest with molesting at least 1 child, the total number they allegedly molested was conservatively estimated at 1,042. Of the conservatively estimated 1,042 children, 65% were age 13 or younger, 11% were 14- or 15-years-old, and 24% were 16- or 17-years-old (not shown in table). (These percentages were based on the 554 cases out of the 1,042 in which the approximate age of the child could be determined.)

Table 34. Of sex offenders released from prison in 1994, percent rearrested for a sex crime against a child, and percent of their alleged victims, by age of victim and type of sex offender

	Percent rearrested for a sex crime against a child within 3 years		
	All	Rapists	Sexual assaulters
Total	2.2%	1.4%	2.5%
Number released	9,691	3,115	6,576
Age of child that sex offender was charged with molesting after release	Percent of allegedly molested children		
13 or younger	76.2%	89.3%	72.3%
14-15	11.5	0.0*	14.9
16-17	12.3	10.7*	12.8
Number of molested children	209	44	165

Note: The 9,691 sex offenders were released in 15 States. The approximate ages of the children allegedly molested by the 209 prisoners after their release were available for 58.4% of the 209. "Number of molested children" was set to equal the number of released sex offenders rearrested for child molesting.

*Percentage based on 10 or fewer cases.

Assuming that the 209 sex offenders who were rearrested for a sex crime against a child each victimized no more than one child, the number of sex crimes they committed against children after their prison release totaled 209. Assuming that the 1,042 non-sex offenders rearrested for a sex crime against a child after their release also victimized only one child, the number of sex crimes against a child that they committed was 1,042. The combined total number of sex crimes is 1,251 (209 plus 1,042 = 1,251). Released sex offenders accounted for 17% and released non-sex offenders accounted for 83% of the 1,251 sex crimes against children committed by all the prisoners released in 1994 (209 / 1,251 = 17% and 1,042 / 1,251 = 83%).

Rapists and sexual assaulters

Following their 1994 release, 1.4% of the 3,115 rapists (44 men) and 2.5% of the 6,576 sexual assaulters (165 men) were rearrested for molesting a child (table 34).

Child molesters and statutory rapists

Within 3 years following their release from prison in 1994, 141 (3.3%) of the released 4,295 child molesters and 11 (2.5%) of the 443 released statutory rapists were rearrested for molesting another child (table 35). For the reasons outlined earlier, these percentages undercount actual rearrest rates by a few percentage points at most.

Each of the 141 released molesters rearrested for repeating their crime represented at least 1 child victim. Of the conservatively estimated 141 children allegedly molested by released child molesters, 79% were age 13 or younger, 9% were 14 or 15 years of age, and 12% were ages 16 or 17.

Table 35. Of child molesters and statutory rapists released from prison in 1994, percent rearrested for a sex crime against a child, and percent of their alleged victims, by age of victim

	Percent rearrested for a sex crime against a child within 3 years	
	Child molesters	Statutory rapists
Total	3.3%	2.5%
Number released	4,295	443
Age of child that sex offender was charged with molesting after release	Percent of allegedly molested children	
13 or younger	79.2%	30.0**%
14-15	9.1	10.0*
16-17	11.7	60.0*
Number of molested children	141	11

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists in 11 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters." The approximate ages of the children allegedly molested by the 141 prisoners after their release were available for 54.6% of the 141. "Number of molested children" was set to equal the number of released sex offenders rearrested for child molesting.

*Percentage based on 10 or fewer cases.

Prior arrest for a sex crime against a child

All sex offenders

After their 1994 release from prison, sex offenders with a prior arrest for

child molesting were more likely to be arrested for child molesting (6.4%) than those who had no arrest record for sex with a child (1.7%) (table 36).

Table 36. Of sex offenders released from prison in 1994, percent rearrested for a sex crime against a child, by prior arrest for a sex crime against a child and type of sex offender

Arrest prior to 1994 release	All	Rapists	Sexual assaulters
Percent rearrested for a sex crime against a child within 3 years			
Total	2.2%	1.4%	2.5%
The arrest responsible for their being in prison in 1994 was —*			
Their first arrest for a sex crime against a child	1.7	1.3	1.9
Not their first arrest for a sex crime against a child	6.4	4.0	6.9
Percent of released prisoners			
Total	100%	100%	100%
The arrest responsible for their being in prison in 1994 was —*			
Their first arrest for a sex crime against a child	89.7	94.3	87.5
Not their first arrest for a sex crime against a child	10.3	5.7	12.5
Total released	9,691	3,115	6,576

Note: The 9,691 sex offenders were released in 15 States.

*By definition, all sex offenders had at least 1 arrest prior to their release: namely, the arrest responsible for their being in prison in 1994. "First arrest for a sex crime against a child" pertains exclusively to those released prisoners whose first arrest was the sex offense arrest responsible for their being in prison in 1994.

Rapists and sexual assaulters

After being released in 1994, 4.0% of rapists with a prior arrest record for child molesting and 1.3% of those without were arrested for child molesting. The same pattern — having a history of alleged child molesting was associated with a greater likelihood of arrest for child molesting — was found for sexual assaulters. Those with a prior arrest had a 6.9% rate; those without, 1.9%.

Child molesters and statutory rapists

The 4,295 released child molesters fell into 2 categories: 1) 3,509 (81.7% of the 4,295) whose criminal record prior to their 1994 release contained no more than 1 arrest for a sex offense against a child (this was the offense for which they were imprisoned); and 2) 786 (18.3%) whose record showed the arrest for their imprisonment offense plus at least one earlier arrest for a sex offense against a child (table 37). After release, 7.3% of the 786 and 2.4% of the 3,509 were rearrested for molesting another child, indicating that child molesters with multiple arrests for child molesting in their record posed a greater risk of repeating their crime than their counterparts.

Similarly, the 443 statutory rapists consisted of —

- 356 (80.4%) whose first arrest for a sex offense against a child was the arrest that resulted in their current imprisonment
- 87 (19.6%) with more than 1 prior arrest for a sex offense against a child.

The 87 were more likely to be rearrested for child molesting (6.9%) than the 356 (1.4%).

Molester's and child's ages at time of imprisonment offense

Child molesters

The released child molesters were all men who were arrested, convicted, and

Table 37. Of child molesters and statutory rapists released from prison in 1994, percent rearrested for a sex crime against a child, by prior arrest for a sex crime against a child

Arrest prior to 1994 release	Child molesters	Statutory rapists
Percent rearrested for a sex crime against a child within 3 years	3.3%	2.5%
The arrest responsible for their being in prison in 1994 was —*		
Their first arrest for a sex crime against a child	2.4	1.4
Not their first arrest for a sex crime against a child	7.3	6.9
Percent of released prisoners	100%	100%
The arrest responsible for their being in prison in 1994 was —*		
Their first arrest for a sex crime against a child	81.7	80.4
Not their first arrest for a sex crime against a child	18.3	19.6
Total released	4,295	443

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists in 11 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters."

*By definition, all sex offenders had at least 1 arrest prior to their release the arrest responsible for their being in prison in 1994. "First arrest for a sex crime against a child" pertains exclusively to those released prisoners whose first arrest was responsible for their being in prison in 1994.

Table 38. Among child molesters released from prison in 1994, the molester's age when he committed the crime that resulted in his imprisonment, the child's age, and percent rearrested for a sex crime against a child

Age characteristic	Percent of total	Percent of released child molesters rearrested for a sex crime against a child within 3 years
Child molester's age when he committed the sex crime for which imprisoned^a		
18-24	19.7%	4.1%
25-29	17.4	3.1
30-34	18.7	3.3
35-39	16.3	1.2
40-44	11.5	2.8
45 or older	16.4	3.0
Age of child he was imprisoned for molesting^b		
13 or younger	60.3%	2.8%
14-15	30.5	3.7
16-17	9.2	1.2
How much older he was than the child he was imprisoned for molesting		
Up to 5 years older	3.9%	4.9*%
5 to 9 years older	13.6	3.6
10 to 19 years older	34.1	3.2
20 or more years older	48.4	2.5
Total first releases	3,104	3,104

Note: The 3,104 child molesters were released in 13 States. Figures are based on first releases only, those offenders leaving prison for the first time since beginning their sentence. First releases exclude those who left prison in 1994 but who had previously been released under the same sentence and had returned to prison for violating the conditions of release. Data identifying the child molester's age were reported for 100% of the released child molesters. Data identifying the approximate age of the child were reported for 88.1%.

^aThe molester's age at the time of the crime for which imprisoned was estimated by subtracting 6 months (the approximate average time from arrest to sentencing) from his age at admission.

^bThe approximate age of the child "he was imprisoned for molesting" was usually obtained from the State statute the molester was convicted of violating.

*Percentage based on 10 or fewer cases.

sentenced to prison for a sex crime against a child. At the time they committed their imprisonment offense, most (62.9%) were age 30 and older, and most (60.3%) molested a child who was age 13 or younger (table 38). Some of the victims were below age 7. Nearly half of the men (48.4%) were 20 years or more older than the child they were imprisoned for molesting.

Among the men who were in prison for molesting a child age 13 or younger and who were released in 1994 for that crime, 2.8% were subsequently arrested for molesting another child. Of those whose imprisonment offense was against a 14- or 15-year-old, 3.7% had a new arrest for child molesting after their release. Of the men who were in prison for molesting a 16- or 17-year-old, 1.2% were arrested by police for molesting another child after leaving prison in 1994.

Among the men who were 20 years or more older than the child they were imprisoned for molesting, 2.5% were rearrested for another sex offense against a child within the first 3 years following their release. That is a lower rate than the 3.2% rate for men who were 10 to 19 years older than the child victim in their imprisonment offense, and compared to the 3.6% for those 5 to 9 years older than the victim in their imprisonment offense.

State where rearrested for a sex crime against a child

When sex offenders were arrested for new sex crimes against children after their release, the new arrest typically occurred in the same State that released them. Those arrests are referred to as "in-State" arrests. When arrests occurred in a different State, they are referred to as "out-of-State."

All sex offenders

Of the 9,691 sex offenders, 209 were rearrested for child molesting after their

release from prison in 1994 (table 39). In 180 cases (86.3%), the alleged crime took place in the State that released him. In the 29 others (13.7%), it occurred elsewhere.

Sex offenders compared to non-sex offenders

The 15 States in this study released 262,420 non-sex offenders in 1994, of whom 1,042 were rearrested for a sex crime against a child (not shown in table). Of the 1,042 arrests, 11% were out-of-State rearrests. The comparable figure for released sex offenders was higher: 14% (table 39).

Rapists and sexual assaulters

Forty-four released rapists and 165 released sexual assaulters were rearrested for a sex crime against a

child within 3 years. Out-of-State arrests for child molesting accounted for 13.5% of the 44 rearrested rapists and 13.7% of the 165 rearrested sexual assaulters.

Child molesters and statutory rapists

Police arrested 141 of the 4,295 released child molesters for repeating their crime (table 40). For 126 of them (89.2%), the new arrest for child molesting was in the same State that released them. For 15 (10.8%), the new charges for child molesting were filed in a different State.

Of the 443 statutory rapists released from prison in 1994, 11 were rearrested for child molesting. All 11 of the arrests were in the same State that released the men.

Table 39. Where sex offenders were rearrested for a sex crime against a child following their release from prison in 1994, by type of sex offender

State where rearrested within 3 years	Percent of rearrested prisoners		
	All	Rapists	Sexual assaulters
Total	100%	100%	100%
Same State where released	86.3	86.5	86.3
Another State	13.7	13.5	13.7
Total rearrested for a new sex crime against a child	209	44	165

Note: The 209 rearrested sex offenders were released in 10 States, but table percentages are based on 9 States.

Table 40. Where child molesters and statutory rapists were rearrested for a sex crime against a child following their release from prison in 1994

State where rearrested within 3 years	Percent of rearrested prisoners	
	Child molesters	Statutory rapists
Total	100%	100%
Same State where released	89.2	100
Another State	10.8	0
Total rearrested for a new sex crime against a child	141	11

Note: The 141 rearrested child molesters were released in 9 States, but table percentages are based on 8 States. The 11 rearrested statutory rapists were released in 3 States, but table percentages are based on 2 States.

Rearrest for other types of crime

All sex offenders

Of the 9,691 male sex offenders released from prison in 1994 —

- 43% (4,163 men) were rearrested for a crime of any kind (table 41)
- 5.3% (517 men) were rearrested for a sex offense
- 17.1% (1,658 men) were rearrested for a violent crime
- 13.3% (1,285 men) were rearrested for a property crime of some kind.

Of the 9,691 released men, 168 (1.7%) were rearrested for rape and 396 (4.1%) were rearrested for sexual assault. The 168 rearrested for rape plus the 396 rearrested for sexual assault totals 564, which is 47 greater than the total 517 who were rearrested for a sex crime. The reason is that 47 men were rearrested for both rape and sexual assault.

The category of violent crime for which a prisoner was most likely to be rearrested was assault (8.8%, or 848 of the 9,691); the category least likely was homicide (0.5%, or 45 of the 9,691 men).

Just over 1 in 5 sex offenders (2,045 out of 9,691) were rearrested for a public-order offense, such as a parole violation or traffic offense.

Rapists and sexual assaulters

Among the 3,115 released rapists —

- 46% (1,432) were rearrested for a crime of any kind
- 18.7% (582) were rearrested for a violent crime
- 0.7% (22) were rearrested for homicide
- 14.7% (459) were rearrested for a property offense.

A relatively small percentage of rapists (2.5%, or 78 of the 3,115) were charged with repeating the crime for which they were imprisoned.

Among the 6,576 released sexual assaulters —

- 41.5% (2,731) were rearrested for a crime of any kind
- 16.4% (1,076) were rearrested for a violent crime
- 0.3% (23) were rearrested for killing someone

- 12.6% (826) were rearrested for a property offense.

Nearly 1 in 20 released sexual assaulters (4.7%, or 308 of the 6,576) were charged with committing the same type of crime for which had just served time in prison.

Table 41. Rearrest rate of sex offenders released from prison in 1994, by type of sex offender and charge at rearrest

Rearrest charge	Percent rearrested for specified offense within 3 years		
	All	Rapists	Sexual assaulters
All charges ^a	43.0%	46.0%	41.5%
Violent offenses ^b	17.1%	18.7%	16.4%
Homicide ^c	0.5	0.7	0.3
Sex offense ^d	5.3	5.0	5.5
Rape	1.7	2.5	1.4
Sexual assault	4.1	2.8	4.7
Robbery	2.7	3.9	2.1
Assault	8.8	8.7	8.8
Property offenses ^e	13.3%	14.7%	12.6%
Burglary	3.8	4.4	3.5
Larceny/theft	5.7	6.1	5.6
Motor vehicle theft	1.7	2.3	1.4
Fraud	2.1	1.8	2.2
Drug offenses ^f	10.0%	11.2%	9.4%
Public-order offenses ^g	21.1%	20.4%	21.4%
Other offenses	5.9%	5.0%	6.3%
Total released	9,691	3,115	6,576

Note: The 9,691 sex offenders were released in 15 States. Detail may not add to totals because persons may be rearrested for more than one type of charge.

^aAll offenses include any offense type listed in footnotes *b* through *f* plus "other" and "unknown" offenses.

^bTotal violent offenses include homicide, kidnapping, rape, other sexual assault, robbery, assaults, and other violence.

^cHomicide includes murder, voluntary manslaughter, vehicular manslaughter, negligent manslaughter, nonnegligent manslaughter, unspecified manslaughter, and unspecified homicide.

^dIncludes both rape and sexual assault.

^eTotal property offenses include burglary, larceny, motor vehicle theft, fraud, forgery, embezzlement, arson, stolen property, and other forms of property offenses.

^fDrug offenses include drug trafficking, drug possession, and other forms of drug offenses.

^gPublic-order offenses include traffic offenses, weapon offenses, probation and parole violations, court-related offenses, disorderly conduct, and other such offenses.

Child molesters and statutory rapists

Of the 4,295 child molesters released from prison in 1994 —

- 39.4% (1,693) were rearrested for a crime of any kind (table 42)
- 0.4% (17) were rearrested for intentionally or negligently killing someone.

Child molesters were less likely to be rearrested for a property crime (10.6%, 456 of 4,295) than a violent crime (14.1%, 607 of 4,295).

Of the 443 statutory rapists released in 1994 —

- 49.9% (221) were rearrested for some new crime
- 0.7% (3) were rearrested for homicide
- 22.6% (100) were rearrested for a property crime
- 21.2% (94) were rearrested for a violent crime.

Table 42. Rearrest rate of child molesters and statutory rapists released from prison in 1994, by charge at rearrest

Rearrest charge	Percent rearrested for specified offense within 3 years	
	Child molesters	Statutory rapists
All charges ^a	39.4%	49.9%
Violent offenses ^b	14.1%	21.2%
Homicide ^c	0.4	0.7
Sex offense ^d	5.1	5.0
Rape	1.3	1.6
Sexual assault	4.4	3.6
Robbery	1.7	4.3
Assault	7.1	12.6
Property offenses ^e	10.6%	22.6%
Burglary	2.8	4.3
Larceny/theft	4.6	10.8
Motor vehicle theft	1.5	3.8
Fraud	1.9	3.6
Drug offenses ^f	8.6%	12.0%
Public-order offenses ^g	20.0%	27.1%
Other offenses	7.8%	4.3%
Total released	4,295	443

Note: The 4,295 child molesters were released in 15 States; the 443 statutory rapists in 11 States. Because of overlapping definitions, all statutory rapists also appear under the column "child molesters." Detail may not add to totals because of rounding.

^aAll offenses include any offense type listed in footnotes *b* through *f* plus "other" and "unknown" offenses.

^bTotal violent offenses include homicide, kidnaping, rape, other sexual assault, robbery, assaults, and other violence.

^cHomicide includes murder, voluntary manslaughter, vehicular manslaughter, negligent manslaughter, nonnegligent manslaughter, unspecified manslaughter, and unspecified homicide.

^dIncludes both rape and sexual assault.

^eTotal property offenses include burglary, larceny, motor vehicle theft, fraud, forgery, embezzlement, arson, stolen property, and other forms of property offenses.

^fDrug offenses include drug trafficking, drug possession, and other forms of drug offenses.

^gPublic-order offenses include traffic offenses, weapon offenses, probation and parole violations, court-related offenses, disorderly conduct, and other such offenses.

Survey of State inmates

The 9,691 prisoners in this study were all men sentenced to prison for sex crimes. Characteristics of the victims of these sex crimes were largely unavailable for the study. For information on imprisoned sex offenders and their victims, data were drawn from a survey covering the approximately 73,000 male sex offenders in State prisons nationwide in 1997.

Of the 73,000 victims of their sex crimes —

- about 90% were female
- nearly 75% were white
- 89% were non-Hispanic
- 36% were below age 13
- altogether, 70% were under age 18.

Child victims of sex crimes were more likely than adult victims to be male (11% versus 3%). Whites made up 76% of child victims and 66% of adult victims.

The biggest difference between child victims and adult victims was their relationship to the man who committed the sex crime:

Among cases where the victim was under 18, the boy or girl was the prisoner's own child (16%), stepchild (16%), sibling or stepsibling (2%), or other relative (13%) in nearly half of all child victim cases (46%). Among cases where the victim was an adult, the victim was a relative less often (11%).

Among inmates who were in prison for a sex crime against a child, the child was the prisoner's own child or step-child in a third of the cases. Seven

percent of the inmates reported their child victims to have been strangers. Among adult victims, 34% were strangers to their attacker.

Characteristics of victims of rape or sexual assault, for which male inmates were serving a sentence in State prisons, 1997

Victim characteristic	Percent of victims of rape or sexual assault		
	All	Victim age	
		18 years or older	Under 18 years
Total	100%	100%	100%
Gender			
Male	8.8%	2.8%	11.1%
Female	91.2	97.2	88.9
Race			
White	73.2%	66.0%	76.4%
Black	22.8	30.2	19.4
Other	4.0	3.8	4.2
Hispanic origin			
Hispanic	11.3%	9.9%	12.1%
Non-Hispanic	88.7	90.1	87.9
Age			
12 or under	36.4%	--	51.6%
13-17	34.1	--	48.4
18-24	10.8	36.7%	--
25-34	11.2	37.9	--
35-34	7.0	23.8	--
55 or over	0.5	1.6	--
Victim was the prisoner's —			
Spouse	1.1%	3.8%	0%
Ex-spouse	0.6	2.0	0
Parent/stepparent	0.6	0.4	0.6
Own child	11.5	1.4	15.7
Stepchild	11.2	0.4	15.8
Sibling/stepsibling	1.3	0.4	1.7
Other relative	9.4	2.1	12.7
Boy/girlfriend	5.5	8.2	4.4
Ex-boy/girlfriend	1.1	2.0	0.8
Friend/ex-friend	22.7	24.8	22.0
Acquaintance/other	19.4	20.1	19.6
Stranger	15.6	34.4	6.7
Total estimated number	73,116	20,958	50,027

Note: Data are from the BJS Survey of Inmates in State Correctional Facilities, 1997. This table is based on 73,116 prisoners who reported having one victim in the crime for which they were sentenced to prison. (They accounted for approximately 84% of all incarcerated male sex offenders in 1997.) Data identifying victim's sex were reported for 99.8% of the 73,116 males incarcerated for sex crimes; victim's race were reported for 98.9%; Hispanic origin for 98.2%; victim's age for 97.1%; victim's relationship to prisoner for 98.3%. Detail may not sum to total due to missing data for age of victim.

--Not applicable.

3-year followup period

For analytic purposes, "3 years" was defined as 1,096 days from the day of release from prison. Any rearrest, reconviction, or re-imprisonment occurring after 1,096 days from the 1994 release was not included. A conviction after 1,096 days was not counted even if it resulted from an arrest within the period.

Separating sex offenders into four types

The report gives statistics for four types of sex offenders. Separating sex offenders into the four types was done using information — in particular, the statute number for the imprisonment offense, the literal version of the statute, a numeric FBI code (called the "NCIC" code, short for "National Crime Information Center") indicating what the imprisonment offense was, and miscellaneous other information — available in the prison records on the 9,691 men. However, the prison records obtained for the study did not always contain all four pieces of information on the imprisonment offense. Moreover, the available offense information was not always detailed enough to reliably distinguish different types of sex offenders.

The process of sorting sex offenders into different types involved first creating the study's definitions of the four types, and then determining which State statute numbers, which literal versions of those statutes, and which NCIC codes conformed to the definitions. Each inmate was next classified into one of the types (or possibly into more than one type, since the four are not mutually exclusive) depending on whether the imprisonment offense information available on him fit the study's definition.

An obstacle to classifying sex offenders into types was that the labels "rape," "sexual assault," "child molestation," "statutory rape" were not widely used in

State statutes, and when they were used they did not always conform to the study's definitions of them. In deciding which type of sex offender to classify the prisoner as, importance was attached not to the label the law gave to his conviction offense, but to how well the law's definition of the offense fit the study's definition of the type.

Sex offenders compared to non-sex offenders

In 1994, prisons in 15 States released 272,111 prisoners, representing two-thirds of all prisoners released in the United States that year. Among the 272,111 were 262,420 released prisoners whose imprisonment offense was not a sex offense. Non-sex offenders include inmates, both male and female, who were in prison for violent crimes (such as murder or robbery), property crimes (such as burglary or motor vehicle theft), drug crimes, and public order offenses. Like the 9,691 male sex offenders examined in this report, all non-sex offenders were serving prison terms of one year or more in State prison when they were released in 1994.

At various places, this report compares 9,691 released male sex offenders to 262,420 released non-sex offenders. While labeled "non-sex offenders," the 262,420 actually includes a small number—87—who are sex offenders. The 87 are all the female sex offenders released from prisons in the 15 States in 1994.

Ages of molested and allegedly molested children

Information on the ages of molested children was needed for two calculations: 1) age of the child the released sex offender was sent to prison for molesting, and 2) age of the child allegedly molested by the released sex offender during the 3-year follow-up period. The most frequent source of both was a sex statute: either the sex

statute the offender was imprisoned for violating, or the statute the released prisoner was charged with violating when he was rearrested for a sex crime. The former was obtained from the prison records assembled for the study; the latter, from the assembled arrest records.

None of the sex statutes was found to apply to a victim of a specific age; for example, just to 12-year-olds. But some were found to apply just to children in a certain age range; for example, under 12, or 13 to 15, or 16 to 17. While specific ages of children could not be obtained from statutes, the availability of information on age ranges at least made it possible to obtain approximate ages. The rule that was adopted was to record the victim's (or alleged victim's) age as the upper limit of a statute's age range. To illustrate, a statute might indicate that the complainant/victim be "at least 13 but less than 16 years of age." In that case, the age of the child was recorded as 15, since the statute indicated the upper limit of the age range as any age "less than 16." As another example, if a statute indicated the complainant/victim be "under 12 years of age," the child's age was recorded as 11, as the phrasing of the age range did not include 12-year-olds, only those "under 12." Because the victim (or alleged victim) was always assigned the age of the oldest person in the age range, the study made the victims (or alleged victims) appear older than they actually were.

How missing data were handled in the report

In many instances, the data needed to calculate a statistic were not available for all 9,691 released sex offenders. For example, the 9,691 were released in 15 States, but data needed to determine the number reconvicted were only available for the 9,085 released in 14 of the 15. Of the 9,085, 2,180 (24%) were reconvicted. When data were missing, the statistic was computed on those

cases in which the data were available, but treated both in the tables and in the text as though it were based on the total population. For example, “24%” is the statistic that appears in all tables and text that give the percent reconvicted; and since 24% of 9,691 is 2,326, the text says that “2,326 of the 9,691 were reconvicted,” despite the fact that the “24%” was actually obtained by dividing 2,180 by 9,085. The text could have been written to say “2,180 of the 9,085 were reconvicted,” but that wasn’t done because introducing a new denominator (9,085) into the text would have created confusion for the reader.

Missing data on out-of-State rearrests

Because of missing information, the study was unable to determine how many inmates released from New York prisons were rearrested outside of New York. The study was able to document how many prisoners released in the other 14 States were rearrested outside the State that released them. Because of incomplete New York data, the report’s recidivism rates are somewhat deflated.

Missing data on rearrest for a sex crime

According to arrest records compiled in the study, 4,163 of the 9,691 released sex offenders were rearrested for a new crime of some kind. It was not always possible to determine from these records whether the new crime was a sex crime. For 202 rearrested prisoners, the arrest record did not identify the type of crime. For the rest the record did identify the type but the offense label was not always specific enough to distinguish sex crimes from other crimes. For example, if the label said “contributing to the delinquency of a minor,” “indecent,” “morals offense,” “family offense,” or “child abuse,” the offense was coded as a non-sex crime even though, in some unknown number of cases, it was actually a sex crime.

According to arrest records, 5.3% of the 9,691 (517 out of 9,691) released sex offenders were rearrested for another sex crime. For the two reasons described immediately above, 5.3% was probably an undercount of how many were rearrested for a sex crime. How much of an undercount could not be firmly determined from the data assembled for the study. However, a conservative measure of the size of the undercount was obtained from the data. The study database included 121 rearrested sex offenders whose arrest record did not indicate they were rearrested for a sex crime (the rearrest was either for a non-sex crime or for an unknown type of crime) but whose court record did indicate they were charged with a sex crime. When the study calculated the percentage rearrested for a sex crime, the 121 were not included among the 517 with a rearrest for a sex crime. Had the 121 been included in the calculation of the rearrest rate, the total number rearrested for a sex crime would have been 638 rather than 517, and the percentage rearrested for a sex crime would have been 6.6% rather than 5.3%. This suggests an undercount of about 1 percentage point.

Texas prisoners classified as “other type of release”

Texas released 692 male sex offenders in 1994, of which 129 were classified as release category “17”, defined as “other type of release.” Numerous data quality checks were run on the 129 and the 64 of them who were rearrested. The rearrest rate for the 129 was about average for Texas releases. But numerous anomalies were found for the 64 who were rearrested:

1. The rearrest offense for the 64 was always missing from their arrest record
2. The date of rearrest for the 64 was always the same as their release date
3. Virtually all 64 were reconvicted for a sex crime
4. The sentence length imposed for their new sex crime was identical to the

sentence they were serving when released in 1994.

Because of these anomalies, the 129 were excluded from the calculation of “percent reconvicted for a sex crime.”

Counting rules

In this report, rearrest was measured by counting the number of different persons who were rearrested at least once. A released prisoner who was rearrested several times or had multiple rearrest charges filed against him was counted as only one rearrested person. The same counting rule applied to reconviction and the other recidivism measures.

If a released prisoner was rearrested several times, his earliest rearrest was used to calculate his time-to-rearrest. The same counting rule applied to reconviction and recidivism defined as a new prison sentence.

If a released prisoner had both in-State and out-of-State rearrests, he was counted as having an out-of-State rearrest regardless of whether the out-of-State rearrest was his earliest rearrest. The same rule applied in cases where the released prisoner had both felony and misdemeanor rearrests, or both sex crime and non-sex crime rearrests. The person was counted as having a felony rearrest or a sex crime rearrest regardless of temporal sequence.

The aim of these rules was to count people, not events. The only tables in the report that do not follow the rule are tables 41 and 42.

First release

All 15 States had first releases, but they could not be identified in 1 State (Ohio). They could be identified in Michigan, but Michigan data on sentence length did not fit the study’s definition. Since sentence length was critical to several statistics calculated

from data on first releases (for example, percent of sentence served), Michigan was excluded from all tables based on first releases.

Analysis of statutory rape laws

The publication's analysis of statutory rape laws in the United States benefited greatly from the report "Sexual Relationships Between Adult Males and Young Teen Girls: Exploring the Legal and Social Responses," by Sharon G. Elstein and Noy Davis, American Bar Association, Center on Children and the Law, October 1997.

Sampling error

In 1994 State prisons in 15 States released 302,309 prisoners altogether. A total of 38,624 were sampled for a recidivism study. Results of that study and information regarding sampling and other methodological details are available in the BJS publication *Recidivism of Prisoners Released in 1994*, NCJ 193427, June 2002.

The 302,309 total released consisted of 10,546 released sex offenders plus 291,763 released non-sex offenders. The 38,624 sample consisted of 10,546 released sex offenders plus 28,078 released non-sex offenders. The number of sex offenders in the sample was the same as the number in the 302,309 total because all sex offenders released in 1994 in the 15 States were selected for the study, not a sample of them.

Because no sampling was used to select sex offenders, numbers and percentages in this report for sex offenders were not subject to sampling error. However, comparisons in the report between sex offenders and non-sex offenders were subject to sampling error because sampling was used to select non-sex offenders. Where sex offenders were compared to all non-sex offenders released in 1994, sampling error was taken into account. All differences discussed were statistically significant at the .05 level.

Not all 10,546 sex offenders in the sample were used in the report. To be in the report, the sex offender had to be male and meet all 4 of the following criteria:

1. A RAP sheet on the prisoner was found in the State criminal history repository.
2. The released prisoner was alive throughout the entire 3-year followup period. (This requirement resulted in 21 sex offenders' being excluded.)
3. The prisoner's sentence was greater than 1 year (missing sentences were treated as greater than 1 year).
4. The State department of corrections that released the prisoner in 1994 did not designate him as any of the following release types: release to custody/detainer/warrant, absent without leave, escape, transfer, administrative release, or release on appeal.

A total of 9,691 released male sex offenders met the selection criteria. The number of them released in each State is shown in the appendix table.

Other methodological details

To help the reader understand the percentages provided in the report, both the numerator and denominator were often given. In most cases, the reader could then reproduce the percentages. For example, the report indicates 38.6% (3,741) of the 9,691 sex offenders were returned to prison.

Appendix table. Number of sex offenders released from State prisons in 1994 and number selected for this report, by State

State	Sex offenders released from prison in 1994	
	Total	Selected to be in this report
Total	10,546	9,691
Arizona	156	122
California	3,503	3,395
Delaware	53	45
Florida	1,053	965
Illinois	775	710
Maryland	277	243
Michigan	477	444
Minnesota	249	239
New Jersey	449	429
New York	799	692
North Carolina	508	441
Ohio	824	606
Oregon	452	408
Texas	708	692
Virginia	263	260

Note: "Total released" includes both male and female sex offenders; "Total selected to be in this report" includes only male sex offenders.

Using the 3,741 and the 9,691, the reader could exactly reproduce the results. However, the reader should be aware that in a few places, the calculated percentages will differ slightly from the percentages found in the report. This is due to rounding. For example, 43.0%, or 4,163, of the 9,691 sex offenders were rearrested; however, 4,163 / 9,691 is 42.96%, which was rounded to 43.0%.

Offense definitions and other methodological details are available in the BJS publication *Recidivism of Prisoners Released in 1994*, NCJ 193427, June 2002.

3-year followup period

For analytic purposes, "3 years" was defined as 1,096 days from the day of release from prison. Any rearrest, reconviction, or re-imprisonment occurring after 1,096 days from the 1994 release was not included. A conviction after 1,096 days was not counted even if it resulted from an arrest within the period.

Separating sex offenders into four types

The report gives statistics for four types of sex offenders. Separating sex offenders into the four types was done using information — in particular, the statute number for the imprisonment offense, the literal version of the statute, a numeric FBI code (called the "NCIC" code, short for "National Crime Information Center") indicating what the imprisonment offense was, and miscellaneous other information — available in the prison records on the 9,691 men. However, the prison records obtained for the study did not always contain all four pieces of information on the imprisonment offense. Moreover, the available offense information was not always detailed enough to reliably distinguish different types of sex offenders.

The process of sorting sex offenders into different types involved first creating the study's definitions of the four types, and then determining which State statute numbers, which literal versions of those statutes, and which NCIC codes conformed to the definitions. Each inmate was next classified into one of the types (or possibly into more than one type, since the four are not mutually exclusive) depending on whether the imprisonment offense information available on him fit the study's definition.

An obstacle to classifying sex offenders into types was that the labels "rape," "sexual assault," "child molestation," "statutory rape" were not widely used in

State statutes, and when they were used they did not always conform to the study's definitions of them. In deciding which type of sex offender to classify the prisoner as, importance was attached not to the label the law gave to his conviction offense, but to how well the law's definition of the offense fit the study's definition of the type.

Sex offenders compared to non-sex offenders

In 1994, prisons in 15 States released 272,111 prisoners, representing two-thirds of all prisoners released in the United States that year. Among the 272,111 were 262,420 released prisoners whose imprisonment offense was not a sex offense. Non-sex offenders include inmates, both male and female, who were in prison for violent crimes (such as murder or robbery), property crimes (such as burglary or motor vehicle theft), drug crimes, and public order offenses. Like the 9,691 male sex offenders examined in this report, all non-sex offenders were serving prison terms of one year or more in State prison when they were released in 1994.

At various places, this report compares 9,691 released male sex offenders to 262,420 released non-sex offenders. While labeled "non-sex offenders," the 262,420 actually includes a small number- 87- who are sex offenders. The 87 are all the female sex offenders released from prisons in the 15 States in 1994.

Ages of molested and allegedly molested children

Information on the ages of molested children was needed for two calculations: 1) age of the child the released sex offender was sent to prison for molesting, and 2) age of the child allegedly molested by the released sex offender during the 3-year follow-up period. The most frequent source of both was a sex statute: either the sex

statute the offender was imprisoned for violating, or the statute the released prisoner was charged with violating when he was rearrested for a sex crime. The former was obtained from the prison records assembled for the study; the latter, from the assembled arrest records.

None of the sex statutes was found to apply to a victim of a specific age; for example, just to 12-year-olds. But some were found to apply just to children in a certain age range; for example, under 12, or 13 to 15, or 16 to 17. While specific ages of children could not be obtained from statutes, the availability of information on age ranges at least made it possible to obtain approximate ages. The rule that was adopted was to record the victim's (or alleged victim's) age as the upper limit of a statute's age range. To illustrate, a statute might indicate that the complainant/victim be "at least 13 but less than 16 years of age." In that case, the age of the child was recorded as 15, since the statute indicated the upper limit of the age range as any age "less than 16." As another example, if a statute indicated the complainant/victim be "under 12 years of age," the child's age was recorded as 11, as the phrasing of the age range did not include 12-year-olds, only those "under 12." Because the victim (or alleged victim) was always assigned the age of the oldest person in the age range, the study made the victims (or alleged victims) appear older than they actually were.

How missing data were handled in the report

In many instances, the data needed to calculate a statistic were not available for all 9,691 released sex offenders. For example, the 9,691 were released in 15 States, but data needed to determine the number reconvicted were only available for the 9,085 released in 14 of the 15. Of the 9,085, 2,180 (24%) were reconvicted. When data were missing, the statistic was computed on those

cases in which the data were available, but treated both in the tables and in the text as though it were based on the total population. For example, “24%” is the statistic that appears in all tables and text that give the percent reconvicted; and since 24% of 9,691 is 2,326, the text says that “2,326 of the 9,691 were reconvicted,” despite the fact that the “24%” was actually obtained by dividing 2,180 by 9,085. The text could have been written to say “2,180 of the 9,085 were reconvicted,” but that wasn’t done because introducing a new denominator (9,085) into the text would have created confusion for the reader.

Missing data on out-of-State rearrests

Because of missing information, the study was unable to determine how many inmates released from New York prisons were rearrested outside of New York. The study was able to document how many prisoners released in the other 14 States were rearrested outside the State that released them. Because of incomplete New York data, the report’s recidivism rates are somewhat deflated.

Missing data on rearrest for a sex crime

According to arrest records compiled in the study, 4,163 of the 9,691 released sex offenders were rearrested for a new crime of some kind. It was not always possible to determine from these records whether the new crime was a sex crime. For 202 rearrested prisoners, the arrest record did not identify the type of crime. For the rest the record did identify the type but the offense label was not always specific enough to distinguish sex crimes from other crimes. For example, if the label said “contributing to the delinquency of a minor,” “indecent,” “morals offense,” “family offense,” or “child abuse,” the offense was coded as a non-sex crime even though, in some unknown number of cases, it was actually a sex crime.

According to arrest records, 5.3% of the 9,691 (517 out of 9,691) released sex offenders were rearrested for another sex crime. For the two reasons described immediately above, 5.3% was probably an undercount of how many were rearrested for a sex crime. How much of an undercount could not be firmly determined from the data assembled for the study. However, a conservative measure of the size of the undercount was obtained from the data. The study database included 121 rearrested sex offenders whose arrest record did not indicate they were rearrested for a sex crime (the rearrest was either for a non-sex crime or for an unknown type of crime) but whose court record did indicate they were charged with a sex crime. When the study calculated the percentage rearrested for a sex crime, the 121 were not included among the 517 with a rearrest for a sex crime. Had the 121 been included in the calculation of the rearrest rate, the total number rearrested for a sex crime would have been 638 rather than 517, and the percentage rearrested for a sex crime would have been 6.6% rather than 5.3%. This suggests an undercount of about 1 percentage point.

Texas prisoners classified as “other type of release”

Texas released 692 male sex offenders in 1994, of which 129 were classified as release category “17”, defined as “other type of release.” Numerous data quality checks were run on the 129 and the 64 of them who were rearrested. The rearrest rate for the 129 was about average for Texas releases. But numerous anomalies were found for the 64 who were rearrested:

1. The rearrest offense for the 64 was always missing from their arrest record
2. The date of rearrest for the 64 was always the same as their release date
3. Virtually all 64 were reconvicted for a sex crime
4. The sentence length imposed for their new sex crime was identical to the

sentence they were serving when released in 1994.

Because of these anomalies, the 129 were excluded from the calculation of “percent reconvicted for a sex crime.”

Counting rules

In this report, rearrest was measured by counting the number of different persons who were rearrested at least once. A released prisoner who was rearrested several times or had multiple rearrest charges filed against him was counted as only one rearrested person. The same counting rule applied to reconviction and the other recidivism measures.

If a released prisoner was rearrested several times, his earliest rearrest was used to calculate his time-to-rearrest. The same counting rule applied to reconviction and recidivism defined as a new prison sentence.

If a released prisoner had both in-State and out-of-State rearrests, he was counted as having an out-of-State rearrest regardless of whether the out-of-State rearrest was his earliest rearrest. The same rule applied in cases where the released prisoner had both felony and misdemeanor rearrests, or both sex crime and non-sex crime rearrests. The person was counted as having a felony rearrest or a sex crime rearrest regardless of temporal sequence.

The aim of these rules was to count people, not events. The only tables in the report that do not follow the rule are tables 41 and 42.

First release

All 15 States had first releases, but they could not be identified in 1 State (Ohio). They could be identified in Michigan, but Michigan data on sentence length did not fit the study’s definition. Since sentence length was critical to several statistics calculated

from data on first releases (for example, percent of sentence served), Michigan was excluded from all tables based on first releases.

Analysis of statutory rape laws

The publication's analysis of statutory rape laws in the United States benefited greatly from the report "Sexual Relationships Between Adult Males and Young Teen Girls: Exploring the Legal and Social Responses," by Sharon G. Elstein and Noy Davis, American Bar Association, Center on Children and the Law, October 1997.

Sampling error

In 1994 State prisons in 15 States released 302,309 prisoners altogether. A total of 38,624 were sampled for a recidivism study. Results of that study and information regarding sampling and other methodological details are available in the BJS publication *Recidivism of Prisoners Released in 1994*, NCJ 193427, June 2002.

The 302,309 total released consisted of 10,546 released sex offenders plus 291,763 released non-sex offenders. The 38,624 sample consisted of 10,546 released sex offenders plus 28,078 released non-sex offenders. The number of sex offenders in the sample was the same as the number in the 302,309 total because all sex offenders released in 1994 in the 15 States were selected for the study, not a sample of them.

Because no sampling was used to select sex offenders, numbers and percentages in this report for sex offenders were not subject to sampling error. However, comparisons in the report between sex offenders and non-sex offenders were subject to sampling error because sampling was used to select non-sex offenders. Where sex offenders were compared to all non-sex offenders released in 1994, sampling error was taken into account. All differences discussed were statistically significant at the .05 level.

Not all 10,546 sex offenders in the sample were used in the report. To be in the report, the sex offender had to be male and meet all 4 of the following criteria:

1. A RAP sheet on the prisoner was found in the State criminal history repository.
2. The released prisoner was alive throughout the entire 3-year followup period. (This requirement resulted in 21 sex offenders' being excluded.)
3. The prisoner's sentence was greater than 1 year (missing sentences were treated as greater than 1 year).
4. The State department of corrections that released the prisoner in 1994 did not designate him as any of the following release types: release to custody/detainer/warrant, absent without leave, escape, transfer, administrative release, or release on appeal.

A total of 9,691 released male sex offenders met the selection criteria. The number of them released in each State is shown in the appendix table.

Other methodological details

To help the reader understand the percentages provided in the report, both the numerator and denominator were often given. In most cases, the reader could then reproduce the percentages. For example, the report indicates 38.6% (3,741) of the 9,691 sex offenders were returned to prison.

Appendix table. Number of sex offenders released from State prisons in 1994 and number selected for this report, by State

State	Sex offenders released from prison in 1994	
	Total	Selected to be in this report
Total	10,546	9,691
Arizona	156	122
California	3,503	3,395
Delaware	53	45
Florida	1,053	965
Illinois	775	710
Maryland	277	243
Michigan	477	444
Minnesota	249	239
New Jersey	449	429
New York	799	692
North Carolina	508	441
Ohio	824	606
Oregon	452	408
Texas	708	692
Virginia	263	260

Note: "Total released" includes both male and female sex offenders; "Total selected to be in this report" includes only male sex offenders.

Using the 3,741 and the 9,691, the reader could exactly reproduce the results. However, the reader should be aware that in a few places, the calculated percentages will differ slightly from the percentages found in the report. This is due to rounding. For example, 43.0%, or 4,163, of the 9,691 sex offenders were rearrested; however, 4,163 / 9,691 is 42.96%, which was rounded to 43.0%.

Offense definitions and other methodological details are available in the BJS publication *Recidivism of Prisoners Released in 1994*, NCJ 193427, June 2002.



Examining sexual offences through a sociological lens: A socio-cultural exploration of causal and desistance theories

Debbie Kyle

University of Glasgow, UK

Abstract

This article considers often contrasting theoretical approaches to sexual and non-sexual offending by comparing some influential accounts of the causes of sexual offending and examining the role of socio-cultural factors in the offending process. It also examines how desistance theories may be applied to this complex interaction between psychological factors and socio-cultural ones. The article concludes that there is a strong theoretical argument for substantial socio-cultural elements of sexual offending. It also argues that desistance theories may be applied for the same reason, but also because the causal and desistance process may be thought of as two separate processes. Moreover, and related to the second point, many criminological theories position offending behaviour not in the action that is considered a crime, but the fact that this action is a crime, meaning that both resistance to and desistance from sexual offending can be viewed in the context of general criminological theories.

Keywords

Criminological theory, desistance, offending, sexual offences, offending

Introduction

Sexual crimes have tended to be neglected in major work regarding criminological and desistance theories until relatively recently, and similarly desistance theories have traditionally been omitted from psychological literature regarding sexual offending, despite empirical evidence that people do desist from sexual offending (Laws and Ward, 2011). It is often hard to reconcile what initially appears to be a fundamentally different causal

Corresponding author:

Debbie Kyle, Scottish Centre for Crime and Research, University of Glasgow, Glasgow, G12 8QQ, UK.

Email: d.kyle.1@research.gla.ac.uk

process of sexual offending with causal factors and processes of desistance from general offending. Furthermore, whether sexual offending is explained and interpreted from a psychological or socio-cultural perspective is important. For example, how might a psychological focus on the causes of sexual offending relate to a sociological perspective on desistance? On the other hand, how does one move on from offending behaviour if such behaviour is to some extent entrenched in the values of a patriarchal society?

From a rehabilitation perspective, sexual offending is often perceived very differently to non-sexual offending, and this positions the sexual offender as the 'other'. As Ward (2014: 131) stated, 'While there may not be a gene(s) for rape or child sexual offending, there is a growing conviction that the cognitive neurological systems of sex offenders may be functionally abnormal in some way'. This is in contrast to predominant (but not all) views of non-sexual offending, which is that offending behaviour is heavily influenced by environment and social structure. This article considers often contrasting theoretical approaches to sexual and non-sexual offending by comparing some influential accounts of the causes of sexual offending and examining the role of socio-cultural factors in the offending process.

Sociological approaches to 'general' offending

In criminology, the debate over whether the main influences on criminal behaviour are individual or socio-structural has broadly tended to favour the sociological perspective (Laub and Sampson, 1991), although views on this differ. To give just one example, principles of differential association suggest that interaction with others, directly or indirectly, results in courses of behaviour consistent with the social group's actions or norms/values (Akers and Jensen, 2006), and these can include friends/family or wider influences such as the media. These associations can encourage or discourage criminal behaviour, resulting in risk or protective situations. These risk or protective factors may occur at different times in life and this may affect when a person commits crime. For instance, a protective factor when young may be a supportive family, whilst a risk factor may be residing in a disadvantaged neighbourhood (Losel and Farrington, 2012; Stouthamer-Loeber et al., 2002). If either of these situations are reversed (for instance when a person leaves home or if relationships change), then the propensity to offend may also change. In adulthood, a move towards having one's own family may be a protective factor; however, a breakdown of this family may be a risk factor.

Smallbone et al. (2008) argued that cultural norms influence attitudes and actions according to the 'proximal-distal' continuum'; that networks closest to us such as friends and family will have a stronger influence than wider society. Similarly, Wikstrom's (2010) situational action theory stated that 'humans are rule-guided actors' (p. 217), and that the decision of whether or not to commit a crime depends on a person's internal system of rules, along with those of the situation. Hence, different situations result in different moral rules, and these may change at different points in life. Akers (1990: 164) argued that association with 'norm-violating peers' is one of the best predictors of general recidivism. Theoretically, it is not hard to imagine that this may be the case, since direct association with others who normalise such activity may have a counter effect to the moral rule of society in general. Farrington (1992) also suggested that peer attachment can explain the

general life course trajectory, with criminal behaviour beginning in adolescence when offenders have a stronger relationship with their peers instead of their parents, and declining when the main influence is the spouse. There are many other theories of why people commit crime, however many of them share the view that the behaviour is heavily influenced by a person's position in society. It is interesting to consider this position in the case of those who have committed sexual offences, and surprisingly, there has been little empirical research into this.

Causal theories of sexual offending

Theories of sexual offending have taken a somewhat different route, often being studied from a psychological perspective, and offenders treated in a clinical setting (e.g. Hanson and Yates, 2013; Hanson et al., 2002). However, the literature now recognises the highly complex nature of sexual offending and presents integrated cross-disciplinary approaches that encompass psychological factors and processes as well as how these are affected by other factors such as environment.

Ward et al. (2006) described different levels of theories. Level 1 theories are multifactorial and seek to explain how many complex factors combine to get a person to a point where they offend sexually. This takes place in the context of the heterogeneous nature of sexual offending, and the fact that actually different types of offence are likely to have different causes (Ward, 2014). These level 1 theories include Marshall and Barbaree's (2006) Integrated Theory, and Ward and Siegert's (2006) Pathways Model. Level 2 theories are single factor theories and describe one element of the multifactorial theories, generally psychological or socio-cultural factors such as intimacy deficits or feminist perspectives. Level 3 theories are descriptive models that describe the offending process.

In this section, I will consider what three significant causal theories (attachment theory, feminist theory and cognitive distortions) say about sexual offending. Whilst not intended to fully encompass integrated or etiological theories (the theories outlined would be considered level 2 theories), they have been chosen since they represent influences on sexual offending that are generally not considered widely when discussing non-sexual offending. The most obvious difference between the two approaches is the focus on socio-structural influences on non-sexual offending, and in particular whether sexual offending may be amenable to change according to different environments in a similar manner to non-sexual offending. Hence, this will be discussed for each of the three causal factors.

Attachment theory

Attachment theory is well established within the neurobiological field (Kraemer, 1992) and is one of the theories most often linked to analysis of the causes of sexual offending (e.g. Bowlby, 1969; Smallbone and Dadds, 2000; Ward et al., 1996). Attachment theory describes how the infant mimics behavioural and emotional characteristics from its primary caregiver, generally the mother. This is particular to social primates and is not learned behaviour, but rather a type of imprinting. Depending on how this attachment forms, the infant sometimes has a higher risk of some form of social dysfunction.

Sometimes this manifests in intimacy deficits that results in a person committing a sexual offence in order to meet these needs. Many authors have developed models of different attachment styles (e.g. Ainsworth and Wittig, 1969), and Ward et al. (1995) devised arguably one of the most comprehensive models of attachment styles in relation to those who have committed sexual offences. They argued that the type of attachment will influence the characteristics of the offender, and hence their victim type and offence type. These are briefly defined as the following:

- In the *anxious/ambivalent* attachment style, the individual has a negative view of themselves but a positive view of others, which leads them to seek approval from others. They will desire intimacy but fear relationships. If this type of attachment style manifests as a sexual offence, they will seek someone whom they can control and who 'looks up' to them. Hence, the victim of this offender type will often be a child who is known to the offender, and offending will require minimal use of coercion or force. They are likely to groom and attempt to form a relationship with their victim.
- In the first type of *avoidant* attachment style, the individual has a negative view of themselves and also a negative view of others, seeing them as untrustworthy. They may seek a sexual relationship but avoid intimacy, and lack the social skills to form a healthy adult romantic relationship even if they desire one. This will result in the person seeking impersonal sexual contact, and some will resort to coercion if necessary. Their victims may be adults or children, and they are less concerned with a specific gender.
- In the second type of *avoidant* attachment style, the individual has a positive view of themselves and a negative view of others, blaming others for any problems in their lives. They are hostile and do not desire close relationships. This type of offender is the most aggressive and will use force against adults and children. The use of force is a way of expressing aggression and not simply instrumental to committing the act.

These theories are attractive as they attempt to explain the complexities of different types of sexual offences that other theories cannot, and there are few types of sexual crime that would not fall under at least one of those categories. It may initially appear that such attachments must be fixed for life without treatment, however there is some evidence that attachment styles can change according to socio-structural elements: 'changes in caregiver environments and stressful life events (severe illness, parental illness, divorce) have been shown to alter attachment patterns from infancy, through childhood and adolescence, to adulthood' (McKillop et al., 2012: 593). For example, Smallbone (2006) argued that being a caregiver can bring about a sexual offence since the offender confuses adult and parental attachment and seeks sexual intimacy with the child. This suggests that a person, rather than not having the opportunity, did not have the propensity to offend until becoming a caregiver. Different attachment styles may also result in different quality of relationships, where for instance the anxious/ambivalent individual may appear to have a good intimate relationship, however they may maintain an emotional distance within this relationship (Marshall, 2010). This further

complicates the situation: the mere fact of being in an adult relationship or a peer group is not necessarily indicative of secure adult attachment. Hence, attachment theories do to some extent support the possibility that experiencing different environments may actually alter the propensity to offend.

Feminist theory

Gendered theories of sexual crime consider how the position of females in society may sanction their sexual abuse. Feminist theory broadly states that a patriarchal society 'create[s] and maintain[s] male control over females' (Waldby et al., 1989: 97), and that sexual abuse is one of many ways used to dominate and suppress women in a world where women take second place to men and are merely 'object[s] for male manipulation' (Waldby et al., 1989: 98). The feminist interpretation of child abuse (of both genders) also relates to this system of power and domination of children. This is all caught up in the socio-structural lack of power that these subordinated groups experience, and is analogous to the power exerted over other groups such as race and class.

As such, an offender's motivation to offend is heavily influenced by the culture around them, which continually reinforces these messages. Whilst arguably there has been some progress in terms of society's general view towards the role and treatment of women, there remains some way to go before these views are fundamentally changed. The proliferation of new technology has meant that depictions of the commodification of women and the sexualisation of children is now more accessible, to the point of becoming mainstream (for instance through violent pornography or even mainstream media (Lim et al., 2015)). Images of female children dressed up to look like sexualised adults as well as adult women posing in infantilised positions are also common occurrences (Paul and Linz, 2008). At the very least, those who abuse others may use these facts to legitimise or excuse their behaviour. At worst, this may actually perpetuate this type of behaviour. Hence, whilst on the one hand the majority of society appears to abhor those who commit sexual offences, on the other hand feminist theory argues that in a patriarchal society abuse and oppression is widely accepted. Therefore, it may be considered that far from deviating from widely held values, those who abuse are actually acting within the patriarchal norms of society (Ward, 1985).

Schwartz et al. (2001) presented an interesting paper on a feminist approach to routine activity theory in which they examined the effect of peers as guardians who may prevent or encourage the offender. They argued that 'men who belong to these all male, patriarchal, homosocial networks are more likely than non-members to be motivated to abuse women sexually' (p. 628). This suggests that social control from a feminist perspective changes according to a particular ecological situation. Cossins (2000) also argued that gender is not a static factor but a construct of particular situations. This then implies that offending may be promoted by different socio-cultural contexts, peer involvement being one of them. There have been few studies that examined peer approval of or involvement in child abuse. One recent exception is Ashurst and McAlinden (2015), who found that young people participating in harmful sexual behaviour could very much be influenced by their peers. It is also thought that there may be a certain level of networking amongst those who commit sexual offences (Hanson and Scott, 1996), and this may be facilitated

by the growth of the internet: '[r]esearch demonstrates the strong sense of social support and reinforcement that child pornography offenders may experience as a result of their involvement in online networks' (Carr, 2012: 104)

Cognitive distortions

Cognitive distortions are one of the most commonly linked individual factors in respect of sexual offending. Put very simply, cognitive distortions are ways of viewing and interpreting the world around us which may not necessarily reflect the reality. In the case of sexual offending, these may be ways of justifying the offence. It is also thought that those who commit sexual offences develop implicit theories, based on cognitive distortions, which are unconscious scripts about their own and the victims' actions. These may be beliefs that they are not doing anything wrong and that societal beliefs are wrong when they consider the harm caused by sexual offences. This is said to explain why they offend when it is against the law and moral code of society, as their internal belief system can justify the act. These implicit theories may include beliefs that children are sexual beings and willing participants (Polascheck and Ward, 2002; Ward and Keenan, 1999), or that men are entitled to sex and it is a woman's (or sometimes a child's) responsibility to meet these needs.

However, there is also a theoretical argument, based on the feminist perspective, that cognitive distortions may be influenced by socio-cultural elements. Gagnon (1990) described different levels of sexual scripts that indicate how to behave in a sexual encounter: internal, interpersonal and cultural. The cultural script tells a person what is allowed according to the norms and values of society. In addition to cognitive elements distorting these scripts, socio-cultural views may also confirm these unhealthy attitudes towards relationships. Finkelhor (1984) also posited that social attitudes may act to overcome internal inhibitors to committing the offence. The radical feminist perspective (outlined in Ward et al., 2006: 169) also argues that 'features commonly noted in sexual offenders (e.g. cognitive distortions) are derived from being socialised as males and not from any unique characteristics associated with being sexual offenders'.

For example, Griffin (1979: 188) argued that '[h]eterosexual love finds an erotic expression through male dominance and female submission'. Seal and Ehrhardt (2003: 302) described one of the discourses for sexual intimacy for heterosexual men as sex as conquest. As one interviewee in their study stated:

... [d]ating is all about sexual harassment—sort of pushing the limits to see how far the other person is willing to let you go. Society believes that it is the man's role to test the waters. It is certainly expected by women.

Whilst this may be viewed as an implicit theory, it is arguably one held by a substantial number of people in society. This is echoed by Cowley (2014: 1262), who argued that, 'the normative elements of the traditional heterosexual sex script are eerily similar to the events that precede a sexual assault'. Similarly, other views, such as that a rape is a less serious offence if a woman is under the influence of alcohol, dressed in a certain way or has consented to some sexual activity, are also not limited to those who have been con-

victed of sexual offences. Therefore, what are sometimes perceived as cognitive distortions may actually be commonly held societal beliefs.

Discussion of the above issues has outlined the fact that there is no theoretical reason that sexual offending should not be sensitive to different social and cultural contexts. This is important to consider from a preventative point of view, although there may be some theoretical differences when compared with non-sexual offending. For instance, becoming a caregiver may result in a sexual offence either owing to opportunity or altering attachments. On the other hand, becoming a caregiver may prevent a person being involved in non-sexual offending since this activity may compromise the care they are able to give the child. Consequently, different offending patterns may appear over the life-course for sexual and non-sexual offences. Nevertheless, this viewpoint would lead us to believe that propensity towards sexual offending behaviour is something that can be lessened in the right environmental conditions.

Finally, there is some suggestion that situational factors or opportunity may provide the impetus for a sexual offence. Ouimet and Proux (1994) found some evidence that recidivism was increased for people who commit sexual offences against children whose routine activities took them in higher proximity to children. Farmer et al. (2015) also found that many of their interviewees had viewed their offending as something that had occurred in a particular situational context, that they had not sought out that particular situation and that they had been surprised to find themselves offending (although, as Farmer et al. pointed out, there may have been an element of shame management involved in their accounts). Whilst there are likely to be other factors involved in addition to situational events, it certainly seems to be a substantial contributory factor (Beauregard and Leclerc, 2007; Beauregard et al., 2007).

Desistance theories

The previous section has outlined some of the key causal factors in terms of sexual offending, and how these may also be influenced by socio-cultural elements. It is of particular importance to consider the role of these socio-structural contexts in relation to whether or not a person re-offends after their initial offence, as this is the stage at which intervention is most commonly carried out.

Desistance theories attempt to explain the journey from (arguably) relatively persistent offending to an offence-free life. Having generally stemmed from research into non-sexual offending, they are approached from a different perspective to the general literature on sexual recidivism, which is more often based on a treatment perspective. The desistance process is generally thought to be a combination of agency and environmental factors/informal social controls (Farrall et al., 2010; Laws and Ward, 2011), along with a cognitive shift (Maruna, 2001). In terms of the environmental factors, similar common life events are suggested to promote the desistance process as those thought to prevent the offending process (such as social relationships and employment), although there is a distinction in that there is thought to be a substantial element of having reconsidered one's life as a consequence of the offence.

There is some debate about the extent to which the factors which promote desistance after the commission of the offence mirror the initial cause. Laub and Sampson (2001)

suggested that the predictors of desistance are the same as (or the reverse of) the predictors for offending, although others disagree (Stouthamer-Loeber et al., 2002; Uggen and Piliavin, 1998). As stated, similar environmental events are generally suggested in relation to the promotion of desistance (relationships, employment, etc. (LeBel et al., 2008)), however whilst this may be true on an aggregate level, this is not necessarily true on an individual level. Desistance research looks at how the decision not to re-offend may be supported (or not undermined) by life events, rather than being directly related to causal elements, although these events may sometimes be similar. However, if cause and desistance are not related, this provides more evidence that desistance processes for sexual and non-sexual re-offences may be aligned.

Inevitably, though, the desistance process will have the added complication of having been an 'offender'. As Farrall et al. (2010: 548) argued, 'the process of having been convicted as a recidivist adult offender entails a degree of *social exclusion*, and – unless the offender is exceptionally fortunate – probably also an element of rupture of pre-existing social ties'. In addition to the decision to change, the desisting ex-offender will face societal difficulties that he or she did not face prior to the offence, which may be exacerbated for those who have committed sexual offences. Conversely, being detected as an offender and the subsequent associated events may also be a factor in an identity shift: '[p]ositive events are rather unlikely to elicit self-evaluative needs' (Gobbels et al., 2012: 456).

Desistance from sexual offending

Laws and Ward (2011: 99) stated that in respect of current treatment of those convicted of sexual offences, the:

. . . etiological assumption appears to be that sexual offending is a product of faulty social learning and individuals commit sexual offenses because they have a number of skill deficits that make it difficult for them to seek reinforcement in socially acceptable ways.

A key distinction between desistance and rehabilitation research outlined by Laws and Ward is that from a desistance perspective, changes occur 'outside the direct orbit of influence of practitioners' (p. 204): in fact for many non-sexual offenders (and arguably many sexual offenders) this change occurs without intervention. Laws and Ward also argued that 'correctional practitioners concentrate on deficiencies whereas desistance researchers pay more attention to the presence of protective factors' (p. 206). Whilst socio-structural factors are increasingly coming to attention in respect of sexual offending, it should be noted that those in the practitioner field do not generally advocate moving away from treatment of offenders and relying on 'natural' desistance supported by changes in environment, as criminological researchers have previously been more inclined to do (Laws and Ward, 2011). However, there has been a move to incorporate both psychological and socio-structural elements. Models such as the Good Lives Model (Laws and Ward, 2011) increasingly align these two different approaches.

Literature on desistance from sexual offending is in its infancy, although a small number of recent studies have looked at sexual offending through a desistance lens (e.g. Farmer et al., 2015; McAlinden et al., 2016). These studies have generally found support

both for the socio-structural (such as employment and social support) and self-narrative aspects of traditional desistance research. Some desistance theories also incorporate psychological, socio-structural and self-narrative factors (e.g. Gobbels et al., 2012). Whilst desistance research (and practice) has traditionally come from a different perspective to that of the rehabilitation of those who have committed sexual offences, theoretically these approaches can be aligned for two reasons. Firstly, this article has outlined the evidence that there is a socio-cultural element to sexual offending, which is one of the key elements of desistance research. Moreover, if the desistance and causal processes are separate, this provides more weight to the argument, since desistance theories may operate *regardless of cause*.

General criminological theory and the relationship between cause, resistance and desistance

Thus far, I have discussed how causal and desistance elements of sexual offending may be prone to socio-structural influences throughout the life-course. There are also influential theoretical standpoints from the general criminological field that the cause of any offence is less important than the fact that it is an offence. This final section will discuss the role of some of the most well-known general criminological theories in relation to causal and desistance factors, and whether these are important to our theoretical understanding of sexual offending.

Social control theories posit that a person's desire to commit a certain act is overcome by the moral code of a certain community or wider society (Hirschi, 1969). A person conforms to this code because if they do not, they risk losing something; that is, whatever benefits being part of this society brings them. Similarly, rational choice theory suggests that individual actors weigh up the consequences to themselves of embarking on a particular course of action (Clarke and Cornish, 1985). Thus, the main focus is not the act itself, but the commission of the act despite it being against commonly accepted societal, moral or legal rules. Laws and Ward (2011: 208) argued that criminological (desistance in this case, however it may also be applied to causal theories) theories are 'weaker when it comes to explaining why people (and offenders) are motivated to desire and seek certain outcomes'. Of course, they do not necessarily seek to do this.

These theories therefore assume that the act has crossed our mind or is an attractive proposition: indeed, the main question is not 'why do you want to do this?', but 'how do you stop yourself doing this?'. The motivation to commit sexual offences is often harder to understand than for non-sexual offences. However, if we view intimacy, power and control (as outlined in the theories about causation) as desirable goods, this may take us closer to theoretical similarities between those who commit sexual offences and other offenders. As Willis et al. (2012: 126) pointed out, the issue is with the 'secondary goods—the activities/means individuals use to achieve primary goods—and not the primary goods themselves'. Viewing them in this way makes the connection between sexual and non-sexual offending clearer.

The act of a person countering their desire either in order to conform with those around them or to weigh up the negative and positive consequences of their actions is important as it implies a propensity to offend may be addressed *regardless of cause*.

This, then, suggests that an internal desire may be countered by external processes. There is some evidence that this is the case with sexual offences. For example, Laws (1994) found that in his study, the control group who had never committed a sexual offence were found to have some overlap in fantasies of rape and child abuse, arguing that they 'harbour many of the same feelings, have the same fantasies, but fail to act upon them' (p. 8). This, then, is relevant to the causal process, since what needs to be altered is not the desire to commit the act, but the decision, the ability, and the environmental conditions required in order to resist this desire. The original 'cause' is less important than the decision to resist. This is not necessarily in opposition to psychological theories: for instance, different attachment styles can affect self-control: '[i]nsecure personal attachments and weak social attachments in turn lead to general problems with individuals' capacity for and commitment to self-restraint' (McKillop et al., 2012). Of course, the whole process is likely to be a complex and individual one as is noted in the integrated theories.

This also appears to be particularly true of the desistance process after offending. Some people who have committed sexual offences state that a fear of returning to prison is the main reason they do not wish to re-offend (Ward and Laws, 2010). This is in line with Maruna's findings (2001) that few desisting ex-offenders came to the conclusion that an offence was wrong, only that the paths that they were on had a negative impact on their lives. Farmer et al. (2015) also found in their study that 'in the early stages of desistance, they [people who had committed sexual offences and who had desisted] made a rational choice about their behaviour based on a growing realisation of the disadvantages of persistence' (p. 328). This was based partly on the realisation of the harm caused by the offence, but partly on the concerns about the likelihood of being caught. This may be considered similar to many criminological theories that assume that the reason most people do not commit crime is because they fear the consequences, whether these are social or judicial, and as previously stated the consequences of detection may have been the starting point for a change in self-identity. This would suggest that addressing the willingness to commit an act that is against societal rules *regardless of what caused the desire to commit this act*, is an important part of the desistance process. In this way, sexual offences may be considered in a similar theoretical manner to other offences.

The substantial interaction between sexual and non-sexual offending appears particularly important here. People who commit sexual offences very often commit other offences (Hanson and Bussiere, 1998) and in fact general rule-violation has been found to be a significant predictor of sexual recidivism (Hanson and Morton-Bourgon, 2005; Tewksbury et al, 2011). Offenders with a proclivity towards sexual offences are more likely to commit a range of offences if social bonds are already weakened. As Smallbone and Wortley (2004: 295) argued, 'men who already have some experience of serious rule-breaking, dishonesty, exploitation, and/or aggression may be more likely to take the opportunities to sexually abuse a child'. This suggests that those who do not have a propensity towards general criminal behaviour are less likely to take the opportunity to commit a sexual offence, however this does not necessarily mean that they do not want to. This is consistent with Ward and Siegert's (2006) pathways model, which describes 'antisocial cognitions' as being one pathway into sexual offending.

Conclusion

This article has considered the relationship between causal theories of sexual offending, desistance theories and general criminological theories, with a focus on how socio-cultural elements may be important in these processes. The theoretical literature tends to support the case that propensity to offend, including relating to sexual offending, can and does change depending on different socio-structural circumstances, as well as for internal cognitive reasons. Decision-making in terms of the negative societal consequences of committing an offence also plays a part, particularly in terms of the desistance process. This suggests that desistance from sexual offences is not dependent only on the original 'cause', certainly in respect of the causal theories discussed in this article, and also that the underlying desistance process is similar to that of those who have committed non-sexual offences.

Whilst there is no reason to suppose that people who have committed sexual offences are not capable under the right conditions of desisting from crime, whether or not they follow the same course as other offenders is less clear, and there is a lack of empirical research into the relative importance of different life events that would assist a probation context. The point in life when these protective and risk factors occur, as well as opportunity, may be very different for those who have committed sexual offences compared to other offences. For example, gaining employment or having a family may present an opportunity to someone inclined to commit a sexual offence, whereas arguably it is more likely to act as a protective factor for other offending. The negative consequences of detection may also be more exacerbated for sexual offences than for other offences, in terms of additional stigma and labelling, and this may impede the desistance process. In addition to this, there is a more fundamental issue of whether society implicitly condones such behaviour, as suggested by feminist theory. If propensity to offend is affected by the moral rules of society, then a society that continues to support the abuse and exploitation of women and children will inevitably continue to contribute to such actions.

Of course, the difficulty lies in how we may support and encourage the desistance process amongst those who have committed sexual offences, as well as preventing these crimes from occurring in the first place. This article has argued that sexual offending is influenced by wider socio-cultural issues, and addressing these is an important yet challenging issue. There are many important treatment and educational programmes currently being developed that aim to help individuals deal with thoughts and situations that may lead to offending behaviour, and to assist them in replacing these with appropriate emotional and sexual attachments. It is beyond the scope of this article to provide critique of these programmes. Further research is needed into the impact of risk and protective factors throughout the life course in terms of sexual offences. Challenging the traditional normative masculine and feminine roles and preventing wider societal tacit approval of the abuse of women will also provide clearer boundaries of acceptable behaviour.

From a desistance perspective, following McNeill's (2012) framework of four forms of rehabilitation, in addition to assisting the individual with their personal process ('psychological rehabilitation'), there are three areas which require wider input from society as a whole. It is important to address the potentially counterproductive nature of the

aftermath of the judicial process ('legal/judicial rehabilitation'), which may be exacerbated for those who have committed sexual offences. Linked to this, perhaps the most difficult area in light of the embedded moral panic and increased stigma in relation to sexual offences, is seeking to improve society's contribution to the desistance process by accepting that those who have committed a sexual offence may desist the same as everyone else ('social rehabilitation'). As Laws and Ward (2011: 109) argued: 'the delivery of treatment is not enough. We need also to be seeking to strengthen offenders' social networks and their relationship to the world beyond the therapy room'. It is this issue that artificially constructed social environments such as the Circles of Support and Accountability (Wilson et al., 2007) aim to address; by creating the type of environment in which it is thought the desistance process is most encouraged.

Furthermore, McNeill (2012) makes an excellent point about 'moral rehabilitation', in which reparation cannot be overlooked. Restorative justice, for instance, is still in its early stages for sexual offences and has been somewhat controversial, however early research suggests positive findings (e.g. McGlynn et al., 2012), and it may give back a sense of power and control to the victim. It may also be argued that the issue of reparation may not lie solely with the offender in the case of sexual offences, but potentially with the criminal justice system in some cases (which may have re-victimised or blamed the victim), and even wider society, which provided the environment that facilitated the abuse. This reparation may take the form of allowing the victim's voice to be heard and preventing societal approval of such abuse in the future.

These theoretical reflections emphasise the need for further research to consider the socio-cultural aspects of the offending and desistance process from the perspective of those who have committed sexual offences, and to consider how we may use this information to prevent offending and encourage desistance in the future.

Acknowledgements

The author would like to thank Professor Fergus McNeill from the Scottish Centre for Crime and Justice Research for his helpful comments on previous drafts of this article.

Funding

This work was supported by the Economic and Social Research Council [grant number ES/J500136/1].

References

- Ainsworth MDS and Wittig BA (1969) Attachment and exploratory behaviour of one-year-olds in a strange situation. In: Foss BM (ed.) *Determinants of Infant Behaviour IV*. London: Methven, pp. 111–136.
- Akers RL (1990) Rational choice, deterrence, and social learning theory in criminology: The path not taken. *Journal of Criminal Law & Criminology* 81(3): 653–676.
- Akers RL and Jensen GF (2006) The empirical status of social learning theory of crime and deviance: The past, present, and future. In: Cullen FT, Wright JP and Blevins KR (eds) *Taking Stock: The Status of Criminological Theory*. New Brunswick: Transaction.
- Ashurst L and McAlinden A-M (2015) Young people, peer-to-peer grooming and sexual offending: Understanding and responding to harmful sexual behaviour within a social media society. *Probation Journal* 62(4): 374–388.

- Beauregard E and Leclerc B (2007) An application of the rational choice approach to the offending process of sex offenders: A closer look at the decision-making. *Sex Abuse* 19(2): 115–133.
- Beauregard E, Proulx J, Rossmo K et al. (2007) Script analysis of the hunting process of serial sex offenders. *Criminal Justice and Behavior* 34(8): 1069–1084.
- Bowlby J (1969) *Attachment and Loss (Vol. 1)*. London: Random House.
- Carr A (2012) The social dimension of the online trade of child sexual exploitation material. In: Quayle E and Ribisi KM (eds) *Understanding and Preventing Online Sexual Exploitation of Children*. Oxon: Routledge, pp. 96–115.
- Clarke RV and Cornish DB (1985) Modelling offenders' decisions: A framework for research and policy. *Crime and Justice* 6: 147–185.
- Cossins A (2000) *Masculinities, Sexualities and Child Sexual Abuse*. The Hague: Kluwer Law International.
- Cowley AD (2014) 'Let's get drunk and have sex': The complex relationship of alcohol, gender, and sexual victimization. *Journal of Interpersonal Violence* 29(7): 1258–1278.
- Farmer M, McAlinden A-M and Maruna S (2015) Understanding desistance from sexual offending: A thematic review of research findings. *Probation Journal* 62(4): 389–394.
- Farrall S, Bottoms A and Shapland J (2010) Social structures and desistance from crime. *European Journal of Criminology* 7(6): 546–570.
- Farrington DP (1992) Explaining the beginning, progress and ending of antisocial behaviour from birth to adulthood. In: McCord J (ed.) *Facts, Frameworks and Forecasts: Advances in Criminological Theory, (Vol 3)*. New Brunswick: Transaction, pp. 253–286.
- Finkelhor D (1984) *Child Sexual Abuse: New Theory and Research*. New York: Free Press.
- Gagnon JH (1990) The explicit and implicit use of the scripting perspective in sex research. *Annual Review of Sex Research* 1(1): 1–43.
- Gobbels S, Ward T and Willis GM (2012) An integrative theory of desistance from sex offending. *Aggression and Violent Behavior* 17(5): 453–462.
- Griffin S (1979) *Rape: The Power of Consciousness*. San Francisco: Harper & Row.
- Hanson RK and Bussière MT (1998) Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology* 66(2): 348–362.
- Hanson RK and Morton-Bourgon KE (2005) The characteristics of persistent sexual offenders: A meta-analysis of recidivism studies. *Journal of Consulting and Clinical Psychology* 73(6): 1154–1163.
- Hanson RK and Scott H (1996) Social networks of sexual offenders. *Psychology, Crime and Law* 2(4): 249–258.
- Hanson RK and Yates PM (2013) Psychological Treatment of Sex Offenders. *Current Psychiatry Reports* 15(3): 1–8.
- Hanson RK, Gordon A, Harris AJR et al. (2002) First report of the collaborative outcome data project on the effectiveness of psychological treatment for sex offenders. *Sex Abuse: A Journal of Research and Treatment* 14(2): 169–194.
- Hirschi T (1969) *Causes of Delinquency*. Berkeley, CA: University of California Press.
- Laub JH and Sampson RJ (1991) The Sutherland-Glueck Debate: On the sociology of criminological knowledge. *American Journal of Sociology*, 96(6): 1402–1440.
- Laub JH and Sampson RJ (2001) Understanding desistance from crime. *Crime and Justice* 28: 1–69.
- Laws DR (1994) How dangerous are rapists to children? *Journal of Sexual Aggression* 1(1): 1–14.
- Laws DR and Ward T (2011) *Desistance from Sex Offending: Alternatives to Throwing Away the Keys*. New York: Guildford.
- LeBel TP, Burnett R, Maruna S and Bushway S (2008) The 'chicken and egg' of subjective and social factors in desistance from crime. *European Journal of Criminology* 5(2): 131–159.

- Lim MS, Carrotte ER and Hellard ME (2015) The impact of pornography on gender-based violence, sexual health and well-being: What do we know? *Journal of Epidemiology and Community Health* 70(1): 1–3.
- Losel F and Farrington DP (2012) Direct protective and buffering protective factors in the development of youth violence. *American Journal of Preventative Medicine* 43(2S1): S8–S23.
- McAlinden A.-M, Farmer M and Maruna S (2016) Desistance from sexual offending: Do the mainstream theories apply? *Criminology and Criminal Justice* 17(1): 1–18.
- McGlynn C, Westmarland N and Godden N (2012) I just wanted him to hear me’: Sexual violence and the possibilities of restorative justice. *Journal of Law and Society* 39(2): 213–240.
- McKillop N, Smallbone S, Wortley R and Andjic A (2012) Offenders’ attachment and sexual abuse onset: A test of theoretical propositions. *Sexual Abuse: A Journal of Research and Treatment* 24(6): 591–610.
- McNeill F (2012) Four forms of ‘offender’ rehabilitation: Towards an interdisciplinary perspective. *Legal and Criminological Psychology* 17(1): 18–36.
- Marshall WL (2010) The role of attachments, intimacy and loneliness in the etiology and maintenance of sexual offending. *Sexual and Relationship Therapy* 25(1): 73–85.
- Marshall WL and Barbaree HE (1990) An integrated theory of the etiology of sexual offending. In: Marshall WL, Laws DR and Barbaree HE (eds) *Handbook of Sexual Assault: Issues, Theories, and Treatment of the Offender*. New York: Plenum Press.
- Maruna S (2001) *Making Good: How Ex-convicts Reform and Rebuild their Lives*. Washington: American Psychological Association.
- Ouimet M and Proux J (1994) Spatial and temporal behavior of pedophiles: Their clinical usefulness as to the relapse prevention model. In: Meeting of the American Society of Criminology, Miami, Florida, November 1994.
- Paul B and Linz DG (2008) The effects of exposure to virtual child pornography on viewer cognitions and attitudes toward deviant sexual behavior. *Communication Research* 35(1): 3–38.
- Polaschek DLL and Ward T (2002) The implicit theories of potential rapists: What our questionnaires tell us. *Aggression and Violent Behaviour* 7(7): 385–406.
- Schwartz MD, DeKeseredy WS, Tait D and Alvi S (2001) Male peer support and a feminist routine activities theory: Understanding sexual assault on the college campus. *Justice Quarterly* 18(3): 623–649.
- Seal DW and Ehrhardt AA (2003) Masculinity and urban men: Perceived scripts for courtship, romantic, and sexual interactions with women. *Culture, Health & Sexuality* (5)4: 295–319.
- Smallbone SW (2006) An attachment-theoretical revision of Marshall and Barbaree’s Integrated Theory of the Etiology of Sexual Offending In: Marshall WL, Fernandez LE, Marshall LE and Serran GA (eds) *Sexual Offender Treatment*. Chichester: Wiley, pp .93–108.
- Smallbone SW and Dadds MR (2000) Attachment and coercive sexual behavior. *Sexual Abuse: A Journal of Research and Treatment* 12(1): 3–15.
- Smallbone SW and Wortley RK (2004) Onset, persistence, and versatility of offending among adult males convicted of sexual offenses against children. *Sexual Abuse: A Journal of Research and Treatment* 16(4): 285–298.
- Smallbone S, Marshall WL and Wortley R (2008) *Preventing Child Sexual Abuse: Evidence, Policy and Practice*. Portland, OR: William Publishing.
- Stouthamer-Loeber M, Loeber R, Wei E et al. (2002) Risk and promotive effects in the explanation of persistent serious delinquency in boys. *Journal of Consulting and Clinical Psychology* 70(1): 111–123.
- Tewksbury R, Jennings WG and Zgoba KM (2011) A longitudinal examination of sex offender recidivism prior to and following the implementation of SORN. *Behavioral Sciences & the Law* 30(3): 308–328.

- Uggen C and Piliaven I (1998) Asymmetrical causation and criminal desistance. *The Journal of Criminal Law and Criminology* 88(4): 1399–1422.
- Waldby C, Clancy A, Emetchi J and Summerfield C (1989) *Theoretical Perspectives on Father-Daughter Incest*. London: Macmillan.
- Ward E (1985) *Father-Daughter Rape*. New York: Grove.
- Ward T (2014) The explanation of sexual offending: from single factor theories to integrative pluralism. *Journal of Sexual Aggression* 20(2): 130–141.
- Ward T, Hudson SM, Marshall WL and Siegert R (1995) Attachment style and intimacy deficits in sexual offenders: A theoretical framework. *Sexual Abuse: A Journal of Research and Treatment*, 7(4): 317–335.
- Ward T, Hudson SM and Marshall WL (1996) Attachment style in sex offenders: A preliminary study. *Journal of Sex Research* 33(1): 17–26.
- Ward T and Keenan T (1999) Child molesters' implicit theories. *Journal of Interpersonal Violence* 14(8): 821–838.
- Ward T and Laws DR (2010) Desistance from sex offending: Motivating change, enriching practice. *International Journal of Forensic Mental Health* 9(1): 11–23.
- Ward T, Polaschek DLL and Beech AR (2006) *Theories of Sexual Offending*. Chichester: Wiley.
- Wikström P-O (2010) Explaining crime as moral actions. In: Hitlin S and Vaisey S (eds) *Handbook of the Sociology of Morality*. New York: Springer, pp. 211–239.
- Willis GM, Yates PM, Gannon TA and Ward T (2012) How to integrate the good lives model into treatment programs for sexual offending: An introduction and overview. *Sexual Abuse: A Journal of Research and Treatment* 25(2): 123–142.
- Wilson RJ, McWhinnie A, Picheca JE et al. (2007) Circles of support and accountability: Engaging community volunteers in the management of high-risk sexual offenders. *The Howard Journal of Criminal Justice* 46(1): 1–15.

Author biography

Debbie Kyle is currently studying for a PhD at the Scottish Centre for Crime and Justice Research at the University of Glasgow, UK. [Email: d.kyle.1@research.gla.ac.uk]