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Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

USE OF RECIDIVISM RATES BY STATE AGENCIES
RECIDIVISM RATES FOR
ALASKA SEX OFFENDERS

March 8, 2007

Audit Control Number

06-30035C-07

The purpose of this audit is to calculate and analyze recidivism rates for a group of Alaska sex offenders, as part of a larger audit of the use of recidivism rates by state agencies *Use of Recidivism Rates by State Agencies, Overview of Current Practices, February 23, 2007* (Audit Control No. 06-30035A-07). The professional services of the Urban Institute were used for consulting on research design and advanced statistical analysis. The Urban Institute produced a sex offender recidivism report, included as Appendix A, that forms the basis for conclusions contained in this report.

The audit was conducted in accordance with generally accepted government audit standards. Fieldwork procedures utilized in the course of developing the information presented in this report are discussed in the Objectives, Scope, and Methodology.

Pat Davidson, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 of the Alaska Statutes and a special request by the Legislative Budget and Audit Committee, we have conducted an audit on the use of recidivism rates by state rehabilitation programs.

To facilitate dissemination of the results, the review of recidivism rates for state rehabilitation programs is divided into three separate reports. One report covers the overall conclusions regarding the use of recidivism rates by state programs, recommends standards for the calculation of recidivism rates, and concludes as to the adequacy of data collection by state agencies. Two separate reports, including this one, are issued to report the calculation and analysis of recidivism rates for the Alcohol Safety Action Program (ASAP) and Alaska Sex Offenders.

Objectives

This report will calculate and analyze recidivism rates for a group of sex offenders convicted in Alaska. Specifically, rates were calculated for sex offenders convicted of sex offenses in Alaska during the mid-1980s. Recidivism rates were calculated at various points during a 15-year follow-up period.

This report will also discuss variables found to affect the likelihood of recidivating; including, whether being in community supervision or completing sex offender treatment impacts recidivism.

Scope

Our scope included sex offenders convicted in Alaska of a sex offense that required the offender to register with the Department of Public Safety as a sex offender. Specifically, all offenders convicted July 1, 1986 through December 31, 1987 were selected for review. Data for each offender were collected, beginning on the date an offender was released into the community after their qualifying judgment through March 31, 2006. Socio-demographic characteristics, sex offender treatment information, and supervision data were collected in addition to reoffense data.

Reoffense data were limited because out-of-state reoffense data were not available. Attempts were made to find out-of-state arrests and convictions, using national internet search engines with limited success. Sixty-one sex offenders included in the study were identified as possibly living out-of-state who had no rearrests or reconvictions in Alaska. A search of national conviction data identified rearrests or reconvictions for seven of the 61 offenders.

Methodology

The professional services of the Urban Institute were procured for assistance in designing a research plan; designing a database for collection of recidivism information; and, statistical expertise on calculating recidivism rates. The Urban Institute's full report on Alaska Sex Offender recidivism rates, including methodology, can be found as Appendix A of this report.

Data from the following State of Alaska information systems were utilized:

- OBSCIS (Offender-Based State Correctional Information System), Department of Corrections
- OTIS (Offender Tracking and Information System), Department of Corrections
- APSIN (Alaska Public Safety Information System Network), Department of Public Safety
- RUG (Rural Users Group or Name Index), Alaska Court System
- CourtView, Alaska Court System
- CRIMES (Criminal Records Information Management and Exchange System), Department of Law

APSIN was the system relied upon for rearrest and reconviction data. Audit procedures were applied to ensure electronic data provided by this system were reliable. OBSCIS and OTIS systems were used to obtain reincarceration data. Reincarceration data was checked against each offender's probation file—and in some cases, parole file—to verify the accuracy of the data. The CRIMES database was used to identify in-state arrest data that was missing from APSIN. The arrests identified in CRIMES were not significant in number and no audit procedures—in addition to gaining an understanding of the system—were applied to ensure the reliability of the data. RUG and CourtView were used for research purposes.

The following documents at Department of Corrections and Department of Public Safety were reviewed:

- Sex offender probation, parole, and treatment files
- Sex offender sentencing documents

Criminal history information from the following national search engines and out-of-state sources was obtained and reviewed:

- Lexis Nexis
- National Sex Offender Registry
- Montana, Ravalli District Court
- Montana, Cascade District Court

- Illinois, Cook County Circuit Court
- Virginia, Washington Circuit Court
- Oregon, Josephine Circuit Court
- Washington, Pierce County Superior Court
- North Carolina, Moore County Superior Court
- New York, Putnam County Court

Research Design

The recidivism study was conducted retrospectively and has only one group. That is, there is no group against which to compare results. In regard to segregating the impact of sex offender treatment and community supervision, a study with two groups that randomly assigned subjects to community supervision and treatment would have led to much more precise conclusions. However, almost all sex offenders are required to be supervised in the community, upon release from a correctional facility, and almost all sex offenders are required to have sex offender treatment as a special condition of probation/parole. Consequently, comparison groups were unavailable and the one-group study design was used.

Other important components of the recidivism study design are as follows:

Time period reviewed: The period of review covered July 1, 1986 through March 2006. A strength of the study design is that all offenders who met the inclusion criteria were examined for a long period – approximately 15 years. Criminal behavior was reviewed from the period each offender reentered the community following their qualifying judgment through March 2006. The long follow-up period was important given that research suggests sex offenders take a relatively longer time to reoffend than traditional offenders. Further, the period of review allowed for the consideration of reoffense data while offenders were on supervision and for a significant period after they exited from supervision.

Population size and methodology: Initially, 310 persons met the inclusion criteria. Twelve were subsequently determined to be ineligible because they were never released from incarceration after their qualifying conviction, or because they were incorrectly included in the group due to having their sentence set aside, or because they were found not to have been convicted of a sex offense. An additional 12 subjects were excluded because their probation files could not be located. This produced a final group size of 286 subjects.

The group was not sampled. All 286 subjects were included in the study.

Recidivism Measures: Four recidivism measures were used: percent of sex offenders that were rearrested for any crime, percent of sex offenders reconvicted for any crime, percent rearrested for a sex crime[1] and percent reconvicted for a sex crime. Arrests did not include technical violations.[2]

Reincarceration was not used as a measure of recidivism. However, the number of times an offender was reincarcerated was used as a variable when evaluating factors that may increase or decrease the risk of recidivism.

Socio-demographic and treatment variables: Socio-demographic and treatment variables were evaluated to determine whether each resulted in an increased or decreased likelihood of recidivism. Variables were selected for analysis based on the availability of data and an indication that variables have been shown to impact recidivism rates in other recidivism studies. The main variables selected for review are listed below.

- Age
- Race
- Gender
- Education attainment
- Victim preference (minor or adult)
- Sex offender treatment status
- Reason community supervision ended
- Community supervision status

[1] "Sex crime" is defined as any crime which requires the offender to register as a sex offender.
[2] Technical violations include such things as probation and/or parole violations.

ORGANIZATION AND FUNCTION

The purpose of this report is to calculate and examine recidivism rates for Alaska Sex Offenders. Sex offenders are supervised in the community by probation officers that work for the Department of Corrections, Division of Probation and Parole.

Department of Corrections

The Department of Corrections is constitutionally mandated to protect the public by incarcerating prisoners and reforming institutionalized offenders. The department maintains a database that tracks the movement of offenders in and out of its correctional facilities. The database also assists probation officers in the management of offenders in the community while on probation or parole.

Division of Probation and Parole

The Division of Probation and Parole is comprised of the Interstate Office; the Director's Office; and, three Regional Probation/Parole Offices (Northern, Southcentral, and Southeast). Probation/parole officers within the Division of Probation and Parole enforce conditions of supervision established by the Alaska Board of Parole and the Alaska Court System, such as treatment for substance abuse or mental health issues, and ensuring offenders pay restitution/fines. Probation/parole officers also conduct presentence investigations and write presentence reports in felony cases, statewide, for the Superior Court.

Department of Public Safety, Sex Offender Registry

The Department of Public Safety operates a sex offender registry – a database available to the public which includes detailed information about offenders who have been convicted of sex offenses in Alaska. The registry provides descriptive information (i.e., hair color, height, weight), a picture, work and home addresses, and conviction information. Offenders convicted of crimes such as sexual assault, sexual abuse of a minor, and child kidnapping, are required to register with the Department of Public Safety for inclusion on the registry. Alaska Statute 12.63.100 provides a complete list of offenses that require an offender to register as a sex offender. The registry allows the public to educate themselves about the possible presence of such offenders in their communities.

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UNDERSTANDING AND INTERPRETING RECIDIVISM

Criminal recidivism as a measure of program effectiveness

Webster's Dictionary defines recidivism as "a failure to maintain a higher state." There are two common ways of using the term recidivism: criminal and clinical. Generally, criminal recidivism is the tendency for a person to lapse back into criminal behavior. Clinical recidivism describes the tendency for a person to lapse into abusive pretreatment behavior (such as substance abuse). This audit focuses on criminal recidivism as it applies to state rehabilitation programs. Criminal recidivism is often expressed as a rate; the fraction of the population that experienced at least one failure in a specific time period.

As a general rule, recidivism rates help measure the success of a program, if prior criminal behavior is one of the key characteristics of a program's participants. Rehabilitation programs that serve such populations strive, in part, to help its participants become productive, law-abiding citizens. Recidivism rates communicate the degree to which a program's participants become "restored" and maintain their restored condition. A limitation of criminal recidivism rates is that it only measures criminal behavior. Other goals of rehabilitation programs are not covered.

Recidivism rates—given that they are limited in their focus—give a glimpse of a program's outcomes, but by no means, provide the entire picture. As an example, many substance abuse clients are court-directed into treatment programs—programs focused on helping clients become free from alcohol and drugs. Criminal recidivism is one measure of effectiveness. However, measures of effectiveness for substance abuse treatment providers also include many other factors such as: clinical recidivism, employment status, health care, education/training level, and an ability to maintain positive relationships. Because criminal recidivism rates are restricted to only one of the program's outcome measures, criminal recidivism rates should be evaluated in conjunction with other program measures when evaluating effectiveness of the program as a whole.

Measurement Issues – Recidivism Components

The purpose of calculating recidivism rates should drive the calculation methodology. What types of management decisions will the rates hope to answer? Decisions of how to define each component are intrinsically tied to the purpose of calculating the recidivism rates.

Before a recidivism rate can be measured, the following components must be defined:

- ✓ population to be studied;
- ✓ the period for review; and
- ✓ what constitutes a "relapse into criminal behavior."

Defining the population to be studied:

Populations are often heterogeneous – consisting of many distinct traits and behaviors. When calculating recidivism rates, treating a heterogeneous group as one group ignores the impact that distinct traits and behaviors have on the rates. For example, sex offenders are often referred to as a single population of people. In reality, sex offenders are individuals with different criminal behaviors such as child molesters, rapists, and people who commit incest. Child molesters can be further broken down into "type of child molester" based on victim preference. If the purpose of calculating recidivism rates is to make decisions on how best to manage sex offenders while on probation/parole, one overall sex offender recidivism rate may not provide enough information. In the case of sex offenders, it may be more useful to calculate rates for the subgroups of the population.

Exhibit 1

Random v. Non-Random Comparison Groups

Comparison groups are valuable in measuring the impact of intervention (i.e. treatment) on recidivism. The results from a group of subjects who received an intervention are compared to the group that did not receive it. The differences in recidivism rates are then associated with the intervention.

In theory, the best way to control the impact of other variables is to assign subjects, randomly, to the intervention group and the control group. Random assignment will ensure that characteristics and traits occur randomly in each of the two groups. This will help prevent differences in recidivism rates between the two groups, based on some characteristic or trait.

In practice, recidivism methodologies rarely include random assignment of subjects. Ethical, legal, and public safety concerns usually prevent withholding an intervention (i.e. treatment) for the purposes of research.

Defining comparison groups is another important aspect of defining the population – see Exhibit 1. Comparing recidivism rates of a treatment group to a nontreatment group provides a way to evaluate the effectiveness of the treatment (or rehabilitation program). A detailed understanding of characteristics in both the treatment group and the comparison group are important. This understanding will help ensure differences in recidivism rates between the groups are caused by the treatment instead of other factors.

On large populations, recidivism rates are often calculated for a representative sample.

Statistically, the sample size is determined by population size, the allowable error[3] rate, and the desired confidence level.[4]

Defining the period to be reviewed:

The follow-up period should provide enough time to ascertain the population's propensity to relapse into criminal behavior. The length of time chosen for review should take into consideration the availability of data and the recidivism measures to be used. It should be noted that when using reconviction as a measure, it can take years for a case to make it through the adjudication process. Minimum follow-up periods of at least two years for rearrest and reincarceration and three years for reconviction is desired. Typically, longer follow-up periods are more desirable than shorter follow-up periods.

Defining "relapse into criminal behavior:"

There are three common ways to measure someone's return to criminal behavior (also referred to as "failure"). The three common measures of recidivism are: rearrest, reconviction, and reincarceration. In practice, the availability and reliability of data—as well as the amount of resources available to collect and analyze the data—is important to the decision of what measures to use.

Each of the measures has its advantages and disadvantages. No one measure of recidivism is considered the industry standard. Using multiple measures of recidivism improves the validity of results. Exhibit 2, on the following page, highlights some of the commonly-cited advantages and disadvantages of each measure.

Finding ways to reduce recidivism

Producing recidivism rates for rehabilitation programs is a starting point for finding ways to reduce recidivism. Identifying factors that increase or decrease the likelihood of recidivating is the end goal. With this information, policy-makers and program managers can make program and policy changes that best protect the public and reduce further victimization.

Factors that may impact recidivism rates are often referred to as variables. Variables can be static, not able to be altered (e.g. age at first arrest) or dynamic, which can be changed throughout one's life (e.g. attitude and drug use). There are no absolutes when it comes to finding which variables may impact recidivism. Recidivism analysis involves collecting data for those variables which tend to impact recidivism. Through statistical analysis, as discussed in more detail on the following page, variables are evaluated to determine their significance.

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[3] Allowable error is the maximum percent (acceptable difference) between the true population rate and the sample rate. For example: if the error rate is set at five percent, and the results conclude that 25 percent of the sample has a certain characteristic, it would be acceptable if the actual rate in the population fell between plus/minus five percent (between 20 and 30 percent).

[4] The confidence level is how confident you are the true population rate falls within the acceptable difference (acceptable error rate). A confidence level of 95 percent means for every hundred times a sample was taken from the population, five would produce results that exceeded the allowable error rate.

Variables often found to affect recidivism rates include: race, age, gender, level of education, prior criminal history, and a history of substance abuse. Other variables, such as completion of treatment programs and community supervision, may also impact recidivism rates. Statistical analysis, such as regression analysis, makes it possible to determine to what degree variables predict recidivism.

Exhibit 2

Measure	Advantages	Disadvantages
Rearrest	Rearrest is a better indicator of the offender's conduct than conviction, because plea-bargaining can reduce the severity of the charges to which an offender is ultimately convicted.	Standards for arrest are less rigorous than for conviction. Rearrest may overstate criminal behavior because arrested individuals may be innocent.
Reconviction	Reconviction is a relatively solid measure since it is based on a finding of guilt in court. This measure reduces the possibility of overstating criminal behavior.	Reconviction may understate recidivism, as not all crimes are prosecuted. Further, plea-bargaining can reduce the severity of a charge.
Reincarceration (Remand)	Reincarceration can be useful in studies looking at the costs associated with recidivism, since costs to incarcerate individuals are usually readily available.	An offender may be reincarcerated because of a new crime or for technical violations and incarceration data may not identify this difference. Terms of probation are not the same among offenders so what constitutes a technical violation differs between offenders.

Calculating and interpreting recidivism rates

The most common methods of calculating recidivism rates are gross rates, survival curves, and life tables (hazard rates). Additionally, regression analysis can be used to analyze the degree to which variables impact the likelihood of recidivating.

Gross recidivism rates are calculated by taking the number of people, who recidivated, divided by the total number of the population. Gross rates are simple to calculate and the results are easily understood.

A disadvantage of using gross rates is they do not account for individuals being in the follow-up period for differing lengths of time. Gross rates assume the follow-up period is the same for everyone in the population. If individuals in a population are at risk for differing periods, gross rates do not work well.

A more complex method of calculating recidivism is survival curves and hazard rates. A survival curve is a statistical method that can gauge recidivism for individuals who are at risk of failure for differing periods of time. The survival curve is plotted as a line graph with the vertical axis indicating the percentage of persons that have NOT failed (proportion surviving) and the horizontal axis indicating days since judgment. Each point on the curve indicates the percentage of persons who survived to a specific point in time.

Exhibit 3

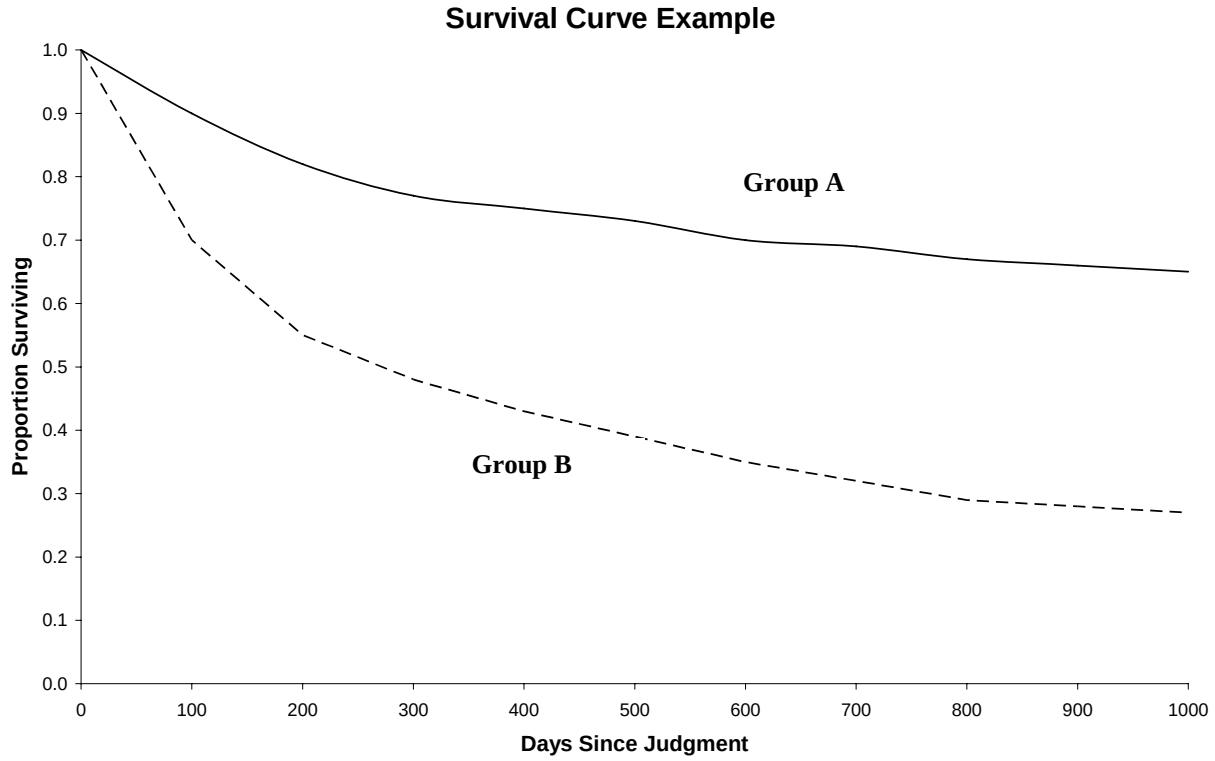


Exhibit 3, above, provides an example of a survival curve for subjects in Group A and for subjects in Group B. Both Group A and Group B have the steepest part of their curves during the first 200 days. This shows that the failure rate is highest during this time. As the rate of failure decreases, survival curves flatten out. The placement of the curve for Group A shows, at all times, a smaller percent of Group A failed when compared to Group B, since the curve for Group A is always higher than the curve for Group B.

Hazard rates are a statistical method used to report instantaneous rates of failure (the opposite of surviving). Hazard rates are often prepared in conjunction with survival curves to further understand the rate of failure during specific spans of time.

Regression is used to identify factors that significantly increase or decrease a person's likelihood of recidivating. Using regression, statisticians can control, through advanced statistical models, the impact of other variables. This allows the statistician to identify the impact of a specific variable.

Survival curves, hazard rates, and regression, are advanced statistical analyses. The application of these techniques requires statistical expertise and specialized statistical software.

Comparing recidivism results to non-Alaska recidivism studies

Few recidivism studies can be directly compared due to variations in study populations and calculation methodologies. Laws governing crimes, sentencing, treatment, incarceration, and community supervision/probation are defined differently by states/counties; thereby, limiting the ability to directly compare recidivism results. Further, variations in calculation methodology (length of follow-up period, recidivism measures, statistical processes) contribute to differences in recidivism rates.

When comparing recidivism rates, it is important to understand the differences between the groups studied. Understanding the differences between the groups will help determine if the method of comparing groups is equivalent to comparing the proverbial apples to apples, apples to slightly different apples, or apples to oranges. If the calculation methodology does not describe the groups in sufficient detail to make this determination, then recidivism results should not be compared.

No comparisons should be made between recidivism studies that are not accompanied by a detailed description of populations studied and the calculation methodology. Comparing recidivism results, without an understanding of the study's design and methodology, could lead to incorrect conclusions. Although direct comparisons between recidivism studies are infrequent and imprudent, due to differences in methodology, general trends can be determined. From these general trends, the extent of recidivism can be understood.

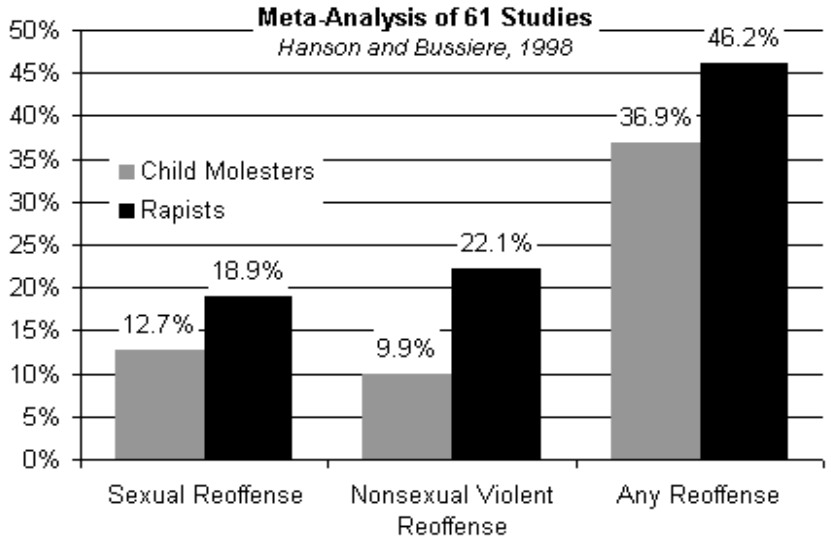
One way to address the variations in recidivism studies and provide a basis for comparing studies is through meta-analysis. Meta-analysis is an advanced, statistical method of estimating the combined effects of various studies that meet certain methodological criteria. The results from numerous studies, with similar methodologies, are statistically analyzed and conclusions are drawn. The Center for Sex Offender Management produced a document entitled *Recidivism of Sex Offenders* which describes the results of a meta-analysis specific to recidivism of sex offenders. Exhibit 4 on page 13 summarizes the results and provides a basis for comparing the results of our study.

Exhibit 4

Center for Sex Offender Management
Summary of Meta-Analysis Studies of Recidivism Rates

Perhaps the greatest advantage of a meta-analysis approach is in determining the relative importance of various factors across studies. Using this technique, one can estimate how strongly certain offender and offense characteristics are related to recidivism because they show up consistently across different studies.

In Hanson and Bussiere's meta-analysis, 61 research studies met the criteria for inclusion, with all utilizing a longitudinal design and a comparison group. Across all studies, the average sex offense recidivism rate (as evidenced by rearrest or reconviction) was 18.9 percent for rapists and 12.7 percent for child molesters over a four to five year period. The rate of recidivism for nonsexual violent offenses was 22.1 percent for rapists and 9.9 percent for child molesters, while the recidivism rate for any reoffense for rapists was 46.2 percent and 36.9 percent for child molesters over a four to five year period. However, as has been noted previously and as these authors warn, one should be cautious in the interpretation of the data as these studies involved a range of methods and follow-up periods.



The 1998 Hanson and Bussiere study grouped characteristics into demographics, criminal lifestyle, sexual criminal history, sexual deviancy, and various clinical characteristics. Regarding demographics, being young and single were consistently found to be related, albeit weakly, to subsequent sexual offending. With regard to sex offense history, sex offenders were *more* likely to recidivate if they had prior sex offenses, male victims, victimized strangers or extra-familial victims, begun sexually offending at an early age, and/or engaged in diverse sex crimes.

The factors that were found to have the strongest relationship with sexual offense recidivism were those in the sexual deviance category: sexual interest in children, deviant sexual preferences, and sexual interest in boys. Failure to complete treatment was also found to be a moderate predictor of sexual recidivism. Having general psychological problems was not related to sexual offense recidivism, but having a personality disorder was related. Being sexually abused as a child was not related to repeat sexual offending.

Source: Center for Sex Offender Management

The methodology for calculating recidivism rates in this report differs from the studies summarized by the meta-analysis, in that this report did not calculate recidivism rates separately for rapists and child molesters. Instead, the review of recidivism used "victim preference" as a variable and found that victim preference did not significantly affect the rate of recidivism. This is markedly different than results summarized by the meta-analysis.

The rates of recidivism for any crime (sexual and nonsexual) were similar when comparing the results of this study of Alaska sex offenders to those identified by the meta-analysis. The rate of rearrest for any crime after five years for Alaska sex offenders was 42 percent. Per the meta-analysis, rate of rearrest for any crime was 46 percent for rapists and 37 percent for child molesters.

The rate of recidivism for sex crimes was much lower for Alaska sex offenders when compared to the meta-analysis. Alaska's rate of rearrest for a sex crime after five years was six percent. This is much lower than the meta-analysis which reported 19 percent for rapists and 13 percent for child molesters. The differences in the recidivism rates may be partially explained by the transient nature of sex offenders included in this study and the lack of out-of-state arrest and conviction data.

Comparing recidivism results to a recent baseline report on recidivism of 1999 Alaska felons

The Judicial Council recently released a report[5] that calculates, in part, recidivism rates for a group of offenders that were charged with a sex offense during 1999. This report provides us a means of comparing the recidivism rates contained in this report to a group of Alaska sex offenders released into the community after 1999. Exhibit 5, below, reports the recidivism rates for the two reports at the end of three years after the sex offenders were released from incarceration.

Exhibit 5 Recidivism Rates at Year 3

Recidivism Measure	Judicial Council	Legislative Audit
Rearrest Any Crime	39%	31%
Reconviction Any Crime	35%	21%
Reconviction Sex Crime	3%	1%

The small population sizes (i.e., 169 for the Judicial Council and 286 for this report) make the recidivism rates susceptible to wide fluctuations when the number of offenders who fail differs by relatively few people. For example, the difference between the Judicial Council and Legislative Audit's rates of reconviction for a sex crime (2 percent) represents a difference of three offenders in the Judicial Council's population.

[5] Alaska Judicial Council Report, *Criminal Recidivism in Alaska January 2007.*

The differences in methodology between the Council's analysis and this report are highlighted in Exhibit 6:

Exhibit 6

Recidivism Components	Judicial Council	Legislative Audit
Populations Studied	161 Alaska offenders charged with a felony sex offense during 1999, subsequently convicted of any misdemeanor or felony charge, and released from custody for at least three years prior to the Council's analysis.	286 Alaska offenders convicted, during the period July 1986 through December 1987 of crimes that required the offender to register as a sex offender.
Recidivism Measures	Four categories: rearrests, reconvictions, reincarceration, and new court cases filed against the offender.	Four categories: rearrest for any crime, rearrest for a sex crime, reconviction, and reconviction for a sex crime.
Time Period Reviewed	Three years from the date an offender was released from custody.	Release from custody following qualifying judgment through March 2006.

Recidivism rates tend to be understated

All recidivism rates tend to be understated since not all crimes are reported; not all reported crimes result in arrest; and, not all arrests result in prosecution. Recidivism rates are also understated due to incomplete criminal history data.

Within Alaska, the State's criminal history database—maintained by the Department of Public Safety (DPS)—is missing an estimated 5 percent of recent criminal history and up to 15 percent of historical criminal history. The missing arrest information is due to local law enforcement agencies failing to report arrest data, correctional facilities failing to report fingerprints and related charge data, and/or the Alaska Court System failing to report court disposition data. Additionally, until recently, a person's criminal history was deleted from the database when DPS became aware that a person had died.

Another factor that causes recidivism rates to be understated is a lack of out-of-state criminal history. Other than the Federal Bureau of Investigation's (FBI) database that links states' criminal history databases, there is no dependable way to find whether a person was arrested, convicted, or incarcerated in another state. The FBI restricts access to this information and rarely makes it available for research purposes. However, when it is made available, the FBI

requires fingerprints as the means of matching a suspect and these fingerprints must be no older than two years. Fingerprints are difficult, if not impossible, to obtain as part of a research project.

Conviction data made available by court systems throughout the country, can be searched; however, the completeness and accuracy of the data has not been established. Further, matching people is difficult since only a few data-fields are available. This requires follow-up with the specific court system to obtain more detailed information to ensure the correct person has been identified.

SUMMARY RECIDIVISM RESULTS

This section of the report summarizes the recidivism rates for a group of sex offenders convicted in Alaska during the mid-1980s. Recidivism rates were calculated at various points during a 15-year, follow-up period.

This section also summarizes the variables found to impact the likelihood of being rearrested or reconvicted, including, whether community supervision or sex offender treatment[6] impact recidivism.

The results, presented below, are summarized from the detailed recidivism report prepared for the Division of Legislative Audit by our contractor, the Urban Institute. The detailed Urban Institute report is included as Appendix A.

Overall recidivism rates and key findings

Exhibit 7, below, provides the recidivism rates for the 286 sex offenders in the research group.

Exhibit 7 Proportion Recidivating by Event Type

	Type of Recidivism Event			
	—— Any Crime ——		—Sex Crime—	
Recidivating within. . .	**Rearrest**	**Reconviction**	**Rearrest**	**Reconviction**
One Year	11.5%	5.6%	1.4%	0.7%
Two Years	23.1%	13.3%	2.1%	1.0%
Three Years	31.1%	20.6%	3.1%	1.0%
Four Years	37.1%	27.3%	3.8%	1.0%
Five Years	41.6%	33.2%	5.9%	1.4%
Ten Years	55.6%	48.6%	12.9%	4.9%
Fifteen Years	60.5%	52.4%	17.8%	10.1%

The key recidivism findings are as follows:

- 60.5 percent of sex offenders were rearrested for any crime within 15 years of their qualifying judgment and 52.4 percent were reconvicted within the same period.

[6] This report analyzes sex offender treatment completed in the community while on probation/parole. The sex offender treatment offenders received while incarcerated was not included in this analysis.

- 17.8 percent of the sex offenders were rearrested for sex[7] crimes within 15 years of their qualifying judgment and 10.1 percent were reconvicted for sex crimes during the same period.
- Recidivism rates report the first instance of a "failure;" however, the information collected during this study can give further insight into the frequency and seriousness of subsequent crimes. Subsequent criminal activity data shows that 33 percent of the reconvicted offenders committed 72 percent of the crimes committed by the group overall.

  - The most common of the 106 subsequent felony convictions were:
    1. Sexual assault – 24 percent
    2. Sexual abuse of a minor – 19 percent
    3. Assault – 10 percent
    4. Dangerous drugs – 7 percent

  - The most common of the 758 subsequent misdemeanor convictions were:
    1. Assault – 22 percent
    2. DWI – 10 percent
    3. Failure to register as a sex offender – 10 percent
    4. Criminal trespass – 9 percent

<u>Key conclusion regarding variables that impact recidivism of Alaska sex offenders</u>

Several variables were analyzed to determine their effect on recidivism. With regard to the impact of community supervision and sex offender treatment, this analysis indicates:

- Completion of sex offender treatment while on community supervision did not impact an offender's likelihood of being rearrested or reconvicted.
- Being on community supervision did not impact an offender's likelihood of being rearrested or reconvicted.
- Sex offenders were *less* likely to be convicted while on community supervision than after they were released from supervision.
- Convictions for sex crimes were rare events and none of the variables reached statistical significance.

Many studies indicate that prior criminal history is a significant variable in predicting recidivism. For this analysis, we were unable to find a reliably complete source of prior criminal history[8].

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[7] Sex crimes are crimes that require the offender register as a sex offender.

[8] The Urban Institute was able to compensate for the missing prior criminal history by using reincarceration as a proxy. This proxy variable improved the stability of the statistical models suggesting that it mitigated the effect of the omitted prior criminal history variable.

Exhibit 8 below identifies variables that have a significant impact on recidivism risk.

Exhibit 8 – Variables Significantly Impacting Recidivism

Variable	Effect on Recidivism Risk	Rearrest Any Crime	Reconviction Any Crime	Rearrest Sex Crime
Older age	Decrease	✓	✓	
Number of times reincarcerated	Increase	✓	✓	
Community supervision revoked or absconded	Increase	✓	✓	✓
Being Alaska Native or American Indian	Increase	✓	✓	
Having at least a high school education	Decrease	✓	✓	
Having more than a high school education	Decrease			✓
Number of years incarcerated for the qualifying crime	Increase	✓	✓	✓
Time incarcerated during the follow-up period	Decrease	✓	✓	✓

Analysis of recidivism rates

The 17.8 percent rate of rearrest for a sex crime at the end of 15 years was lower than we expected, based on results of other sex offender studies. The 17.8 percent rate is understated because it does not include all out-of-state arrests and convictions. Approximately 21 percent of the sex offenders included in the study had no subsequent, in-state arrests/convictions and were identified as likely living outside the state. Attempts to search national databases for these individuals found criminal activity for only seven offenders.[9] Not having access to out-of-state arrests/convictions may materially understate the recidivism rates included in this report.

The Department of Law's database, used to track criminal cases, was searched to identify in-state arrests that were missing from the Department of Public Safety's database.

[9] The search of national databases indicated that some offenders appeared to have reoffended out-of-state. However, the reliability and completeness of the national databases could not be ascertained. Consequently, these out-of-state reoffenses were not included in the recidivism rates in this report.

Approximately 90 in-state arrests were found. Although it is impossible to ensure that all missing in-state arrests/convictions were identified, the Department of Law's database helped reduce the impact of missing in-state criminal history.

Another factor that understates recidivism was identified while collecting probation/parole data. In at least three instances, offenders recommitted sex crimes but were not prosecuted. Subsequent sex crimes were treated as violations of their probation/parole. In response to the violation, offenders' suspended time for their previous sex crime was reinstated and/or probation/parole was revoked. This observation was supported by the Urban Institute's conclusion that sex offenders are *less* likely to be convicted while on community supervision.

The Department of Law's, Criminal Division stated that procedures have changed regarding how sex offenses are treated. With sufficient evidence, the department will pursue prosecution of sex crimes regardless of whether a sex offender is on community supervision.

DETAILED RECIDIVISM RESULTS

Recidivism was calculated and analyzed using three distinct methods: gross recidivism rates; survival curves and hazard rates; and, regression analysis. The Summary Recidivism Results section of this report presents the gross recidivism rates – no additional discussion is necessary in this section. The detailed results from the survival analysis and hazard rates and the regression analysis, presented in this section, were taken from the more detailed Urban Institute report included as Appendix A.

Survival Curves and Hazard Rates

Survival analysis[10] takes into consideration the varying opportunity to reoffend (the longer that offenders are in the community the greater the opportunity for reoffense). It yields survival curves; whereby, groups can be compared for survival over time even though each subject in the group has a different opportunity to reoffend. The survival curves for each of the four measures of recidivism are plotted in Exhibit 9, on the following page.

Exhibit 9 shows that the rearrest and reconviction survival curves are approximately parallel. The sex crime rearrest and sex crime reconviction survival curves are similar but much flatter, indicating that "failures" related to sex crimes were much less common than other types of recidivism. The rearrest survival curve is steepest during the first 400 days, indicating that the rate for rearrest peaks during this time span.

Hazard rates, instantaneous rates of failure, support the conclusions drawn from the survival analysis. The hazard rate for arrest for any crime peaks between 30 and 90 days after release into the community. It declines significantly and levels off in months six through 12 and remains steady throughout the remainder of the first ten years of release. The hazard rate drops, by half, during years 11 through 15. The Urban Institute report, in Appendix A, provides hazard rates for each of the four measures of recidivism.

Regression Analysis

Regression analysis was used to determine whether specific variables contributed to an increased or decreased likelihood of recidivating. Identifying significant[11] variables is important in understanding program outcomes and in making changes to improve sex offender management.

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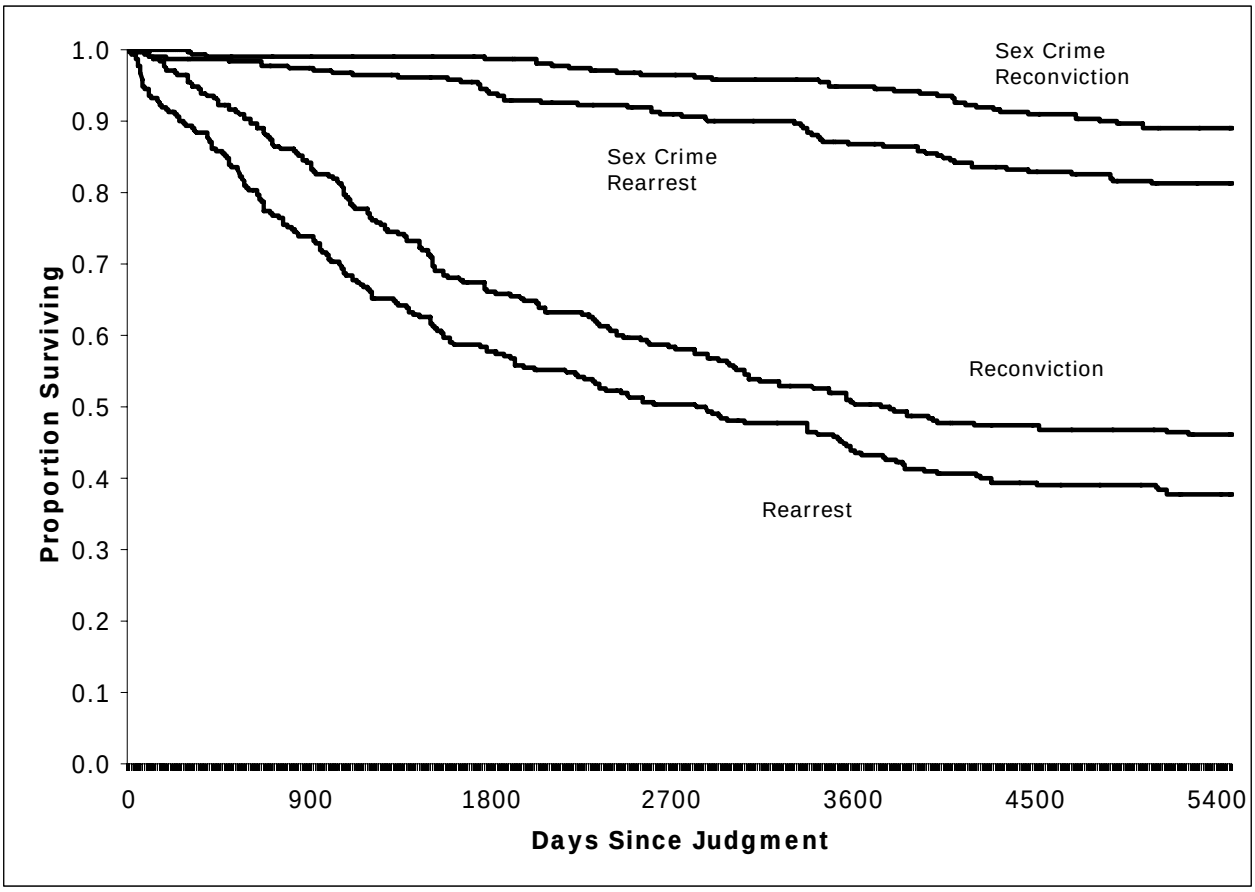
[10] The Kaplan-Meier method was used to estimate the survival time of subjects.

[11] The term "statistically significant" refers to whether the magnitude of the change in recidivism rates that is attributed to a specific variable or combination of variables, exceeds a predefined threshold. For the purposes of this study, the threshold for statistical significance is two standard deviations.

Exhibit 9 Fifteen-Year Survival Plot by Recidivism Type



A reliable complete source of prior criminal history, a variable often found to be a significant predictor of recidivism, was unavailable. To compensate for the lack of prior criminal history, the Urban Institute used the number of times reincarcerated, a variable closely correlated to prior criminal history.

Several variables were examined using regression to determine whether they significantly increased or decreased an offender's likelihood of being rearrested for any type of crime.

The following variables were found to be significant predicators of rearrest for any crime:

Significant Variables – Rearrest for Any Crime

- Sex offenders whose community supervision was revoked, or who absconded from supervision, were 2.7 times *more* likely to be rearrested. This parameter is somewhat difficult to interpret, since in some cases the arrest may have been used to justify the revocation.
- Age was also significant and in the expected direction. For each additional year of age at the origin, offenders were 4 percent *less* likely to be rearrested.

- The number of reincarcerations during follow-up was also significant; each additional reincarceration increased rearrest risk by 3 percent.
- Alaska Natives/American Indians were 2.2 times *more* likely to be rearrested than non-Alaska Natives/American Indians.
- Offenders who completed high school (or better) were approximately 40 percent *less* likely to be rearrested than those sex offenders who did not complete high school.
- Offenders were 36 percent *less* likely to be rearrested, with each additional year offenders spent incarcerated during the follow-up period.
- Offenders were 9 percent *more* likely to be rearrested, with each additional year offenders spent incarcerated for their qualifying crime. The results make sense, since riskier offenders tend to be sentenced to longer periods of incarceration.

Neither community supervision nor completion of sex offender treatment[12] were found to significantly impact the risk of rearrest.

Significant Variables – Rearrest for a Sex[13] Crime

- Sex offenders whose community supervision was revoked, or who absconded from supervision, were 2.6 times *more* likely to be rearrested.
- Offenders who completed more than high school were approximately 75 percent *less* likely to be rearrested than those sex offenders who did not complete high school.
- Offenders were 26 percent *less* likely to be rearrested, with each additional year offenders spent incarcerated during the follow-up period.
- Offenders were 11 percent *more* likely to be rearrested, with each additional year offenders spent incarcerated for their qualifying crime.

Neither community supervision nor completion of sex offender treatment were found to significantly impact the risk of rearrest. Additionally, offenders who victimized minors were *not significantly more* likely to be rearrested for a sex crime after controlling for the other factors.

Significant Variables – Reconviction for Any Crime and for a Sex Crime

With one exception, the significant variables for conviction for any crime are identical to those of the arrest model. The exception is that sex offenders were significantly *less* likely to be convicted while on community supervision, even after controlling for the fact that some subjects had their community supervision revoked.

Convictions for sex crimes were rare events. None of the variables reached statistical significance.

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[12] This report analyzes sex offender treatment completed in the community while on probation/parole. The sex offender treatment offenders received while incarcerated was not included in this analysis.
[13] Sex crime is any crime that requires the offender to register as a sex offender.

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DESCRIPTIVE STATISTICS

Exhibit 10, on the following page, provides descriptive statistics on the study group. The sex offenders were overwhelmingly male (98 percent). Approximately half (52 percent) were white and 40 percent were Alaska Natives or American Indians. The sex offenders were somewhat evenly divided between: those who did not complete high school (32 percent); those who just completed high school or an equivalency exam (36 percent); and, those who had some education/training beyond high school (32 percent). Nearly 72 percent victimized a minor, according to their qualifying judgment.

At the beginning of the follow-up period,[14] sex offenders ranged in ages from 19 to 77, with an average age of 36. Nearly 73 percent successfully completed the term of community supervision they received in connection with their qualifying conviction.[15] Approximately, 21 percent of sex offenders had their community supervision revoked or absconded. Only one-in-four completed sex offender treatment during the follow-up period; and, those who did so, took an average of 2.7 years (1,001 days) to complete.

The sex offenders were reincarcerated an average of five times and spent an average of 95 days incarcerated during the follow-up period. Offenders were rearrested an average of 8.5 years later. The follow-up period was an average of 15 years.

[14] Follow-up periods, for each subject, starts the day they reenter the community after incarceration for the qualifying offense and runs through March 31, 2006.

[15] Subjects were coded as completing successfully if they were in the community (i.e., not incarcerated) at the conclusion of their term. Successful completion does not imply that the subjects abstained from offending or technical violations throughout their term.

Exhibit 10 – Analysis Sample Measures and Descriptive Statistics

Race	
Alaska Native/American Indian	40.2%
White	52.1%
Other	7.7%
Education	
Less than 12th grade	31.9%
12th grade or GED	35.8%
More than 12th grade	32.3%
Gender	
Male	97.9%
Female	2.1%
Sex Offender Treatment	
Completed	25.3%
Not completed	74.7%
Community Supervision Status	
Never on supervision	2.5%
Successfully completed	72.7%
Still on supervision	2.1%
Offender died	1.8%
Offender Absconded	1.8%
Revocation	19.2%
Victim in qualifying crime	
Minor victim	71.7%
Adult victim	28.3%
Average Age	36 yrs

	In days
Average time spent in custody	
Until first rearrest or end of follow-up	95
Until first sex offense rearrest or end of follow-up	436
Until first reconviction or end of the follow-up	168
Until first reconviction for sex offense or end of the follow-up	492
Average time spent on community supervision	
Until first rearrest or end of follow-up	1073
Until first sex offense rearrest or end of follow-up	1380
Until first reconviction or end of the follow-up	1179
Until first reconviction for sex offense or end of the follow-up	1406
Average days to complete sex offender treatment	1001
Average number of remand to custody during the follow-up period	5

OVERVIEW OF SEX OFFENDERS MANAGEMENT

Community Supervision

Community supervision refers to the supervision of offenders who have been released from incarceration into the community on either parole or probation.[16] The process of supervising offenders is essentially the same whether they are on parole or probation. Offenders on community supervision are required to adhere to general requirements and special requirements. General requirements are applicable to all offenders on parole/probation and special requirements are tailored to an individual's perceived management/habilitation needs. Examples of general requirements include not possessing firearms and not fraternizing with known felons. Examples of special requirements include attending sex offender and/or substance abuse treatment and not consuming alcohol or drugs.

The Department of Corrections (DOC) employs probation specialists, also called probation officers, to supervise offenders in the community. Initially, probation officers assess offenders to determine their management risk which guides how often, and to what extent, probation officers will meet/supervise the offender. High-risk offenders meet more often with, and have more home visits by, probation officers than low-risk offenders.

Community supervision of Alaska sex offenders

Sex offenders have unique management needs because sex offenders' behavior, and assault cycle, do not resemble those of a "traditional" criminal. Where possible, supervision is centralized to probation officers that deal exclusively with sex offenders.[17] Probation officers that specialize in managing sex offenders, typically have smaller caseloads than other probation officers because supervision of sex offenders involves more face-to-face meetings, more home visits, and more collateral contacts than supervision of a traditional criminal.

For purposes of supervising offenders in the community, DOC treats any person with a history of sex offenses as a sex offender, regardless of whether the person is on community supervision for a sex offense. For example, if John Doe was convicted for a sex crime in 1987, served his time and supervision requirements and then later was convicted of bank robbery, he will be treated as a sex offender while on probation/parole for the bank robbery conviction.

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[16] Not all sex offenders are required to serve time in an institution. A sex offender may be sentenced to no time served or time already served but still be required to be supervised in the community for a period of time.

[17] It is only possible to segregate supervision in urban locations where there are high numbers of sex offenders on supervision in the community.

Of the total offenders released from incarceration during FY 06, 771 offenders were at some point in their life, convicted of a sex offense. Of the 771 offenders, 268 offenders were released after serving time for a sex-related offense.

Because offenders previously convicted of a sex offense, are treated as sex offenders for supervision purposes, all 771 offenders that were required to be supervised in the community will be treated as sex offenders.

As of January 2006, there were approximately 934 sex offenders being supervised in the community by DOC's probation officers. Exhibit 11 summarizes the number and location.[18]

Exhibit 11

Sex Offenders on Supervision in Alaska By Location As of January 2006	
Anchorage	370
Barrow	3
Bethel	104
Dillingham	8
Fairbanks	79
Juneau	60
Kenai	43
Ketchikan	31
Kodiak	11
Kotzebue	14
Nome	20
Palmer	58
Sitka	13
DOC Institutions[13]	120
Total	934
Source: Department of Corrections	

Generally, sex offender treatment is required of all sex offenders on community supervision. Sex offenders are required to reside in an area where treatment is available – sex offender treatment is only available in urban areas. If treatment services are not immediately available, an offender is placed on a waitlist. Offenders are permitted to move into rural areas while waiting for treatment services to become available.

History of sex offender treatment in Alaska

From the late-1970s through the late-1980s, sex offender treatment was mainly provided through correctional facility programs. Correctional facilities located in Juneau, Fairbanks, and Anchorage had sex offender treatment programs. Upon release, treatment in the community was made available for those offenders that had participated in the institutional programs. Community treatment was limited, an hour per week of group treatment.

From 1989 through 1992, DOC worked to reengineer the program. National experts were brought in to evaluate the program and make recommendations for improvement. Based on these recommendations: a process by which DOC approved sex offender providers was implemented; training for both providers and probation officers was provided; and, standard operating procedures—related to the management of sex offenders—were created for probation officers. Additionally, traditional psychotherapy was replaced with cognitive

[18] Exhibit 11 represents the number of offenders that are supervised by probation officers in the specific location. It is common for locations such as Bethel and Fairbanks to supervise offenders that live in outlying communities.
[19] This number represents the offenders on community supervision that have been reincarcerated but have not had their probation/parole revoked.

behavior treatment as the primary means of treating sex offenders. The institutional program, at the Fairbanks correctional facility, was eliminated. The decision to eliminate the program was based on the fact that the facility mainly served as a pretrial facility. Offenders did not stay long enough to progress through treatment.

From 1992 through 2002, Anchorage's Hiland Mountain correctional facility was the primary institutional sex offender treatment program and was equipped with 200 beds. A smaller sex offender treatment program operated at the Lemon Creek correctional facility in Juneau. The Lemon Creek program was more of a pretreatment program that screened offenders for placement in the Hiland Mountain program. The Hiland Mountain program was moved to Meadow Creek and the bed capacity declining to 70 beds. Annual budget cuts to sex offender treatment caused programmatic and service cutbacks. Institutional sex offender treatment was eliminated in FY 03.

DOC's new sex offender management program

DOC is implementing a new program for managing sex offenders while on community supervision. The new program is referred to as the "containment model." The intent of the program is that—through a combined team effort of probation officers, treatment professionals, and polygraph examiners,[20]—offenders are held accountable for their actions and supervision and treatment is more effective. The primary goal of the model is victim and public safety. It employs polygraph testing to help team members managing offenders obtain an honest and complete accounting of past sexual crimes and victims, current thoughts, and behaviors.

DOC is in the early stages of implementing the program which is set to begin July 1, 2007. Challenges to the program's implementation include a lack of sex offender treatment providers and a lack of qualified polygraph examiners. Efforts are currently underway to address both of these challenges.

National trends in sex offender management

Sex offender management has been a focus of policy-makers around the nation. Below, are trends in sex offender management as identified by the Center for Sex Offender Management.[21]

Lifetime supervision: Lifetime supervision is a form of sex offender management that has been implemented in a number of states. Lifetime supervision provides for ongoing community supervision of offenders, convicted of certain sex crimes, throughout the course

[20] Senate bill 218, passed in 2006, mandated longer sentences for sex offender crimes and the use of polygraph for sex offenders while under probation or parole.

[21] The trends noted in this report were taken from two documents published by the Center for Sex Offender Management titled *Community Supervision of the Sex Offender: An Overview of Current and Promising Practices* and *An Overview of Sex Offender Management*.

of their life. The rationale for lifetime supervision is based on several assumptions, including:

- Sex offending can be a life-long, chronic pattern of abusive behavior;
- Sex offenders often can control sex offending behavior, but do not always voluntarily choose to;
- Lengthy probation or parole terms allow supervising officers to respond diligently to offender risks and needs; and
- It is wiser to decrease probation terms, as offenders progress, rather than lack the ability to increase them when more supervision and surveillance is necessary.

Proponents of lifetime supervision assert that sex offending is multigenerational in nature and future victimization may be avoided through extended surveillance and treatment. Such close supervision and surveillance may also improve the supervision officers' ability to prevent or detect changes in offenders' behavior patterns, crossover to other types of sex offending, lifestyle changes, or a shift to a new victim group.

Post-conviction polygraph exams: Post-conviction polygraph examinations are increasingly used as a mechanism to assist in managing sex offenders more safely and effectively in their communities. When an offender is engaging in noncompliant behavior, a polygraph test may reveal information that can lead the supervising officer to revise the case plan and/or take other action to prevent relapse and encourage success.

Re-entry initiatives: Special consideration of how to transition sex offenders back into the community safely is critical. Since sex offenders often commit their crimes in secrecy and isolation, ensuring that they are employed in appropriate settings, housed appropriately, receiving specialized treatment, and are working toward developing pro-social, supportive relationships may be key to interrupting their cycle of sexually abusive behavior. Criminal justice, treatment, and victim advocacy agencies must make a concerted effort to develop release plans and community supports that balance issues associated with the offender's successful reintegration with the public's safety.

Civil Commitment: Sixteen states have enacted what are termed "sexually violent predator" or "civil commitment" statutes. These statutes allow state authorities to hold a sex offender after his/her criminal sentence has expired if he/she is deemed too dangerous to be released. Civil commitment statutes mandate that these individuals be confined to a treatment facility until such time that they are assessed to have benefited enough from treatment and no longer pose an imminent risk to the community.

APPENDIX

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RESEARCH REPORT December 2006

Recidivism in a Conviction Cohort of Alaska Sex Offenders

Mark Coggeshall

research for safer communities

URBAN INSTITUTE
Justice Policy Center

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CHAPTER 1.
Introduction

The Alaska Division of Legislative Audit (DLA) contracted with the Urban Institute (UI) Justice Policy Center for technical consultation on a study of recidivism among persons who were convicted of an offense requiring them to register as a sex offender (henceforth, a sex offense registry [SOR] offense). UI provided the DLA with three services: (1) development of a Microsoft Access database application to assist DLA staff with data collection; (2) technical assistance regarding the structure and coding of the data files during the data collection period; and (3) data analysis and reportage. This report summarizes the data analysis performed by UI.

The study was conceived to examine several questions:

1. First, what are the patterns of recidivism (i.e., arrests and convictions for new offenses) among sex offenders?
2. Second, what socio-demographic factors are related to recidivism among sex offenders?
3. Third, is the risk of recidivism greater or lower while sex offenders are on community supervision (i.e., probation or parole)?
4. Fourth, is the risk of recidivism greater or lower before the offenders complete the course of sex offender treatment required as a special condition of community supervision?

The study was conceived and conducted retrospectively and has only one group. That is, all subjects received 'treatment as usual' meaning that, depending on the seriousness of their qualifying sex offense, they were sentenced to incarceration, probation, or both and to a course of sex offender treatment. An experimental study of the behavior of sex offenders (or any other category of serious offenders) under community supervision would raise serious objections on grounds of both justice and public safety. Research questions such as those posed by this study are often examined using quasi-experimental designs in which subjects are assigned to one of two or more study conditions in a non-random fashion. A quasi-experimental study, with an appropriate set of independent measures to adjust for the non-random assignment process, would have supported stronger conclusions about the third and fourth research questions than the present one-group study. However, there was no opportunity to conduct a *retrospective* quasi-experimental study, so the one-group design was chosen.

The limitations of the design require caveats for interpreting the findings relevant to the third and fourth research questions. Subjects are more likely to

have been on community supervision early in the follow-up period than late in the follow-up period because community supervision almost always begins immediately upon release. Moreover, the risk of arrest is not constant over time and peaks within the first 30 to 180 days after release into the community. Recidivism is, therefore, somewhat more likely to occur during periods of community supervision for these reasons regardless of whether the scrutiny and restrictions that accompany probation and parole deter offending. Consequently, the third research question about failure under supervision is *not* tantamount to an examination of whether community supervision prevents recidivism (e.g., by deterring misbehavior). A study of that question would require two equivalent groups of subjects, with only one group being placed under community supervision.

For similar reasons, the fourth research question should *not* be interpreted to ask whether sex offender treatment is effective at reducing recidivism. A study of the effectiveness of the treatment would require a two-group design with treatment withheld (at least temporarily) from one group of subjects. In the present study, treatment was a requirement of community supervision for nearly all of the subjects, and most of them probably received at least some of the treatment. Information about the amount of treatment received was not available, however.

Study subjects included all persons convicted in Alaska during an 18-month period during the 1980s of an offense requiring registration as a sex offender. All data collection was performed by DLA auditors using automated and non-automated administrative records data on dates of arrests and convictions (from the Department of Public Safety), dates of incarceration and community supervision (from the Department of Corrections), and convictions in other states (from the Department of Law). The follow-up period for each subject spanned from the date of first release into the community following the qualifying conviction through March 2006. For more than half of the subjects, the follow-up period spanned more than 15 years.

With these limitations in mind, we found that new arrests and convictions for SOR offenses are relatively rare even in this sample of sex offenders. Sixty-one percent of the subjects were rearrested within 15 years and 52 percent were reconvicted within the same period. Eighteen percent of the subjects were arrested on a new SOR charge within 15 years, and 10 percent were convicted of an SOR offense in the same period. Age and educational attainment emerged as the socio-demographic factors most related to recidivism risk with older and better educated subjects being less likely to fail. We were unable to test the effect of gender on recidivism, however, as there were only six female subjects in the sample. We found no evidence that completing sex offender treatment was related recidivism risk.

Community supervision may improve public safety by one of two means: Deterrence or incapacitation. Persons on community supervision are aware that they are under heightened supervision and are, therefore, more likely to be

punished for any new crimes they commit. Moreover, the punishment is more likely to be delivered quickly since community supervision allows offenders to be reincarcerated with fewer of the due process safeguards afforded to persons who are not on probation or parole. The increased certainty and celerity of punishment may combine to deter new offending. Incapacitation works more simply: Offenders under community supervision may be reincarcerated, thereby denying them the opportunity to victimize the public.

Our analysis showed mixed evidence of a deterrent effect from community supervision. Subjects were no more or less likely to be rearrested while on community supervision, but they were less likely to be convicted on supervision. As we discuss in greater detail in the conclusion of this report, this pattern of findings is difficult to interpret. Our findings on incapacitation were clearer: We estimated the effect of incarceration during the follow-up period separately from the effect of the subjects' supervision status and found that each day subjects spent in custody reduced their risk of both arrest and conviction.

Aside from the one-group design, the greatest weakness of the study is that, due to the inaccuracy and incompleteness of the records from prior to the cohort period, no criminal history data were collected for the subjects. This means that the study lacks a key control variable, which probably biased the parameter estimates in the inferential models estimated to address the third and fourth research questions. There is no satisfactory means for detecting, or correcting for, omitted variable bias in a study of this type. In an effort to address this concern, we added to our inferential models a count of the number of remands to incarceration each subject experienced during the follow-up period. We created this variable as a proxy measure of criminal propensity, a construct that should be highly correlated with criminal history. The addition of this count variable improved the stability of the model estimates, suggesting that it mitigated the omitted variable problem. Replicating the study with criminal history measures available, however, would significantly increase the confidence that can be placed in the results of the inferential analysis.

The remainder of this report is organized as follows: Chapter 2 describes the sample characteristics, data collection, and analytic approach, Chapter 3 reports the findings in detail, and Chapter 4 places the findings in context and states the conclusions of the study.

CHAPTER 2.
Methods

This chapter summarizes the sampling plan, analysis plan, data processing, sample attrition, and provides descriptive statistics on the key measures used in the analysis. All data processing and analysis was performed using software developed by the SAS Institute (http://www.sas.com). Unless otherwise noted, all statistical significance testing was conducted using two-tailed tests at the 95% confidence level ($\alpha = .05$).

All persons ($n = 310$) convicted in the state of Alaska of an offense requiring them to register as a sex offender during the cohort period, July 1, 1986 through December 31, 1987, were included in the study. DLA auditors collected all study data retrospectively from official records sources. For each subject, a combination of probation and court records was used to gather information on the start and end dates of terms of probation, the socio-demographics of these persons, as well as the status (i.e., minor or adult) of the victim of their qualifying offense. The dates of all periods of reincarceration, both remands and new sentences, during the follow-up period were collected from the automated data system maintained by the Department of Corrections (DOC). Periods of time subjects were confined to halfway houses were coded as periods of incarceration. This reflects the substantial constraints on liberty imposed on residents of halfway houses in Alaska.

Arrest and conviction dates were obtained from an automated data system maintained by the Department of Public Safety (DPS). As a check on the completeness of the DPS data, DLA auditors searched a database maintained by the Alaska Department of Law (DOL). This search identified several dozen arrest records that were not reflected in the DPS data, leading DLA auditors to conclude that the DPS data system was missing information on approximately 5 percent of recent arrests in the state and on approximately 15 percent of Alaska arrests from the late 1980s and early 1990s. DLA auditors also searched criminal history databases maintained by entities other than the state of Alaska in an effort to identify arrests and convictions that may have taken place in other states. Collectively, the searches of the DOL and out-of-state databases yielded information about 12 convictions and 92 arrests of study subjects in six states, but 90 of these arrests and convictions were from the state of Alaska. In short, although a significant effort was made to identify study subjects who reoffended outside of Alaska, only 14 subjects were found to have an arrest or conviction outside Alaska. By the end of the data collection period, DLA auditors were reasonably satisfied with the completeness of the conviction data but believed that

some number of arrests remained unaccounted for in the data. This implies that the rates of rearrest in this report are somewhat attenuated.

Criminal history measures (e.g., arrests and convictions prior to the conviction that qualified each subject for the study) were not collected for the study. The cohort period is one of the earliest periods for which comprehensive criminal records data are available from DOC and DPS data systems. The criminal history records available from the period prior to the cohort period were found to be incomplete and inaccurate and so were not coded during the data collection phase. Since criminal history is among the most potent predictors of recidivism, this raises the possibility that the parameter estimates from the inferential analysis may be biased by the omitted variable. That is, some of the variance in the outcome variables (i.e., the recidivism measures) that would have been explained by criminal history, were it included in the model, will instead be explained by the other independent variables in the model (e.g., the socio-demographics, supervision status, and sex offender treatment status) altering the parameters associated with those variables and attributing greater statistical significance to them than they would have had if criminal history had been controlled.

We attempted to mitigate this problem by including a count of the number of remands to incarceration each subject experienced during the follow-up period to our inferential models. We created the count of remands as a proxy measure of criminal propensity, a construct that should be highly correlated with criminal history. We found that models without the count of remands were not converging and we obtained some estimates that were not consistent with expectations.[1] The addition of the count of remands alleviated these problems, suggesting that the new variable ameliorated the difficulties presented by the absence of criminal history measures. We cannot be certain, however, that the substantive interpretation of the models would remain unchanged if measures of criminal history were included.

SUBJECT ATTRITION

Subject attrition was minimal. Of the 310 subjects originally identified as eligible for the study, 12 were subsequently determined to be ineligible because they were never released from incarceration after their qualifying conviction (n = 4), they served their probation term for the qualifying conviction prior to the follow-up period (n = 7), or because we discovered they were not convicted of an SOR offense during the cohort period (n = 1). An additional 12 of the remaining 298 subjects were lost to the analysis because their probation records could not be located even though court records indicated that they were sentenced to probation. Setting aside the 12 ineligible subjects, this left us with a subject attrition rate of 4

[1] For example, in some of the models without the count of remands, age was positively correlated with recidivism risk. Based on our familiarity with other recidivism studies, we expected age to be inversely correlated with recidivism risk (i.e., older subjects are less likely to reoffend).

percent (i.e., 12 of 298) and an analysis sample of 286 subjects. Thirteen of the 286 subjects were missing information about whether they successfully completed sex offender treatment during the follow-up period, and additional seven subjects were excluded because they were missing information about their educational attainment. We used *t*-tests to contrast the excluded (n = 20) and included (n = 266) subjects on the other time-constant explanatory variables used in the inferential analysis (e.g., age, race, preference for minor victims, time spent in custody, and time spent on supervision). The comparisons showed that the included subjects were similar to the excluded subjects except that the excluded subjects spent significantly less time on supervision prior to: (a) their first arrest for a new sex offense and (b) their first conviction for a new sex offense. This suggests that the excluded subjects may have been at somewhat lower risk for recidivism than the other subjects with more complete data.

STUDY DESIGN AND KEY MEASURES

The study was designed and conducted retrospectively as a one-group design, which limits the inferences that can be drawn. On the other hand, it is difficult to see how to design a two-group experimental or quasi-experimental study of the effectiveness of community supervision as a deterrent to recidivism that could meet the objections of justice and public safety. For example, if the treatment group subjects are under community supervision but the comparison subjects are simply released, have the treatment subjects been unjustly punished or the comparison subjects unjustly rewarded? If offenders are supervised in the community at least in part to safeguard public safety, is public safety jeopardized by the comparison subjects?

The key variables of interest, probation status and completion of sex offender treatment, were measured as time-dependent covariates. The start and end dates of terms of incarceration and community supervision were recorded and used in the data analysis. Similarly, the date on which sex offender treatment was completed was also recorded.

For the 279 subjects who were sentenced to community supervision in connection with their qualifying conviction, we treated the first day of community of supervision following the qualifying conviction as the beginning of the follow-up period (i.e., the origin date). For the remaining seven subjects, who were released into the community following their qualifying conviction, the disposition date of their qualifying conviction was treated as the origin date.

For most of the subjects, the follow-up period ended on March 16, 2006. Thirty-one subjects died, absconded, or otherwise left the sample prior to that date, however, so their follow-up periods were truncated to the last known date spent in the sample (e.g., date of death, date they were recognized as having absconded).

We developed four measures of recidivism from the data:

1. Time (in days) to first new arrest;

2. Time (in days) to first new SOR arrest;
3. Time (in days) to first new conviction; and
4. Time (in days) to first new SOR conviction.

Subjects who did not experience a recidivism event (i.e., an arrest or conviction) during the follow-up period, were treated as right-censored observations. That is, for such subjects the measures of time to recidivism were set equal to the length of the follow-up period, and a separate dummy variable[2] was set to indicate that they had not recidivated during the follow-up period.

We constructed the duration measures to indicate the timing of arrests and convictions for offenses committed *after* the origin date. We were concerned that, in some cases, the first conviction date might precede the first arrest date and that, in such cases, the conviction may have been in connection with an offense committed prior to the origin date. To avoid capturing such convictions as recidivism events, we required that the first arrest must precede the first conviction and the first SOR arrest must precede the first SOR conviction.

ANALYTIC OVERVIEW

In addition to a descriptive analysis of the data, we also estimated regression models of each of the four recidivism measures. Community supervision status (i.e., under supervision or not) and sex offender treatment completion status (i.e., completed or not) were included as time-dependent covariates in all of these models. Seven of the subjects were rearrested while incarcerated during the follow-up period, probably while they were residing in a halfway house. The manner in which the data were coded admits no distinction between periods of incarceration and periods spent in a halfway house. Consequently, we estimated our models under the assumption that subjects were continuously at risk of both rearrest and reconviction during the follow-up period.

DESCRIPTION OF SUBJECTS

Table 1 provides basic descriptive statistics on the analysis sample. The subjects were overwhelmingly male (98%). Approximately half (52%) of the subjects were white and 40 percent were Alaska Natives or American Indians. The subjects were approximately evenly divided between those who did not complete high school (32%), those who just completed high school or an equivalency exam (36%), and those had some schooling beyond high school (32%). At the beginning of the follow-up period, subjects ranged in age from 19 to 77 with a mean of 36 and a median of 35. Nearly 73 percent of the subjects successfully completed the term of community supervision they received in

[2] A dummy variable is a variable that is set equal to one (1) to indicate that a condition is true and zero (0) to indicate it is false.

connection with their qualifying conviction.[3] Approximately, 21 percent of subjects had their community supervision revoked or absconded. All but two of the subjects were convicted of a forcible sex offense (i.e., a rape or lesser sexual assault) to qualify for the sample, and nearly 73 percent victimized a minor. Only one in four of the subjects completed sex offender treatment during the follow-up period and, those who did so took an average of 1,000 days to complete.

Most of the subjects (62%) were rearrested during the follow-up period, but only 19 percent were rearrested in connection with an SOR offense. Similarly, most subjects (54%) were reconvicted during the follow-up period, but only 10 percent were convicted of a new SOR offense. On average, the subjects spent 2,995 days in the community (i.e., not incarcerated) during the follow-up period prior to their first arrest (if any). Subjects also spent an average of 1,073 days on community supervision prior to their first arrest (if any).[4]

[3] Subjects were coded as completing successfully if they were in the community (i.e., not incarcerated) at the conclusion of their term. Successful completion does not imply that the subjects abstained from offending or technical violations throughout their term.

[4] This includes time spent remanded to incarceration while serving a term of community supervision.

Table 1. Analysis Sample Measures and Descriptive Statistics (n = 286)

Variable	Label	Percentage or Mean, se	
Attributes			
RACE	Race/ethnicity	Alaska Native/ American Ind.	40.2%
		White	52.1%
		Other	7.7%
EDUC	Educational attainment (n = 279)	< 12th grade	31.9%
		12th grade/GED	35.8%
		> 12th grade	32.3%
PROBEDTYPE	Circumstances ending term of community supervision	Never on supervision	2.5%
		Successful completion	72.7%
		On supervision at end of follow-up	2.1%
		Subject died	1.8%
		Absconded	1.8%
		Revocation	19.2%
MALE	Biological sex	Male	97.9%
		Female	2.1%
AGE	Integer age (in years) at beginning of follow-up period (i.e., origin date)	N	286
		Mean	36.14
		StdErr	0.64
MINORVIC	Victim of qualifying offense was a minor? (1 = yes; 0 = no)	Yes	71.7%
		No	28.3%
TXCOMPLETED	Completed sex offender treatment? (1 = yes; 0 = no)	Yes	25.3%
		No	74.7%
TIMETXCOMP	Time (in days) to complete sex offender treatment	N	69
		Mean	1000.52
		StdErr	83.51
LENFUP	Length (in days) of follow-up period	N	286
		Mean	5485.58
		StdErr	88.77
TINCUSTFIRSTARST	Time (in days) during follow-up spent in custody until first arrest or end of follow-up	N	286
		Mean	94.72
		StdErr	14.60
TONSUPRVFIRSTARST	Time (in days) on community supervision until first arrest or end of follow-up	N	286
		Mean	1072.73
		StdErr	42.80
TINCUSTFIRSTSOARST	Time (in days) during follow-up spent in custody until first SOR arrest or end of follow-up	N	286
		Mean	436.30
		StdErr	54.24
TONSUPRVFIRSTSOARST	Time (in days) on community supervision until first SOR arrest or end of follow-up	N	286
		Mean	1380.06
		StdErr	45.38
TINCUSTFIRSTCONV	Time (in days) during follow-up spent in custody until first conviction or end of follow-up	N	286
		Mean	168.33
		StdErr	20.43
TONSUPRVFIRSTCONV	Time (in days) on community supervision until first conviction or end of follow-up	N	286
		Mean	1179.32
		StdErr	42.01
TINCUSTFIRSTSOCONV	Time (in days) during follow-up spent in custody until first SOR conviction or end of follow-up	N	286
		Mean	491.65
		StdErr	55.26
TONSUPRVFIRSTSOCONV	Time (in days) on community supervision until first SOR conviction or end of follow-up	N	286
		Mean	1406.04
		StdErr	45.27
NUMREMANDS	Number of remands to custody during the follow-up period	N	286
		Mean	4.99
		StdErr	0.49

Outcomes			
FIRSTARSTCEN	Is duration until first arrest censored? (1 = yes; 0 = no)	Yes	38.1%
		No	61.9%
FIRSTSOARSTCEN	Is duration until first SOR arrest censored? (1 = yes; 0 = no)	Yes	81.5%
		No	18.5%
FIRSTCONVCEN	Is duration until first conviction censored? (1 = yes; 0 = no)	Yes	46.2%
		No	53.8%
FIRSTSOCONVCEN	Is duration until first SOR conviction censored? (1 = yes; 0 = no)	Yes	89.9%
		No	10.1%
TFIRSTARST	Time (in days) until first arrest or end of follow-up period	N	286
		Mean	3090.13
		StdErr	143.72
TFIRSTSOARST	Time (in days) until first SOR arrest or end of follow-up period	N	286
		Mean	5165.40
		StdErr	105.52
TFIRSTCONV	Time (in days) until first conviction or end of follow-up period	N	286
		Mean	3545.90
		StdErr	88.77
TFIRSTSOCONV	Time (in days) until first SOR conviction or end of follow-up period	N	0.00
		Mean	0.00
		StdErr	0.00

CHAPTER 3.
Results

The analysis proceeded in two stages. During the first stage, we used Kaplan-Meier and life table methods to examine the duration outcome variables.[5] This stage yielded non-parametric estimates of the survival curves and of the hazard rates over specified intervals. In the second and final stage, we estimated semi-parametric survival Cox regression models to assess the effect of several time-dependent and time-constant covariates on recidivism risk.[6]

Before beginning the inferential modeling, we estimated the proportion of subjects who recidivated during the 15 years following their origin dates (see Table 2). This analysis showed that 12 percent of the subjects were arrested within one year and 6 percent were convicted within the same period. SOR failures were much rarer: Only 1 percent was arrested and convicted on a new sex offense within the first year. After five years, 42 percent had been arrested and 33 percent had been convicted. Six percent of the subjects were arrested on a new SOR offense and 1.4 percent was convicted of a new SOR offense within five years. The proportions from Table 2 are depicted graphically in Figure 1.

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[5] The Kaplan-Meier and life table methods are non-parametric approaches to the analysis of duration data. Non-parametric methods do not require the analyst to make assumptions about the distribution of the outcome of interest, recidivism, in our case. This is advantageous since, if such an assumption is required, the validity of the results is conditional on the appropriateness of the assumption. Our application of these methods is purely descriptive; we do not use them as a foundation for hypothesis testing. For each observed failure time, *k*, the Kaplan-Meier method yields an estimate of the probability that a subject from the sample would survive to time *k* with appropriate adjustments for any subjects whose follow-up period was censored (i.e., their follow-up period ended before they were observed to recidivate) at a time prior to *k*. Unlike the Kaplan-Meier method, which uses the observed event times to establish the boundaries for the intervals, the life table method permits the analyst to establish arbitrary boundaries. Survival estimates are then computed at the midpoint of each boundary under the assumption that the distribution of censored observations is uniform over the interval (Allison, 1995). In exchange for this assumption, the life table method permits the computation of hazard rates (i.e., instantaneous failure rates) at the midpoint of each interval. We chose to use the Kaplan-Meier estimates as the basis for survival curves and the life table method to estimate hazard rates.

[6] Cox regression is a widely used framework for estimating inferential models of duration data (i.e., models where the outcome is the length of time until some event occurred). It is widely used because of its flexibility, being readily adaptable to handle time-dependent covariates (i.e., independent variables with values that vary, within subjects, over the course of the follow-up period) and periods where subjects are not at risk of an event. Cox regression is characterized as a semi-parametric procedure because it assumes a constant hazard for subjects with a value of zero on all of the covariates (Allison, 1995). This turns out to be weak assumption, however, since there need not be any subjects fitting that description.

NON-PARAMETRIC DURATION MODELS

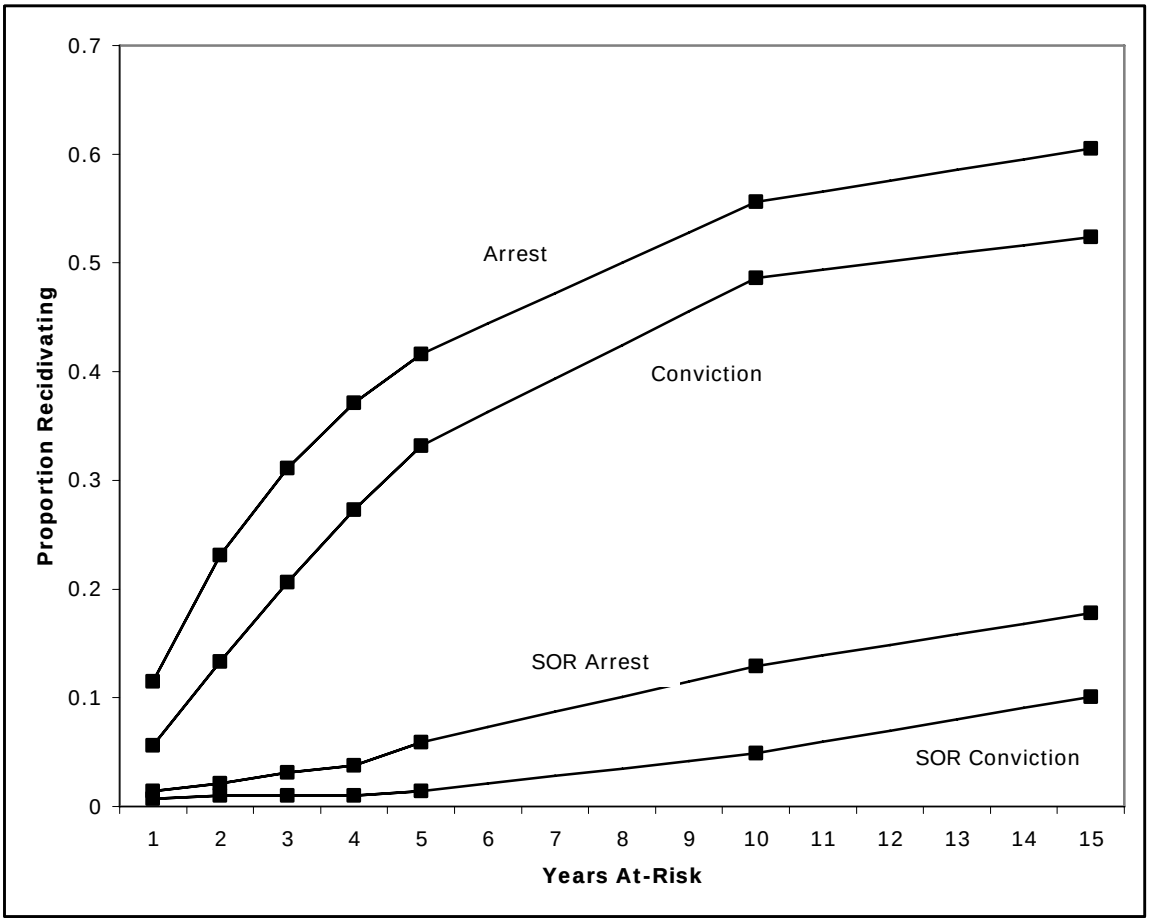
Next, we switched our focus to duration outcome measures. We used non-parametric Kaplan-Meier methods to examine the survival times of the subjects and life table methods to estimate hazard rates over specified intervals.

Table 2. Proportion Recidivating by Event Type

		Type of Recidivism Event			
Recidivating within. . .		Arrest	SOR Arrest	Conviction	SOR Conviction
One Year	Proportion	0.115	0.014	0.056	0.007
	Effective N	283	283	283	283
Two Years	Proportion	0.231	0.021	0.133	0.01
	Effective N	282	282	282	282
Three Years	Proportion	0.311	0.031	0.206	0.01
	Effective N	281	280	281	280
Four Years	Proportion	0.371	0.038	0.273	0.01
	Effective N	280	278	280	278
Five Years	Proportion	0.416	0.059	0.332	0.014
	Effective N	280	278	280	278
Ten Years	Proportion	0.556	0.129	0.486	0.049
	Effective N	275	270	274	270
Fifteen Years	Proportion	0.605	0.178	0.524	0.101
	Effective N	244	206	237	202

Note: Effective N indicates the number of subjects who had previously failed or were followed through the end of the indicated follow-up period. All proportions are stated in terms of the full sample of 286 subjects.

Figure 1. Proportion Recidivating by Event Type



We examined the time elapsed between release to the community following the qualifying conviction and each of the four types of recidivism events and estimated failure times at the 25th and 50th percentiles for arrest and conviction (see Table 3).[7] The estimates show that half of the subjects were expected to be arrested within 7.7 years (i.e., 2,819 days) and convicted within 10.2 years (i.e., 3,739 days). Note, however, that the 95% confidence intervals surrounding these estimates are 4.4 years and 9.0 years wide for arrest and conviction, respectively. The confidence interval around the median arrest time spans from 5.4 (i.e., 1,966 days) and 9.8 years (i.e., 3,588 days).

[7] The 25th percentile failure time is the length of time during which 25 percent of the subjects observed to fail (i.e., either be arrested or convicted). Similarly, the 50th percentile failure time is the length of time during which half of the subjects failed. It was not possible to estimate 25th and 50th percentile failure times for the SOR recidivism events because fewer than 25 percent of the subjects experienced SOR failures during the follow-up period.

Table 3. Kaplan-Meier Estimates of Median Time to Recidivism

Recidivism Event	Percentile	Estimate	95% Confidence Interval Lower Limit	Upper Limit
Arrest	50	2,819	1,966	3,588
	25	820	647	1,058
Conviction	50	3,739	3,008	6,285
	25	1,280	1,086	1,527

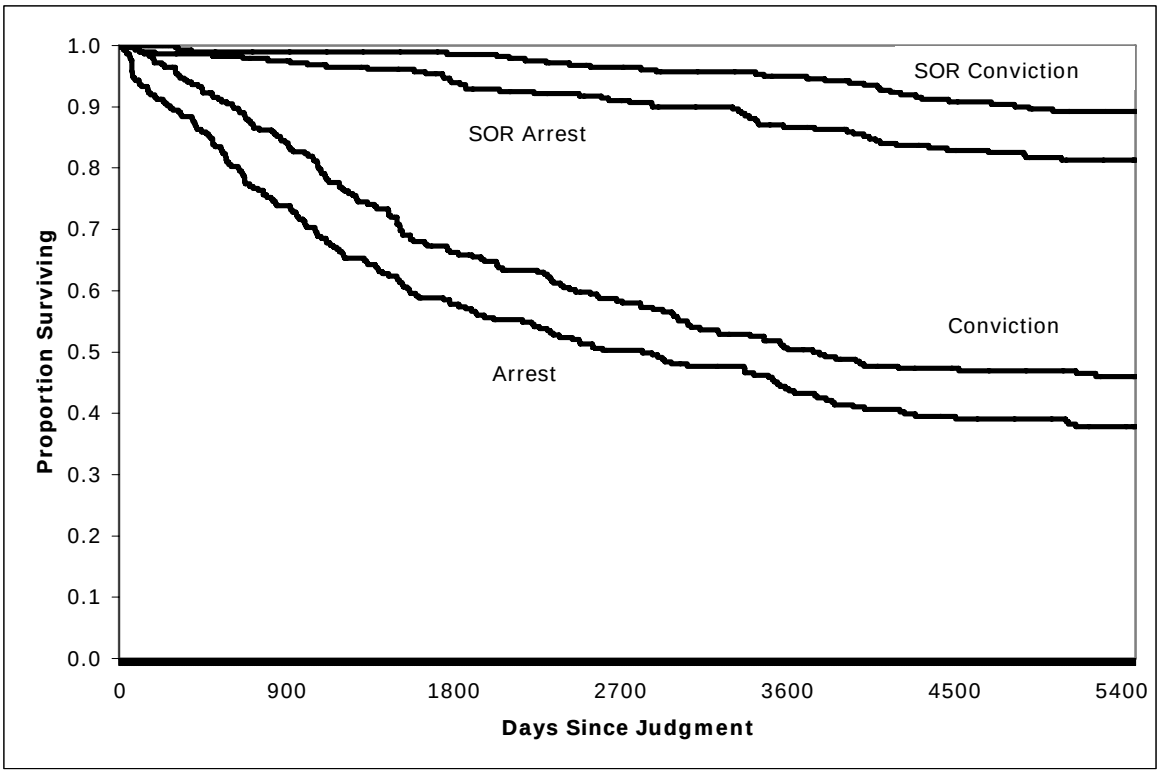
Note: Fewer than 25 percent of the subjects were arrested or convicted of a new SOR offense, precluding estimation for those outcomes. All estimates are in days.

Figure 2 depicts cumulative proportion of subjects who had not recidivated plotted over the first 15 years of the follow-up period. The figure shows that the arrest and conviction survival curves are approximately parallel. The SOR arrest and SOR conviction survival curves are similarly parallel but much flatter, indicating that, as illustrated by Table 2, SOR failures were much less common than other types of recidivism. The arrest survival curve is steepest during the first 200 days, indicating that the hazard rate (i.e., the instantaneous rate of failure) for arrest peaks during this time span.

To confirm this interpretation of the figure, we also used life-table methods to estimate the hazard rate for each type of recidivism event.[8] We estimated hazard rates for days 1-30, 31-90, 91-180, 181-365, 366-730, 731-1096, 1097-1460, 1461-1825, 1826-3660, and 3661-5475.[9] The results, which are estimated at the midpoint of each interval, are shown in Table 4.

[8] The drawback to life-table methods, in contrast to Kaplan-Meier methods, is that the life-table method requires that the hazard rate be estimated over arbitrarily selected intervals with the consequence that the results are necessarily conditional on the choice of intervals (Allison, 1995).
[9] The number of days in each successive interval grows larger from one interval to the next to compensate for the diminishing number of subjects surviving to each successive interval. The data would not support estimation of reasonably robust hazard rates over narrow intervals near the end of the follow-up period.

Figure 2. Fifteen-Year Survival Plot by Recidivism Type



The hazard rate for arrest peaks between 30 and 90 days after release into the community at 0.00085. This value indicates that if there were 100,000 subjects, we would expect 85 of them to fail each day, on average, during the second and third months after release. The arrest hazard declines after the 90th day, and it is significantly lower in months 6 through 12 than during months 2 and 3. From its level during months 6 through 12, the hazard remains mostly steady through the remainder of the first 10 years of release. The hazard drops again, however, during years 11 through15 when it is only approximately half as great as during years 6 through 10. The hazard rate for SOR arrest seems to evince a different pattern, changing very little over the course of the 15-year follow-up. It is difficult to interpret these estimates confidently, however, because SOR arrests were rare in this sample. In fact, none of the subjects experienced a new SOR arrest between day 31 and 90, making it impossible to estimate the hazard rate over this interval. This is the same interval in which the arrest hazard rate peaked.

The conviction hazard rate follows a pattern quite distinct from the arrest hazard. None of the subject was convicted during the first 30 days. After that point, the conviction hazard begins to rise and reaches its peak of approximately 24 or 25 failures per 100,000 per day after about 18 months. It holds steady at that level through the remainder of the first five years, then begins to drop and reaches a level of approximately 5 failures per 100,000 per day during years 11 through

15. SOR convictions are too rare in a sample of this size to support meaningful estimation of the hazard rate.

Table 4. Hazard Rates by Type of Recidivism

Recidivism	Interval Limits			Hazard	95% Confidence Intvl.	
Event	Lower	Midpoint	Upper	Rate	Lower Limit	Upper Limit
Arrest	0	15.5	30	0.00023	0.00000	0.00054
	31	61	90	0.00085	0.00040	0.00129
	91	136	180	0.00029	0.00008	0.00051
	181	273.5	365	0.00021	0.00008	0.00034
	366	548.5	730	0.00039	0.00026	0.00052
	731	913.5	1095	0.00031	0.00018	0.00043
	1096	1278.5	1460	0.00025	0.00013	0.00038
	1461	1643.5	1825	0.00021	0.00010	0.00033
	1826	2743	3659	0.00016	0.00011	0.00021
	3660	4568	5475	0.00008	0.00004	0.00013
SOR Arrest	0	15.5	30	0.00011	0.00000	0.00034
	31	61	90	0.00000	.	.
	91	136	180	0.00008	0.00000	0.00019
	181	273.5	365	0.00002	0.00000	0.00006
	366	548.5	730	0.00002	0.00000	0.00005
	731	913.5	1095	0.00003	0.00000	0.00006
	1096	1278.5	1460	0.00002	0.00000	0.00005
	1461	1643.5	1825	0.00006	0.00001	0.00011
	1826	2743	3659	0.00004	0.00002	0.00006
	3660	4568	5475	0.00004	0.00002	0.00006
Conviction	0	15.5	30	0.00000	.	.
	31	61	90	0.00012	0.00000	0.00028
	91	136	180	0.00016	0.00000	0.00031
	181	273.5	365	0.00020	0.00008	0.00032
	366	548.5	730	0.00024	0.00014	0.00033
	731	913.5	1095	0.00025	0.00014	0.00035
	1096	1278.5	1460	0.00025	0.00014	0.00036
	1461	1643.5	1825	0.00024	0.00013	0.00036
	1826	2743	3659	0.00015	0.00011	0.00019
	3660	4568	5475	0.00005	0.00002	0.00009
SOR Conviction	0	15.5	30	0.00000	.	.
	31	61	90	0.00000	.	.
	91	136	180	0.00000	.	.
	181	273.5	365	0.00004	0.00000	0.00009
	366	548.5	730	0.00001	0.00000	0.00003
	731	913.5	1095	0.00000	.	.
	1096	1278.5	1460	0.00000	.	.
	1461	1643.5	1825	0.00001	0.00000	0.00003
	1826	2743	3659	0.00002	0.00001	0.00003
	3660	4568	5475	0.00004	0.00002	0.00006

SEMI-PARAMETRIC DURATION MODELS

Two of the research questions of interest in this study were concerned with the effect of community supervision and sex offender treatment on recidivism. To examine these questions, we estimated semi-parametric Cox regression models of each of the four types of recidivism (i.e., arrest, SOR arrest, conviction, and SOR

conviction).[10] Each of these regression models included two time-dependent variables and several time-constant covariates to serve as controls. The first time-dependent variable, ONPROBATION, was coded as a dummy variable set equal to 1 at times when the subject was on community supervision and 0 otherwise. The coefficient on this variable, which was computed by the software during model estimation, indicates whether subjects were more or less likely to recidivate while on community supervision net of the other factors in the model. The second time-dependent variable, SOTXCOMP, was also coded as a dummy variable equal to 1 at times when the subject had completed sex offender treatment and 0 otherwise. The coefficient on this variable indicates whether subjects were more likely to recidivate before or after completing the treatment program.

The several time-constant covariates included in these models included:

- INCUSTODY: The number of years the subject spent incarcerated between the origin date and the recidivism date (or the end of the follow-up period in the case of censored observations).
- MINORVIC: A dummy variable coded to 1 if the subject's qualifying conviction had involved a minor as a victim.
- REVOCABSCOD: A dummy variable coded to 1 if the subject's term of community supervision following the qualifying offense ended in revocation or absconding.
- AGE: Subject's age at the origin date.
- AKNATIVE: A dummy variable equal to 1 for subjects whose race was Alaska Native or American Indian.
- WHITE: A dummy variable equal to 1 for subjects whose race was white.[11]
- JUSTHS: A dummy variable equal to 1 for subjects who completed grade 12 or a high school equivalency.
- MOREHS: A dummy variable equal to 1 for subjects who had some post-secondary education or technical training.[12]
- ORIGIN: The origin date (i.e., the first day of the follow-up period) for each subject coded as the number of years elapsed since the start of the cohort period (i.e., July 1, 1986).[13]

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[10] Cox regression models are sensitive to 'ties' (i.e., subjects who fail after identical periods of time). For these models, we specified the 'exact' method for handling the few ties observed in the sample. This is the most computationally intensive method, but it yields more efficient estimates than the other procedures for handling ties available in the SAS software (Allison, 1995).

[11] A third race/ethnicity dummy variable representing 'other' subjects (i.e., those coded as black, Asian, Hispanic, and multi-racial) was omitted to serve as the reference group for the two included race dummies. This means that the parameter estimates associated with the two included race dummies should be interpreted relative to the omitted reference group.

[12] A third education dummy variable representing subjects who did not complete high school was omitted to serve as the reference group for the two included education dummies. This means that the parameter estimates associated with the two included education dummies should be interpreted relative to the omitted reference group.

[13] We were concerned that the origin date may be 'informative' (i.e., correlated with recidivism risk), in contradiction to the assumptions underlying the model. For most subjects, the origin date

- NUMREMANDS: The number of times the subject was remanded during the follow-up period, including any remands experienced *after* the subject recidivated.[14]

We attempted to include the MALE dummy variable in the models to control for gender, but we removed this term because there was too little variance. Only six of the subjects in the analysis sample were female. Two were rearrested but neither arrest was for an SOR offense. One of the females was reconvicted but, again, not for an SOR offense. Including MALE in the models lead to convergence problems, so we removed it.[15]

Variable	Parameter Estimate	Standard Error	Hazard Ratio	Wald Chi-Square	P(>Chi-Square)
OnProbation	-0.0368	0.2383	0.96	0.02	0.8772
SoTxComp	0.0618	0.2562	1.06	0.06	0.8093
InCustody	-0.4432	0.1438	0.64	9.49	0.0021
MinorVic	-0.0853	0.1799	0.92	0.22	0.6353
RevocAbscod	1.0044	0.2382	2.73	17.77	<.0001
Age	-0.0370	0.0099	0.96	14.08	0.0002
AkNative	0.8082	0.3507	2.24	5.31	0.0212
White	0.0551	0.3570	1.06	0.02	0.8774
JustHS	-0.5263	0.1900	0.59	7.67	0.0056
MoreHS	-0.5385	0.2089	0.58	6.64	0.0100
Origin	0.0892	0.0330	1.09	7.32	0.0068
NumRemands	0.0336	0.0086	1.03	15.34	<.0001

Note: OnProbation and SoTxComp are time-dependent covariates indicating whether the subject was on probation and whether the subject had completed sex offender treatment, respectively.

Table 5. Cox Regression Model of Time to Arrest

For each model, we include five estimates: the parameter estimate and its standard error, the hazard ratio, the Wald chi-square value of the parameter estimate, and the probability of observing a greater chi-square value if the parameter estimate were actually equal to zero. Of these estimates, the most easily interpretable is the hazard ratio. The hazard ratio is equal to the hazard rate for a hypothetical subject with a value of k on the variable divided by the hazard rate for a hypothetical subject with a value of $k - 1$ on the variable after controlling for

was the first day of community supervision following the qualifying conviction. Since subjects with lengthier criminal histories or more serious qualifying offenses were likely to receive and serve longer prison terms, they would have had later origin dates, on average, than lower risk subjects. Following the suggestion of Allison (1995), we included the origin as a covariate in the models to control for the possibility that the entry times might be informative.

[14] Some reviewers may object that it is inappropriate to include information (e.g., number of remands) about the subjects from after the recidivism events being modeled. We included the count of remands in the model to serve as a proxy for criminal history, and we decided that the need to control for that missing variable outweighed the convention that the information expressed in the model covariates should be restricted to information available at the time the outcome variable was observed.

[15] Twenty of the 286 subjects were excluded from the Cox regression models due to missing data. Our examination of the excluded subjects suggests that they were similar to the included subjects on nearly all of the other explanatory variables used in the Cox regression analysis (see the discussion of "Subject Attrition" in Chapter 2).

the other variables in the model.[16] We report the value of the parameter estimates and their standard errors because the sign of the parameter estimate shows the direction of the relationship between the variable and outcome. A positive parameter estimate indicates a direct relationship (i.e., greater values of the variable are associated with greater recidivism risk) while a negative parameter estimate indicates an inverse relationship (i.e., greater values of the variable are associated with lower recidivism risk).

The model of arrest failures (see Table 5) indicated that neither community supervision nor completion of sex offender treatment significantly affected the subjects' risk of arrest. Several of the other variables in the model were statistically significant, however. Subjects whose community supervision was revoked or who absconded from supervision were 2.7 times more likely to be rearrested. This parameter is somewhat difficult to interpret, however, since in some cases the arrest may have been used to justify the revocation. Age was also significant and in the expected direction: For each additional year of age at the origin, subjects were 4 percent less likely to be arrested. The number of remands during follow-up was also significant with each additional remand increasing arrest risk by 3 percent.

Race and educational attainment were also statistically significant. Alaska Natives in this cohort were 2.2 times more likely to be arrested than subjects included in the 'other' race/ethnicity category (i.e., those coded as black, Asian, Hispanic, or multi-racial). The arrest risk among subjects who completed high school (or better) was approximately 60 percent as great as the arrest risk among subjects who did not complete high school.

Both the INCUSTODY and ORIGIN parameters were statistically significant. The negative INCUSTODY parameter indicates that for each additional year subjects spent incarcerated during the follow-up period, they were 36 percent *less* likely to be arrested. Of course, subjects who are remanded to custody for many days are likely to be at greater risk for recidivism, but, the model suggests, this effect is more than offset by the fact that incarceration reduces opportunities to recidivate. Similarly, the positive ORIGIN parameter indicates that for each additional year elapsed between the start of the cohort period and the origin date, subjects were nine percent *more* likely to be arrested. The direction of this effect is consistent with our concern that riskier subjects tended to have later origin dates.

Overall, the model of arrests for SOR offenses yields similar inferences (see Table 6). Neither community supervision status (i.e., ONPROBATION) nor completion of sex offender treatment (i.e., SOTXCOMP) significantly affects risk of arrest for an SOR offense. Subjects whose community supervision was revoked or who absconded from supervision were significantly more likely to be

[16] One implication of this is that hazard ratios associated with continuous measures (e.g., ONPROBATION, AGE, ORIGIN, NUMREMANDS) may be approximately equal to 1 and still be statistically significant. By contrast, binary variables (e.g., AKNATIVE, MOREHS) must have hazard ratios appreciably different from 1 if they are statistically significant.

rearrested for an SOR offense. Once again, however, some of the revocations may have followed from the SOR arrests. Neither age nor the race dummies were significant in this model. Subjects who victimized minors were not significantly more likely to be rearrested on an SOR offense after controlling for the other factors in the model. The number of remands approached, but did not cross, the threshold of statistical significance. One of the educational attainment dummies (MOREHS) reached significance indicating that, after controlling for the other terms in the model, subjects with more than a high school education were only 25 percent as likely to be rearrested for an SOR offense as subjects who had not completed high school. Once again, the parameter estimate for INCUSTODY was significant and negative and the estimate for ORIGIN was significant and positive. Each additional year subjects spent incarcerated reduced their risk of SOR arrest by 26 percent. Subjects who entered the risk pool later (e.g., because they were incarcerated in response to their qualifying conviction) were at greater risk of SOR arrest. For each additional year that elapsed between the beginning of the cohort period and a subject's return to the community (i.e., entry to the risk pool), risk of SOR arrest was increased by 11 percent. In other words, subjects who served longer prison terms for their qualifying convictions were at greater risk of arrest, and SOR arrest, during the follow-up period.

With one exception the inferences from the model of conviction are identical to those of the arrest model. The exception is that subjects were significantly less likely to be convicted while on community supervision, even after controlling for the fact that some subjects had their community supervision revoked.

Table 6. Cox Regression Model of Time to SOR Arrest

Variable	Parameter Estimate	Standard Error	Hazard Ratio	Wald Chi-Square	P(>Chi-Square)
OnProbation	0.1148	0.4169	1.12	0.08	0.7830
SoTxComp	0.0198	0.4399	1.02	0.00	0.9641
InCustody	-0.3061	0.1080	0.74	8.03	0.0046
MinorVic	0.4052	0.3326	1.50	1.48	0.2230
RevocAbscod	0.9482	0.3757	2.58	6.37	0.0116
Age	-0.0254	0.0169	0.98	2.27	0.1323
AkNative	1.2065	0.7335	3.34	2.71	0.1000
White	-0.7738	0.8134	0.46	0.91	0.3414
JustHS	-0.4715	0.3181	0.62	2.20	0.1383
MoreHS	-1.3808	0.5103	0.25	7.32	0.0068
Origin	0.1066	0.0708	1.11	2.27	0.1322
NumRemands	0.0319	0.0163	1.03	3.82	0.0505

Note: OnProbation and SoTxComp are time-dependent covariates indicating whether the subject was on probation and whether the subject had completed sex offender treatment, respectively.

As noted previously, SOR convictions were rare events in this sample despite the long follow-up period. None of the terms in the model of SOR conviction reached statistical significance, including those terms (e.g., INCUSTODY and ORIGIN) that were significant in each of the other models (see Table 8).

As noted in Chapter 1, one of the functions of community supervision is to make it possible to reincarcerate an offender expeditiously in response to

technical violations. One of the purposes of these remands to incarceration is to safeguard public safety by denying the offender the opportunity to commit a more serious offense. In these models, we have, arguably, separated this remand component of community supervision from the fact of being on community supervision by including both the ONPROBATION and INCUSTODY terms in the models. To examine whether this modeling decision might be preventing the ONPROBATION term from reaching statistical significance, we re-estimated each of the four models without the INCUSTODY term. The significance of the ONPROBATION term remained unchanged in all four models.

KEY FINDINGS

- Less than one-third of the sex offenders who were rearrested within 15 years were arrested for a new SOR offense. Less than one-fifth of the sex offenders who were reconvicted within 15 years were convicted of a new sex offense.
- We found no evidence that completion of the sex offender treatment program required as a condition of community supervision was related to recidivism risk.
- We found no relationship between supervision status (i.e., on supervision or not) and risk of arrest, but we did find that subjects were less likely to be convicted, on average, while on supervision than off supervision.

Variable	Parameter Estimate	Standard Error	Hazard Ratio	Wald Chi-Square	P(>Chi-Square)
OnProbation	-0.5057	0.2202	0.60	5.28	0.0216
SoTxComp	-0.1847	0.2783	0.83	0.44	0.5069
InCustody	-0.2428	0.1099	0.78	4.88	0.0272
MinorVic	-0.0153	0.1948	0.99	0.01	0.9376
RevocAbscod	0.5863	0.2492	1.80	5.54	0.0186
Age	-0.0459	0.0107	0.96	18.50	<.0001
AkNative	0.6295	0.3739	1.88	2.83	0.0922
White	-0.1325	0.3821	0.88	0.12	0.7289
JustHS	-0.4570	0.2060	0.63	4.92	0.0265
MoreHS	-0.6092	0.2371	0.54	6.60	0.0102
Origin	0.0969	0.0411	1.10	5.57	0.0183
NumRemands	0.0399	0.0093	1.04	18.20	<.0001

Note: OnProbation and SoTxComp are time-dependent covariates indicating whether the subject was on probation and whether the subject had completed sex offender treatment, respectively.

Table 7. Cox Regression Model of Time to Conviction

Table 8. Cox Regression Model of Time to SOR Conviction

Variable	Parameter Estimate	Standard Error	Hazard Ratio	Wald Chi-Square	P(>Chi-Square)
OnProbation	-0.4892	0.7991	0.61	0.37	0.5404
SoTxComp	-1.2120	0.7558	0.30	2.57	0.1088
InCustody	-0.0240	0.0815	0.98	0.09	0.7679
MinorVic	0.2980	0.4392	1.35	0.46	0.4974
RevocAbscod	0.6205	0.4752	1.86	1.70	0.1917
Age	-0.0101	0.0209	0.99	0.23	0.6302
AkNative	1.5930	1.0356	4.92	2.37	0.1240
White	-0.2810	1.1353	0.76	0.06	0.8045
JustHS	-0.0997	0.4244	0.91	0.06	0.8142
MoreHS	-1.0047	0.6716	0.37	2.24	0.1347
Origin	0.0375	0.1016	1.04	0.14	0.7121
NumRemands	-0.0194	0.0254	0.98	0.59	0.4440

Note: OnProbation and SoTxComp are time-dependent covariates indicating whether the subject was on probation and whether the subject had completed sex offender treatment, respectively.

CHAPTER 4.
Discussion & Conclusion

This study was undertaken to: (1) explore descriptively the recidivism behavior of a conviction cohort of Alaska sex offenders, and (2) examine whether these offenders are more or less likely to recidivate while on community supervision and before or after completing sex offender treatment. With respect to the descriptive analysis of the sample, we found that 98 percent of the subjects were male, and nearly all qualified for the sample by being convicted of sexual assaults or rape. Subjects were remanded to incarceration an average of five times during the course of the follow-up period, which, on average, was approximately 15 years in length. Subjects spent an average of 95 days incarcerated between the start of the follow-up period and their first arrest, which occurred an average of 8.5 years later. Overall, 12 percent of the subjects were rearrested and 6 percent were convicted within the first year of the follow-up period. Only about 1.5 percent were arrested on a new SOR offense during the first year of follow-up, and 0.7 percent were convicted of a new SOR offense within the first year. After 15 years of follow-up, 61 percent had been rearrested and 52 percent had been reconvicted. New sex offenses remained relatively rare, however, with 18 percent arrested on an SOR charge and 10 percent convicted on an SOR charge within 15 years.

With respect to the questions about sex offender treatment and community supervision status, we found clear answers that must be regarded as less than conclusive due to the limitations of the study data. Specifically, we found that subjects' recidivism risk did not significantly change after they completed sex offender treatment. This was true in our models of all four types of recidivism events (i.e., arrest, SOR arrest, conviction, and SOR conviction).

We also found that subjects were no more or less likely to be arrested while on community supervision, but they were less likely to be convicted on supervision. This pattern of findings is difficult to interpret. The hypothesis underlying the research question is that the scrutiny and restriction of liberty that come with community supervision prevent recidivism through deterrence (i.e., increasing the certainty and swiftness of punishment) or incapacitation (i.e, by reducing opportunities to offend). If that hypothesis were correct, we would expect the effect of supervision status to be at least as strong for arrest as for conviction.

The findings about the effect of sex offender treatment and community supervision on recidivism should be viewed with some skepticism. These findings may be misleading due to the fact that criminal history measures were unavailable to the study. The research literature on recidivism clearly shows that criminal

history is among the best predictors of recidivism. To omit criminal history from a study of recidivism raises the possibility that the parameter estimates of our Cox regression models were biased (i.e., inflated or deflated) by the omission. No established methodology or statistical wizardry has been shown to correct for this problem. We attempted to address the omitted criminal history variable by including in the models a count of the number of times each subject was remanded to incarceration during the follow-up period. We think that this variable should be a suitable proxy measure of criminal propensity, a concept that is also reflected in criminal history. However, we have no means of ascertaining whether, or to what extent, the count of remands addressed the omitted variable problem. Some doubt must remain, therefore, about whether the parameter estimates are substantively biased.

If a study like this one were to be repeated, several changes in the study design should be considered. First, the cohort period should be moved closer to the present so that reliable, automated criminal history data will be available for at least five years prior to the origin date. This change would address the concern about omitted variable bias in the present study at the cost of shortening the follow-up period. Second, redefine the cohort selection criteria so that the origin date is noninformative (i.e., unrelated to recidivism risk). One way to do this would be to study a cohort of persons beginning terms of community supervision during a specified period of time rather than using a conviction cohort as the present study did. Third, if it is important to be able to model SOR recidivism events, which are rare as this study showed, a larger sample will be required. One way to increase the sample would be to widen the period of time from which the cohort is drawn. That has the drawback of raising concerns about whether offenders entering at the beginning of a long cohort period are different from those entering at the end (e.g., because of changes to the case processing regime during the cohort period). An alternative approach would be to broaden the subject selection criteria to include both sex offenders and non-sex offenders. This would increase the sample size, permit an examination of sex offense recidivism committed by persons whose qualifying offense was *not* a sex offense, and support an examination of whether sex offenders ‘specialize’ in committing offenses of that type.

References

Allison, Paul D. 1995. *Survival Analysis Using SAS: A Practical Guide*. Cary, NC: SAS Press.

STATE OF ALASKA

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April 5, 2007

RECEIVED
APR 0 9 2007
LEGISLATIVE AUDIT

Legislative Budget and Audit Committee
Division of Legislative Audit
P.O. Box 113300
Juneau, AK 99811-3300

Dear Pat Davidson:

Thank you for the opportunity to respond to the preliminary audit reports on:

Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Overview of Current Practices, February 23, 2007

Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Recidivism Rates for the Alcohol Safety Action Program, March 13, 2007

Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Recidivism Rates for Alaska Sex Offenders, March 8, 2007

The Department of Law understands that these audits have not been approved, as of yet, by the Budget and Audit Committee, that they are not final and as such are confidential. The Department of Law views all measures of how well it is conducting its responsibility to protect the public as an important and worthwhile undertaking, and thanks you for the opportunity to comment on these audits. First addressing *Department of Health and Social Services Use of Recidivism Rates by State Agencies, Overview of Current Practices*, criminal recidivism is both a measure of treatment programs and a measure of calculating the function of the criminal justice system. If a shoplifter is arrested, convicted, and sentenced to three days in jail and he or she does not commit another criminal offense, this lack of recidivating tells little of the effectiveness of a treatment program because the program was not mandated in the sentence. On the other hand, it may be that the three day incarceration or the public opprobrium of going through the criminal justice system was successful in preventing future criminal behavior. The audit uses recidivism as a measure of treatment programs ordered by the court and does not consider other possible reasons that an offender may not commit a subsequent

criminal offense. For example, age has been identified as one of the most significant factors in recidivism independent of program participation for most violent crimes.

The audit also describes the varying lengths of time used in calculating the period of time that is being measured for the recidivism study. There are varying bench marks from which the time clock can start to run; the incident, arrest, time of conviction, completion of incarceration, completion of a treatment program, or end of probation. Each of these beginning points effects whether an event is calculated as a failure.

A brief comment or explanation needs to be made about the *Use of Recidivism Rates by State Agencies, Recidivism Rates for the Alcohol Safety Action Program* audit. The audit indicates the percentage of ASAP clients that were never accessed for treatment or education was highest in Fairbanks at 25%. This is compared to a statewide average of 16%. The audit states "[T]he high percentage of clients not coming into the ASAP office may be attributed to a reluctance on behalf of the Fairbanks prosecutor to act on petitions to revoke probation filed with the prosecutor by the Fairbanks' ASAP Office." The audit goes on to say that the practice of not filing petitions has now changed as it well should. The future will tell if this changed practice will affect the recidivism rate. The failure to file a petition to revoke probation may not be the source of the failure of an offender to appear for an assessment. The failure to appear for an assessment is in the sole control of the offender. A petition to revoke probation comes after the offender fails to appear for the assessment. It is possible that offenders would know of a practice of the district attorney's office not to file petitions, but such knowledge is unlikely.

Finally, in *Use of Recidivism Rates by State Agencies, Recidivism Rates for Alaska Sex Offenders*, under the chapter heading "Summary Recidivism Results", the audit says:

> "[I]n at least three instances, offenders recommitted sex crimes which were not prosecuted. Subsequent sex crimes were treated as violations of their probation/parole."

Page 21.

If a sex offender is on probation and the public can be better served by an agreement to admit a probation revocation, it would be surprising if the prosecutor didn't take this option. For example, if an offender had 10 years of suspended time of incarceration and committed a subsequent sexual assault that was for a C felony offence calling for a presumptive sentence of a 2 years and the prosecutor believed that isolation was an important consideration, he or she may well have chosen to proceed with a probation violation. Also, the burden of proof at a probation revocation is by a preponderance of the evidence, while at trial it is beyond a reasonable doubt. The evidence may be such that the lesser burden can be reached but not the greater. Again, the public interest would be better served by the probation revocation rather than through

a trial. This may mean that data is not easily captured to calculate a recidivism rate, but that the public is better served.

Thank you for the opportunity to respond to the issues in these audits.

Sincerely,

TALIS J. COLBERG
ATTORNEY GENERAL

By: Richard A. Svobodny
Deputy Attorney General

Cc: Talis Colberg, Attorney General

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LEGISLATIVE AUDIT

State of Alaska

Department of

Public Safety

Sarah Palin, Governor
Walt Monegan, Commissioner

April 9, 2007

Ms. Pat Davidson
Alaska State Legislature
Legislative Budget and Audit Committee
P.O. Box 11330
Juneau, AK 99811-3300

Ms. Davidson;

Thank you for giving the Department of Public Safety the opportunity to review the three part legislative audit report on:

Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Overview of Current Practices, February 23, 2007

Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Recidivism Rates for the Alcohol Safety Action Program, March 13, 2007

Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Recidivism Rates for Alaska Sex Offenders, March 8, 2007

The report includes the following recommendation relative to the Department of Public Safety:

The Commissioner of the Department of Public Safety (DPS), as chair of the criminal justice information advisory board, should reestablish the board as a first step towards integrating the State's criminal justice systems.

We will identify appropriate board members as specified in AS 12.62.100, and will schedule a meeting as soon as possible. It is likely that this will not occur until after the legislature is dismissed.

Again, thank you for the opportunity to review and comment on the above named reports.

Sincerely,

Walt Monegan
Commissioner

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STATE OF ALASKA

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April 17, 2007

Pat Davidson
Legislative Auditor
Division of Legislative Audit
P. O. Box 113300
Juneau, AK 99811-3300

Dear Ms. Davidson:

Thank you for the opportunity to respond to your March 14, 2007, preliminary audit report on Recidivism Rates for Alaska Sex Offenders.

The Department of Corrections (DOC) appreciates the efforts on the part of the Division of Legislative Audit as well as the Urban Institute in compiling this informative report. DOC is committed to staying abreast of the latest analyses and policy reviews related to Sex Offender Management and the associated probability on re-offending and recidivism rates. This type of explanatory research assists us in understanding and identifying specific treatment programs for Alaska Sex Offenders.

The DOC administration is dedicated to the challenging task of implementing effective methods of intervention and supervision aimed at providing the best practices for effectively interpreting factors contributing to recidivism variables.

The Department of Corrections looks forward to your final report and will assist in any way possible.

Sincerely,

Joe Schmidt
Commissioner
Department of Corrections

cc: DOC Offender Programs Task Force Members

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ALASKA COURT SYSTEM

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April 5, 2007

RECEIVED
APR 09 2007
LEGISLATIVE AUDIT

Pat Davidson
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Alaska State Legislature
Legislative Budget and Audit Committee
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PO Box 113300
Juneau AK 99811-3300

Re: Legislative Budget and Audit Committee Audit Reports

Dear Ms. Davidson:

I am responding to your request for comments on three preliminary audit reports:

> *Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Overview of Current Practices, February 23, 2007*
>
> *Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Recidivism Rates for the Alcohol Safety Action Program, March 13, 2007*
>
> *Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Recidivism Rates for Alaska Sex Offenders, March 8, 2007*

Regarding the first report, the court system agrees with the recommendation to reestablish the criminal justice information advisory board (CJIAB). Agency staff have done an excellent job laying the groundwork for a statewide information-sharing project by educating themselves about integrated justice technology, national standards, and best practices through MAJIC. But they cannot move forward without leadership and support at the policy level.

The other two recommendations in this report are directed at other agencies, and the court system has no basis for agreeing or disagreeing with the auditor's conclusions. However, we

do disagree with some of the auditor's comments regarding the Batterers Intervention Program (BIP). On page 22 of the report, the auditor states:

> When sentencing, judges indicate on the sentencing document whether the offender is required to attend BIP. This represents the first obstacle in the enforcement of BIP referrals. The court system does not consistently record these domestic violence BIP referrals in the court system database. Consequently, there is no reliable electronic means of efficiently identifying defendants court-ordered to a BIP. The only means of identifying BIP referrals is through obtaining copies of the judgments from the court system indicating that an offender is required to attend BIP.

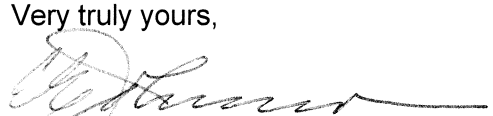
We take issue with this paragraph because it implies that the court system has a duty to collect information about BIP referrals that we are not fulfilling. Primary responsibility for enforcement of BIP referrals rests with the prosecuting authority. We send the prosecuting authority a paper copy of every referral. We do not require clerical staff to record referrals in our case management system because we do not need this information to perform our core business functions, we are not mandated to keep the information electronically, and in most court locations we are not in a position to perform non-essential data entry.

We also do not believe that the report should single out the court system for not maintaining an electronic record of referrals when there are other agencies that could also be entering the information into a database. To correct these problems, we suggest that the language be changed along the lines shown below

> When sentencing, judges indicate on the sentencing document whether the offender is required to attend BIP. This represents the first obstacle in the enforcement of BIP referrals. The court system <u>sends a paper copy of the sentencing document to the prosecuting authority, but</u> does not consistently enter these domestic violence BIP referrals in the court system database. <u>Prosecuting authorities also do not maintain an electronic record of referrals.</u> Consequently, there is no reliable electronic means of efficiently identifying defendants court-ordered to a BIP. The only means of identifying BIP referrals is through obtaining copies of the judgments from the court system indicating that an offender is required to attend BIP.

We have no comments on the other two audit reports, which are directed at other agencies.

Very truly yours,



Christine Johnson
Deputy Administrative Director

Cc: Stephanie Cole, Administrative Director

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Chief Justice
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April 9, 2007

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LEGISLATIVE AUDIT

Pat Davidson
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P.O. Box 113300
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Dear Ms. Davidson:

Thank you for inviting our comments on the three Legislative Audit reports on recidivism. We have appreciated the opportunity to work with you and your agency throughout this project. The reports are important additions to Alaska's criminal justice system knowledge. They will be valuable references for research in many different fields.

Our staff reviewed the reports during their preparation with Kristin Dzinich on your staff, and reviewed the most recent drafts with Anne McLean. Ms. Dzinich made our suggested changes in the reports. In the most recent version of the reports, the only changes were half a dozen very minor changes that we reviewed by phone with Ms. McLean.

The reports give legislators and researchers guidance about how to use recidivism to measure the performance of programs that intend to improve the criminal justice system. They set new standards for the rigorousness of evaluations and data collection in Alaska. You and your staff are to be complimented on the quality of these reports, both substantively, and in their presentation. We look forward to working with you again.

Sincerely,

Larry Cohn
Executive Director

cc: Chief Justice Dana Fabe

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