

## Crime and Criminal Justice Research Programme

# Recidivism amongst Serious Violent and Sexual Offenders

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This report reviews the literature on recidivism and its predictors. It also assesses information regarding the numbers of serious violent and sexual offenders in Scotland, based on the characteristics and predictors identified in the literature.

## Main Findings

- Rates of reconviction of sex offenders vary, though are fairly low compared to other types of offending. Recidivism for violent offences is higher than for sexual offences, but again is generally lower than for other types of crime;
- For both sexual and violent offenders, recidivism is not usually for a further sexual or violent offence;
- The highest risk for further sexual or violent offences was from people who had committed such offences in the past, with greater recidivism associated with more extensive offending histories and with more serious offences;
- For both sexual and violent offenders, early onset of offending indicated an increased likelihood of future offending;
- The prediction of future sexual or violent offending is difficult. Some risk assessment tools have shown improved rates of prediction of violent and sexual offences. However, risk factors for serious offenders are largely similar to those for other types of offenders;
- Consistent, thorough, and accessible information about sexual and violent offenders, particularly regarding past offending and the nature of the offences, is crucial for the management and prevention of further serious crimes.

## Introduction

In its report on serious violent and sexual offenders in Scotland, the MacLean Committee recommended further research into the numbers of offenders who may present a continuing risk to public safety; the application of risk assessment instruments and techniques in a Scottish context; and recidivism, including factors which may predict it. This report addresses two of these recommendations. First it, reviews the literature internationally on recidivism and its predictors. It then assesses information regarding the numbers of serious violent and sexual offenders in Scotland, based on the characteristics and predictors identified in the literature. The assessment includes a small-scale exploration into files of people in custody. This gives information on the approximate numbers of people who may present a continuing risk of very serious offences. It also provides a valuable exercise regarding problems which may arise in making such assessments.

The combination of the review and the practical exercise provides a comprehensive view of the characteristics and risk of serious violent and sexual offenders and some of the issues which arise for identifying these offenders.

## Recidivism

The available information shows varying rates of reconviction of sex offenders, depending on the nature of the offence. Most of the rates are fairly low compared to other types of offending, though the rate increases over longer periods. Important to note is that studies of recidivism which use reconviction or even rearrest as a measure are likely to underestimate the actual rate of reoffending. Interviews with people convicted of rape or child molestation, for example, found that the majority had been convicted more than once and admitted to committing sexual offences which had not been detected.

Recidivism for violent offences is higher than for sexual offences, but again is generally lower than for other types of crime. For both sexual and violent offenders, recidivism is not usually for a further sexual or violent offence. The statistics clearly show that sexual and violent offenders do not necessarily specialise in one type of offence. Rather, a large proportion may commit other types of offences, both before and after their first conviction for a sexual or violent crime. However, the highest risk for further sexual or violent offences was from people who had committed such offences in the past. Greater recidivism was also associated with more extensive offending histories and with more serious offences.

## Characteristics which may predict recidivism

The prediction of recidivism amongst sexual offenders is clearly complex, to the extent that some authors argue that an attempt to understand why recidivism takes place may be more constructive in developing methods of prevention. However, the literature showed a number of consistent patterns which may provide useful indicators of risk.

First, characteristics of serious violent and sexual offenders are more similar to offenders generally - even those who have never committed a sexual or violent offence - than to non-offenders. For both sexual and violent offenders, early onset of offending indicated an increased likelihood of future offending. Probably the most important predictors in both cases were a history of similar types of offences and the (high) rate of offending. The relevance of an offender's previous offence history was repeated throughout the literature. While offenders did not necessarily specialise, those who had committed a sexual or violent offence in the past were more likely to do so again. For both sexual and violent offences, virtually all offenders were male.

For sex offenders specifically, sexual deviancy was often a good indicator of risk. Choice of male victims in particular, but also a mixture of male and female victims, multiple victims, and unrelated victims consistently indicated higher risk. People convicted of rape were more likely to offend again, while incest offenders were the least likely to reoffend; however, the type of sexual offences committed were not necessarily static. Many had been victims of abuse themselves.

A substantial proportion of sexual offenders in every jurisdiction have been described as suffering from personality disorders or severe personality disorders, though the definition of this is not always clear. Arguably this is also the case for many violent offenders. However, most sexual and violent offenders show no evidence of mental illness. While mental disorder amongst sexual and violent offenders may be more prevalent compared to other groups, serious offending amongst people with mental disorders is rare. Misuse of drugs and alcohol is common amongst many types of offenders, but may exacerbate antisocial behaviour.

Some risk assessment tools have shown improved rates of prediction of violent and sexual offences. However, risk factors for serious offenders are largely similar to those for other types of offenders; those showing more risk factors are at increased risk of offending. The prediction specifically of future sexual or violent offending is more difficult.

## Numbers of serious violent and sexual offenders in Scotland

The current research project included a small-scale exploration into files of people in custody. In total, files were available for only 19 sexual and 19 violent offenders out of a sample of 80. The assessment placed six of each in the category of 'definite risk', four sexual and three violent offenders in the 'unlikely risk' category, and seven sexual and eight violent offenders in the 'uncertain' group. Files for two sexual and two violent offenders did not contain enough information to make an assessment. The division of risk was therefore roughly equal for the two groups of offenders.

Applying the proportions in each category to the overall numbers in custody for a serious violent or sexual offence, the breakdown is 814 who pose a definite risk, 476 who appear unlikely to pose a risk, and 1,019 who pose an uncertain risk. How accurate this assessment is or how representative this small number of case files is compared to the entire population of sexual and violent offenders is highly doubtful. The assessment did however show the difficulty in drawing conclusions about risk and a clear need for more readily accessible information on this group.

The analysis of files was useful in a number of ways, not least because it highlighted a number of difficulties in obtaining information on risk of further offending. The fact that full files did not exist in over half the cases involving people who had committed relatively serious sexual or violent offences. Even where files existed, the amount and quality of information in them varied enormously. Most helpful in the assessment of risk were the descriptions of the offences written for the court and parole board: these usually contained information about the nature of the offence, the victims involved and the offenders' relation to them, motivations, and circumstances. Also helpful, but less frequently available, were records of past offences from the Scottish Criminal Records Office. Occasionally the court records commented upon past offending, at least where it related to the current offence. Also helpful, where included, were Social Enquiry Reports, which often gave the only information about early history such as contact with the Children's Hearing System.

## Conclusions

The literature and examination of files above show a number of themes. First, rates of reconviction of sex offenders vary, though are fairly low compared to other types of offending and increase over longer periods. Recidivism for violent offences is higher than for sexual offences, but again is

generally lower than for other types of crime. Studies of recidivism which use reconviction or even rearrest as a measure are, however, very likely to underestimate the actual rate of sexual and violent recidivism.

For both sexual and violent offenders, recidivism is not usually for a further sexual or violent offence, as these groups do not necessarily specialise in one type of offence. Rather, a large proportion may commit other types of offences, both before and after their first conviction for a sexual or violent crime. The highest risk for further sexual or violent offences was from people who had committed such offences in the past, with greater recidivism associated with more extensive offending histories and with more serious offences. Some types of programmes have shown small but robust improvements in rates of recidivism for both sexual and violent offenders compared to untreated samples.

The prediction of recidivism is clearly complex, though the literature shows a number of consistent patterns which may provide useful indicators of risk. First, characteristics of serious sexual and violent offenders are more similar to offenders generally than to non-offenders. For both sexual and violent offenders, early onset of offending indicated an increased likelihood of future offending. The most important predictors were a history of similar types of offences, and high rates of offending. Previous offence history was emphasised throughout the literature. While offenders did not necessarily specialise, those who had committed a sexual or violent offence in the past were more likely to do so again. For both sexual and violent offences, virtually all offenders were male.

For sex offenders specifically, sexual deviancy was often a good indicator of risk. Choice of male victims in particular, but also a mixture of male and female victims, multiple victims, and unrelated victims consistently indicated higher risk. People convicted of rape were more likely to offend again, while incest offenders were the least likely to. A substantial proportion of sexual offenders in every jurisdiction has been described as suffering from personality disorders or severe personality disorders. Arguably this is also the case for many violent offenders. However, most sexual and violent offenders show no evidence of mental illness. While mental disorder amongst sexual and violent offenders may be more prevalent compared to other groups, serious offending amongst people with mental disorders is rare. Misuse of drugs and alcohol is common amongst many types of offenders and may exacerbate antisocial behaviour.

Some risk assessment tools have shown improved rates of prediction of violent and sexual offences. However, risk factors for serious offenders are largely similar to those for other types of offenders, and those showing more risk

factors are at increased risk of offending. The prediction specifically of future sexual or violent offending is more difficult. The current assessment of a very small sample of files of people in custody for a serious sexual or violent offence in Scotland suggested that just over a third showed features associated with high risk of further violent or sexual

offences. Almost half also showed evidence of risk, though the extent of this risk was less clear. Consistent, thorough, and accessible information about sexual and violent offenders, particularly regarding past offending and the nature of the offences, is crucial for the management and prevention of further serious crimes.

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