

Sexual Offence Recidivism:

Prediction versus understanding

FROM: Grubin, d & Wingate, S.; *Criminal Behaviour and Mental Health*, 6, 349-359 1996 Whurr Publishers Ltd.
Pages 349 - 357

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ABSTRACT

This paper identifies from the literature risk factors for reoffending in convicted sex offenders. Unless all sex offenders are to be incarcerated for indeterminate lengths of time, some means to separate higher from lower risk men is clearly necessary. The complexities of the move from identifying high-risk groups to predicting risk in specific individuals is discussed. It is argued that the focus should be shifted from the search for single, putatively predictive variables to an attempt to understand why recidivism occurs.

INTRODUCTION

When sex offenders reoffend the media interest and public anger that follow are often profound. This has been particularly evident in the United States where a number of sexual psychopath laws have been passed in various states, usually after the commission of particularly notorious sex crimes by known offenders (Grubin & Prentky, 1993). A frequently discussed example of this is Washington State's Sexual Predator Act which allows for the civil commitment of sex offenders for life if they are deemed to be sexual predators and likely to reoffend, together with community notification when sex offenders are released from prison (Wettstein, 1992; Brody and Green, 1994).

Public concern about recidivism by sex offenders, however, is in contrast with the relatively low levels of sexual reoffending that are in fact the case. The tension between public perception of sex offenders representing a high recidivism risk and the evident reality of statistics that demonstrate relatively low levels of sexual reoffending is in part influenced by a confusion between frequency and severity of reoffending, in part by the higher risk associated with some offenders, and in part by the nature of sex offending itself where any reoffence may be seen as unacceptable. Fisher and Thornton (1993), for example, have observed that there are 'a relatively large number of offenders who offend at a low rate, perhaps even just once, and a smaller number who offend at a relatively high rate' (p. 108). Amongst this latter group will be men whose reoffences are both frequent and severe. Some workers have argued that indefinite incarceration is appropriate in this small number of cases (Harris, Rice & Quinsey, 1993), but the difficulty is in accurately identifying those at most risk of serious reoffending whilst avoiding the unnecessary detention associated with false positive predictions.

In theory, a greater understanding of what predicts sex offence recidivism would be beneficial not only in deciding who needs to be locked up and for how long, but also in identifying those with particular treatment needs. But how can high-risk offenders be identified? Are actuarial approaches using static demographic variables superior to clinical ones based on changing circumstances and less quantifiable experience? Or is the prediction of sexual reoffending in specific cases little more than a gamble based on an imperfect understanding of the relevant odds?

SEX OFFENCE RECIDIVISM

Most sex offenders are not reconvicted for sex offences. Kaul (1993), for example, cites a 1960s follow-up of over 2900 Danish sex offenders (Christiansen, 1965) in which just 10% were convicted of another sex offence over a period of 12 to 24 years, although time at risk does not appear to have been considered in this study. A more recent UK report found that only 7% of a randomly selected sample of over 900 sex offenders (men with either current or past convictions for sex offences) released from prison in 1987 were reconvicted of a sex offence over the next four years (Marshall, 1994). Similarly, a meta-analysis involving 61 studies that included nearly 29 000 sex offenders followed up on average for

four to five years found that sexual recidivism was 13% for child molesters and 19% for rapists, and reoffences of non-sexual violence 10% and 22% respectively (Hanson & Bussiere, 1995).

These studies suggest that less than one in five of a general sample of sex offenders released from prison go on to commit a further sex offence. Similar figures are not available for convicted sex offenders not sent to prison, but one would expect the recidivism rate to be even lower in this group. Such low reoffending rates are in contrast with recidivism studies in released male prisoners in general amongst whom reoffending rates are in the range of 50% over two years and 60% over four (Home Office, 1994), though in a 15 to 30 year Canadian follow-up study of non-sexual criminals released from prison the recidivism rate was over 80% (Hanson, Scott & Steffy, 1995). These findings would appear to support West's (1987) claim that the typical sex offender appears in court once and then never again, at least for further sex crime.

Even when one looks at studies of apparently higher risk offenders, reoffence rates remain relatively low. For example, in a sample of over 300 sex offenders who had committed more serious offences (i.e. those who had received sentences of at least four years) released from English prisons in 1980, it was found that just 15% of rapists and about a third of child molesters were reconvicted for a sex offence over the next 10 years (Thornton & Travers, 1991). Similarly, a large-scale research project in California designed to evaluate a sex offender treatment programme for prisoners aimed at more serious offenders has had difficulty in demonstrating any impact of treatment because of the low base rate of reoffending in the non-treatment controls: only 14% of 289 untreated child molesters and 14% of 80 untreated rapists followed for an average of about four years had been rearrested (as opposed to reconvicted) for new sex offences (Marques, Day, Nelson & West, 1994; Marques personal communication).

There are, of course, well-known difficulties in interpreting reoffending data, and it might be argued that the reoffences of sex offenders are less visible than those of other types of offender. First, although sexual reconviction rates are known to be proportional to actual offending rates (Hindelang, 1974), sex offences are generally under-reported, and most measures of sex offence recidivism will be an under-representation of true reoffence rates. Marshall and Barbaree (1988), for example, found that unofficial records and contacts uncovered 2.4 failures, and 2.7 victims, for every one documented by official statistics. Victim surveys imply even more unreliability in the official data, suggesting that up to 80% of sex offences may go unreported (Mayhew, Elliot & Dowds, 1989).

Undetected reoffences, however, are a problem for all recidivism studies. In terms of sex offenders, even studies with intense follow-up that do not depend on convictions do not reveal massive numbers of reoffences (Marshall & Barbaree, 1988; Marques et al., 1994). If anything, the numbers of undetected offences by non-sex offenders are probably greater in relation to crimes with higher base rates such as theft and general violence, particular given the fact that once an individual has been convicted of a sex crime he becomes known to the system..

Another potential problem in interpreting recidivism studies is the length of follow-up. Soothill and Gibbens (1978), for example, followed 174 men convicted of sex offences against girls under 13 for 24 years. They found that 11% of the sample had been reconvicted of a sex or violence offence over a five-year at-risk period, but by the end of the study the figure had increased to 18%, with no decrease in the level of severity. Other studies carried out by this group in relation to rapists and incest offenders (Soothill, Jack & Gibbens, 1976; Soothill, 1980; Gibbens, Soothill & Way, 1981) suggest that these other types of sex offenders are also at risk of reoffending for many years. Similarly, a 15-year minimum follow-up of 197 child molesters released from Canadian prisons between 1958 and 1974 found that over this period 42% were reconvicted for sexual or violent crimes, but about a quarter of these reconvictions occurred between 10 and 31 years after prison release (Hanson, Steffy & Gauthier, 1993). The authors do not distinguish between sexual and violent offences in this study, but in a more recently published analysis by the same group involving 191 of the child molesters, 35% were reconvicted of a sexual offence in the same follow-up period (Hanson, Scott & Steffy, 1995).

Thus, whilst the base rate of the behaviour underlying sex offending may not be high, it is persistent. It is important, however, to look more closely at those individuals whose reoffending is delayed for many years. In the Soothill and Gibbens (1978) study, all the reoffending by men with three or more previous convictions took place within five years, whilst those who did not reoffend for 10 years or more had just one or two prior offences. This suggests that long term follow-up is less necessary amongst some groups of sex offenders than others. It appears that shorter term follow-up is probably sufficient for more serious offenders, at least if a history of three or more previous convictions is taken as an indication of this (Thornton & Travers, 1991).

Whilst one must be cautious when looking at recidivism data, those who downplay them are at risk of overstating their

case. Official statistics and follow-up studies in fact do appear to give a reasonable though conservative estimate of the extent of reoffending by sex offenders. What they make clear is that although sex offenders on the whole are not at great risk of reoffending, there is a need to identify the minority who are.