

Offender/Offense Characteristics and Recidivism Rates

In order to study recidivism among sex offenders in Virginia, the Commission tracked 579 sex offenders released from incarceration (or given probation without incarceration) from FY1990 to FY1993. Commission staff examined a variety of offender and offense characteristics in order to gain a better understanding of the circumstances surrounding sex offenses committed in Virginia and the individuals convicted for these crimes.

Study cases can be categorized based on the most serious sex crime for which the offender was convicted, sentenced and subsequently released (or given probation). This offense, the current or “instant” offense, is the basis for inclusion in the Commission’s study. Of the 579 study cases, the most common instant offense was aggravated sexual battery, which carries a 20-year statutory maximum penalty (Figure 10). Nearly one-third of the offenders in the study were convicted of this offense. More than 28% of offenders were convicted of

Figure 10

Number and Percentage of Cases by Most Serious Sex Offense

	Cases	Percent
Rape/Object Sexual Penetration	165	28.5%
Forcible Sodomy	76	13.1
Aggravated Sexual Battery	176	30.4
Carnal Knowledge	69	11.9
Indecent Liberties	83	14.4
Other	10	1.7

a rape or object sexual penetration, but another 13% were convicted of forcible sodomy. Rape, forcible sodomy and object sexual penetration offenses carry a maximum penalty of life in prison. Over 14% of the study cases were based on a conviction for indecent liberties with a child, a Class 6 felony with a five-year maximum penalty. Carnal knowledge of a child, a Class 4 felony if the offender is an adult and a Class 6 felony if the offender is a minor at least three years older than the victim, is the instant offense in 12% of the study cases.

Sex offenders in the study received a broad array of punishments for the crimes they committed, and the punishments varied by the type of instant offense. Nearly all rape and forcible sodomy offenders were sentenced to incarceration of one year or more (Figure 11). While just over half of the aggravated sexual battery offenders were given terms of one year or more, fewer than four out of ten offenders convicted of indecent liberties with a child were given such a sanction. In fact, one-third of indecent liberties offenders were given probation without an accompanying term of incarceration.

Figure 11

Type of Disposition by Most Serious Sex Offense

Most Serious Offense	Probation	Incarceration	
		Up to 12 Mos.	1 Year or more
Rape/Inanimate Obj. Pen.	4.3%	3.6%	92.1%
Forcible Sodomy	3.9	6.6	89.5
Aggravated Sex. Battery	23.9	22.1	53.0
Carnal Knowledge	46.4	21.7	31.9
Indecent Liberties	33.7	27.7	38.6
Other	50.0	20.0	30.0

Of those convicted of carnal knowledge, less than one-third were sentenced to prison and nearly half (46%) were given probation without any incarceration.

Among offenders in the study given an incarceration term of one year or more, sentences varied considerably by offense. For offenders whose most serious sex offense was rape or object sexual penetration, the median sentence (the middle value, where half the sentences fall above and half below) was ten years (Figure 12). Offenders in the study group served time under the parole system and were eligible for discretionary parole release. In general, the length of time served by these offenders was considerably less than the sentence pronounced in the courtroom. Rapists in the study typically served less than five years. Offenders convicted of forcible sodomy were sentenced, typically, to eight years in prison, but served a little over four years before being released on parole. The median time served for aggravated sexual battery offenders was less than 2½ years, despite a median sentence of five years. The median

Figure 12

Median Prison Sentence Length and Time Served by Most Serious Sex Offense (in years)

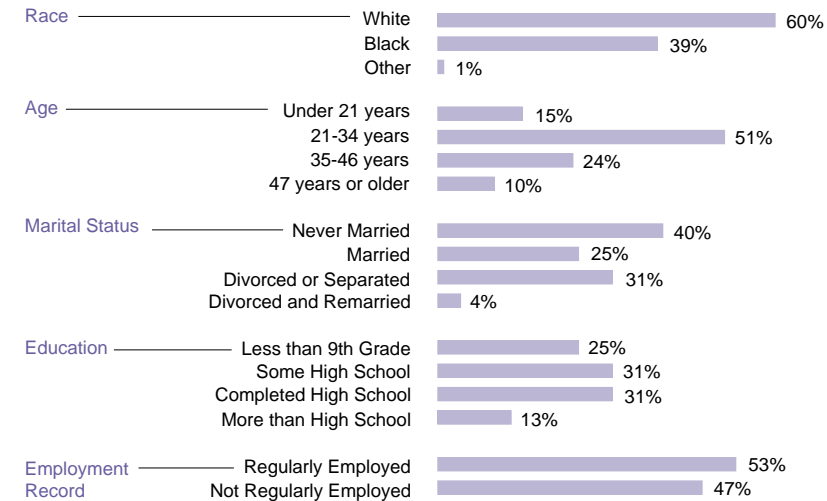
Offense	Sentence	Time Served
Rape/Inanimate Obj. Penetration	10 yrs.	4.9 yrs.
Forcible Sodomy	8	4.2
Aggravated Sexual Battery	5	2.4
Carnal Knowledge	3	1.3
Indecent Liberties	3	1.3
Other	3	1.0

prison sentence for both the carnal knowledge and indecent liberties offense categories was three years, but these offenders typically served only 15 months. Since the abolition of parole and implementation of Virginia’s truth-in-sentencing system in 1995, many rape and sex offenders are serving sentences which will result in significantly longer terms in prison than offenders convicted of similar crimes served under the parole system.

Of the 579 offenders in the Commission’s study, nearly two-thirds (60%) are white. More than half were between the ages of 21 and 34 at the time of conviction for the offense under study (Figure 13). Few offenders (15%) committed the offense prior to age 21. One-quarter of the offenders were between 35 and 46 years of age.

Figure 13

Characteristics of Sex Offenders



Only 10% of sex offenders in the study were over age 46 at the time the offense occurred. Nearly 40% of the offenders had never been married at the time they were convicted of the instant offense. Several recidivism studies reviewed by Commission staff found that younger offenders and offenders who had never been married recidivated at higher rates than older offenders and offenders who were or had been married.

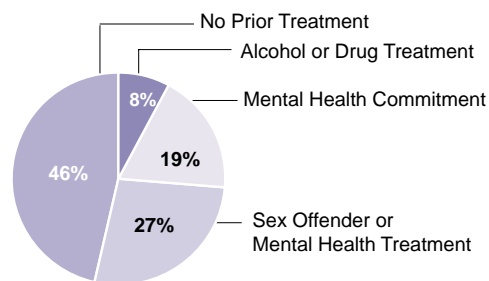
Of the sex offenders being studied, over half (56%) had not completed high school (Figure 13). In fact, one in four of the offenders had less than a ninth grade education. At the time of the offense, about 20% were unemployed, but nearly half (47%) had not been regularly employed (defined as being employed 75% of the time)

for the two years prior to committing the offense or had only maintained part-time work during that period. A court-appointed attorney represented about three of five offenders in the study. This is generally indicative of the offender's income level. In 1996, an offender living alone must have had less than \$9,675 in average annual funds in order to qualify for an attorney appointed by the court.

Nearly half (46%) of the offenders had never participated in treatment of any kind at the time they were convicted for the sex offense under study (Figure 14). More than one-quarter, however, had experienced some type of sex offender or general mental health treatment prior to the instant offense. It is striking that nearly one in five (19%) of the offenders had been previously treated as part of a mental health commitment. Only 8% of the offenders had undergone some type of alcohol or drug treatment.

Figure 14

Prior Treatment



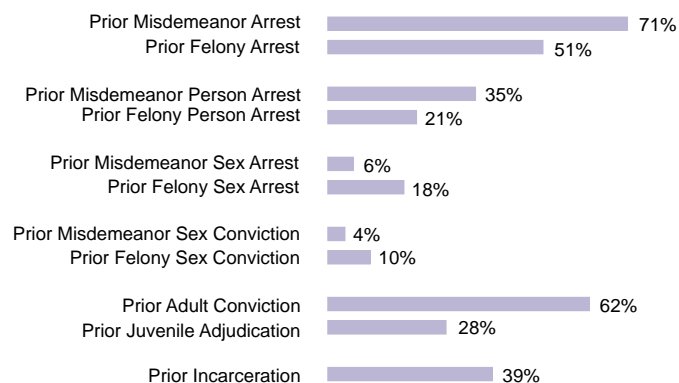
The majority of sex offenders examined by the Commission had some type of prior criminal record at the time they were convicted of the sex crime under study. Most of the offenders (62%) had at least one prior adult conviction and more than one-fourth had known juvenile delinquency adjudications (Figure 15). Over half (51%) of the sampled offenders had previously been arrested for a felony, and nearly three out of four had a prior arrest for a misdemeanor. Although 18% of the offenders had been arrested previously for a felony sex crime, only about half of those (10%) had been convicted of a felony sex offense. Four out of ten sex offenders being studied had served an incarceration term prior to the instant offense.

Hard copies of the PSI reports for the study cases were obtained and Commission staff extracted rich offense detail from the reports' narrative sections. The Commis-

sion was particularly interested in details relating to the offense behavior and the victim not available on the automated data systems. Through its supplemental data collection efforts, the Commission attempted to discover the mode or approach used by the offender to commit the sex offense (narrative file information examined by the Commission varied in the depth and quality of the detail provided). The Commission's supplemental data reveal that offenders in the study sample were most likely to use a position of authority as the mode of committing the sex offense. This mode was recorded if the offender did not use or threaten to use physical force, but the offender was responsible for the health, welfare or supervision of the victim at the time of the offense.

Figure 15

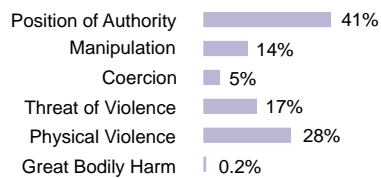
Prior Criminal Record of Sex Offenders



Offenses committed through a position of authority typically involved a young child and a step-parent or other relative. Approximately 41% of the offenders in the study used their position of authority in relation to the victim to facilitate the offense (Figure 16). Nearly 14% of the offenders manipulated one or more victims into the offense. Manipulation was coded in the supplemental data if the offender engaged in sexual activity while the victim was impaired, if the offender used some type of deception, trickery or bribery (such as video games or candy), or if the offender threatened to withdraw love and affection. Only 5% of the offenders coerced a victim. For this study, coercion was defined as forcing the victim to act in a given manner by pressure, non-physical threats, intimidation or domination without physical force. More than one-fourth (28%) of the victims experienced physical violence during the offense, but another 17% were threatened with physical violence if they did not submit to the assault.

Figure 16

Mode of Offense

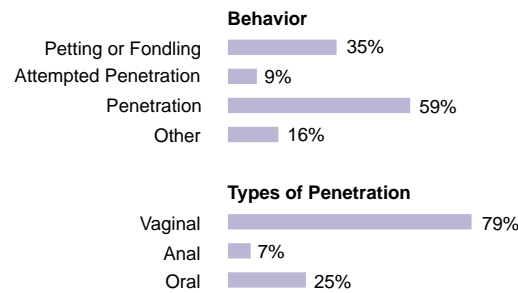


Analysis is based on cases for which supplemental offense data is available. These percentages do not sum to 100% because offenders could have committed multiple sex offenses using more than one mode.

For the 579 sex offenders in the study, the Commission was able to identify 670 victims related to the instant offenses. However, PSI narratives provided sufficient detail for only 647 victims. Well over half (59%) of the victims experienced some kind of sexual penetration during the assault (Figure 17). When penetration was reported, it most often related to vaginal penetration (79%), although one-quarter of the penetrations were committed orally. Multiple types of penetration were recorded in some cases. For nearly one in ten victims, penetration was attempted but not achieved. Well over one-third of the victims (35%) were petted or fondled by the offender. For nearly 16% of the victims, the offense involved some other form of behavior, such as exposure. The Commission attempted to collect data on as many types of sex offense behaviors as could be identified in the PSI narrative.

Figure 17

Type of Sex Offense Behavior



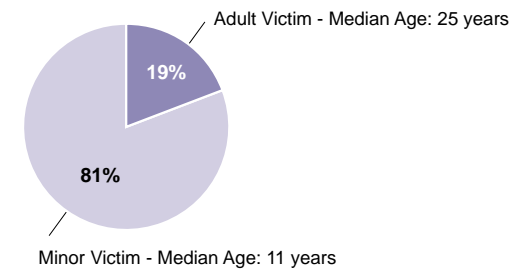
Analysis is based on cases for which supplemental victim data is available. These percentages do not sum to 100% because offenders could have committed multiple assaults against the same victim. Type of penetration data includes only those cases involving penetration or attempted penetration.

The majority of victims of the sexual assaults committed by offenders in the study were minors. About 81% of the victims were under age 18 at the time of the assault (Figure 18). When the age of a minor victim was identified, the median age was 11 years. However, 197 of the 556 victims (35%) for which age-specific data is available were under age 10 when the assault occurred. The median age for an adult victim was 25 years. Overall, one out of ten victims in the study was identified as male.

The Commission was very interested in the types of injuries sustained by the victims of the sexual assaults under study. Emotional injury is recorded by the probation officer if the officer is aware that the victim met with some type of counselor, psychologist or psychiatrist as the result of the assault. Also, probation officers often record emotional injury if the parents, guardians or other person with knowledge of the victim reports some type of continuing trauma in the victim's life (e.g., bad dreams,

Figure 18

Age of Victims

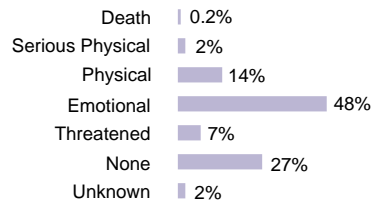


Analysis is based on cases for which supplemental victim data is available.

behavioral problems, anxiety attacks), even if formal counseling is not pursued. The probation officer, however, must complete the PSI based on knowledge of victim injury documented at the time the PSI report is prepared. The probation officer writing the report may not be aware of certain types of injuries, particularly emotional injury, sustained by the victim. Based on PSI data, half of the victims were reported as having suffered only emotional injury (Figure 19). More than 7% of the victims reported having been threatened with injury. Physical injury (injury leaving visible bruising or abrasions or requiring first-aid, broken bones, etc.) was sustained by 14% of the victims. For only 2% of the victims, the assault resulted in serious physical injury (injury was life-threatening or resulted in the loss or impairment of any limb or organ) or death.

Figure 19

Most Serious Type of Victim Injury Sustained

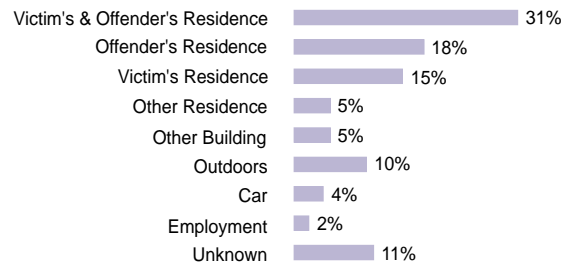


Analysis is based on cases for which supplemental victim data is available. These percentages do not sum to 100% due to rounding.

The Commission recorded information relating to the location of each sex offense. Of the offenses for which location could be identified, only about 20% were committed in a public place (outdoors, car, non-residential building). One study of sex offender recidivism reviewed by Commission staff associated sexual assaults committed in public places with higher rates of recidivism. Overall, more than two-thirds of the victims were assaulted in a residence (Figure 20). Nearly a third of the victims were assaulted in a residence that they shared with the offender. For more than 18% of the victims, the assault took place at the home of the offender (not the victim's). More than 15% of the victims were assaulted in their own homes by an offender who did not live there. About 14% of the crimes were committed outdoors or in a car.

Figure 20

Location of Sex Offense

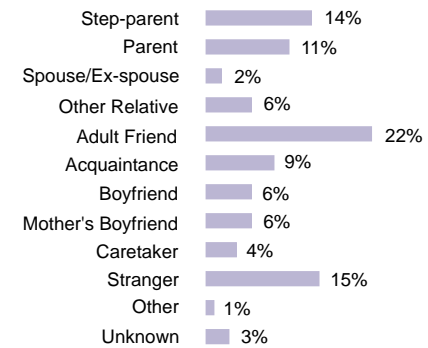


Analysis is based on cases for which supplemental victim data is available. These percentages do not sum to 100% because offenders could have committed multiple assaults against the same victim.

The supplemental data collection revealed that only 15% of the victims did not know the offender at the time of the assault. For over 80% of the victims, the offender was known to the victim at the time of the offense (Figure 21). For one-third of the victims, the offender was a member of the family, such as a step-parent. More than one in five of the victims were minors assaulted by an adult friend of the family, but another 6% of the victims were assaulted specifically by their mother's boyfriend.

Figure 21

Offender's Relationship to Victim



Analysis is based on cases for which supplemental victim data is available.

The Commission tracked sample offenders using rap sheets from the Virginia Criminal Information Network (VCIN) system maintained by the Virginia State Police and from the FBI's Central Criminal Records Exchange (CCRE) system so that new arrests both in Virginia and outside the Commonwealth could be detected. Each offender was tracked for five to ten years. The Commission found that nearly 31% of offenders in the sample recidivated, as measured by re-arrest for a new sex offense or other crime against the person, within five years of being returned to the community (Figure 22). Using data for the entire study period, in which some offenders were tracked for up to ten years, reveals a recidivism rate of nearly 37%.

Figure 22

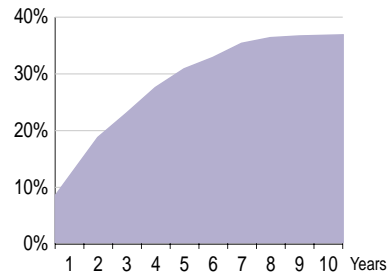
Recidivism Rates

Recidivism with	
Five Year Follow-up	30.6%
Five to Ten Year Follow-up	36.6%

Although some recidivists were re-arrested in the first year after being released to the community, a few recidivists were not re-arrested until the tenth and final year of the study. Only 8% of the offenders in the sample who recidivated did so in the first year of follow-up (Figure 23). By the end of the second year of follow-up, the overall recidivism rate jumped to nearly 19%. The recidivism rate continued to grow in each successive year and did not level off until after year seven. This finding underscores the need for a follow-up period for sex offenders that is considerably longer than the three-year window utilized by many general recidivism studies. The overall recidivism rate for the study (36.6%) was achieved in year 10.

Figure 23

Cumulative Recidivism Rate by Year of Follow-up



Of the offenders in the study who recidivated, data revealed that 40% had been re-arrested for a new sex offense (Figure 24). Nearly all of the new sex offenses were felony level crimes. The remaining 60% of the recidivists were re-arrested for non-sexual crimes against the person. Of the recidivists arrested for non-sex crimes against the person, nearly half of the new crimes were felonies, most typically a felony assault, but also including kidnapping, murder, robbery, and shooting into a vehicle with malice. The other half of the non-sexual recidivists were re-arrested for misdemeanor person crimes, such as assault and battery, assault against a family member and stalking.

Figure 24

Type of Recidivist Offense

