

**RECIDIVISM BY SVP CLIENTS UNDER  
SUPERVISED RELEASE AND  
UNCONDITIONAL DISCHARGE**

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**ACKNOWLEDGEMENT**

- Note: Dr. Kahn originally presented this material at the 2019 ATSA Conference (some minor modifications have been made)

## OVERVIEW

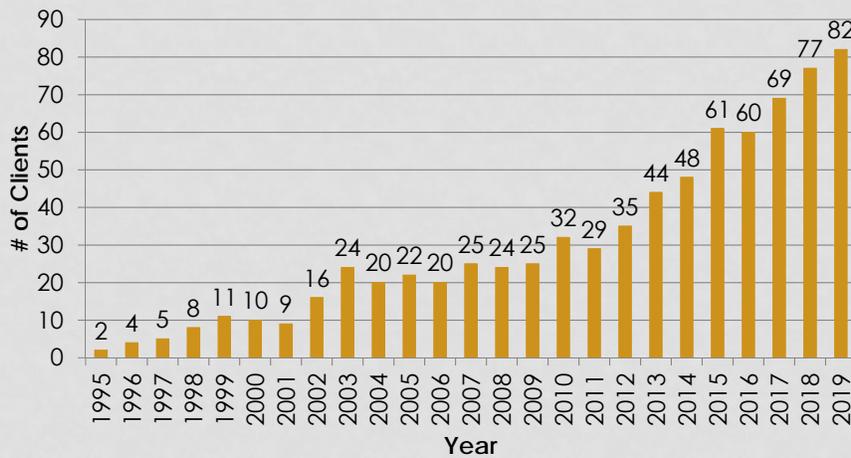
### LEARNING GOALS AND OBJECTIVES

- Describe the rate of sexual recidivism for individuals on supervised release under Wisconsin's Sexually Violent Persons (SVP) statute
- Understand the most common violations that lead to custody events for Wisconsin's SVPs under supervised release
- Describe the rate of sexual recidivism for Wisconsin's SVPs unconditionally discharged following a supervised release placement, and understand the risk management implications suggested by the rates observed under these two release environments

## WISCONSIN'S SVP SUPERVISED RELEASE PROGRAM

- First Supervised Release (SR) client placed in 1995
- Historically, over 1/3 of those committed as SVPs in Wisconsin have had an SR placement
- Growing SR population trend over time
- Statutory changes
  - e.g., 2013 change making it easier to get SR – criteria changed from “demonstrated” sufficiently sustained change to “demonstrating”

## SR CENSUS



# DESCRIPTIVES

HISTORICAL SUPERVISED RELEASE (SR) CLIENTS

## SR CLIENT DESCRIPTIVES ( $N = 205$ )

- Institutional Time (years)
  - $M (SD) = 16.6 (7.8)$
  - Range = 1.4 – 42.7
- Age at Placement
  - $M (SD) = 50.6 (11.8)$
  - Range = 24 - 82
- Time on SR (months)
  - $M (SD) = 30.4 (29.9)$
  - Range = <1 – 216
  - 72.2% had 12+ months
- Race / Ethnicity
  - Black = 16.6%
  - White = 77.1%
  - Hispanic Origin = 2.4%
  - Native American = 3.9%
- Marital Status ( $n = 199$ )
  - Married = 7.5%
  - Divorced = 30.2%
  - Separated = 1.0%
  - Single = 60.8%
  - Widowed = 0.5%

## SR CLIENT DESCRIPTIVES

- FSIQ ( $n = 180$ )
  - $M (SD) = 90.6 (15.5)$
  - Range = 54 - 133
- Psychopathy: PCL-R score ( $n = 189$ )
  - $M (SD) = 22.7 (6.0)$
  - Range = 8 - 35
- Static-99R ( $n = 195$ )
  - $M (SD) = 4.7 (1.8)$
  - Range = -2 - 10
  - 46.2% Above Average Risk
  - 29.2% Well Above Average Risk
- Met criteria for:
  - SR ( $n = 184$ )
    - 63.6%
  - Discharge ( $n = 201$ )
    - 58.2%

## SR CLIENT DIAGNOSES ( $N = 203$ )

- Pedophilic Disorder – 53.7%
- Sexual Sadism Disorder – 7.9%
- OSPD: Non-Consent or Hebephilic – 29.1%
- Other Paraphilic Disorders – 16.3%
- **ANY Paraphilic Disorder – 82.8%**
- Alcohol Use Disorders – 42.9%
- Other Substance Use Disorders – 20.2%
- Major Mental Illness – 5.4%
- Antisocial Personality Disorder – 46.8%
- Other Personality Disorder – 27.6%
- **ANY PD – 72.4%**

## SR OUTCOMES

RECIDIVISM AND REVOCATIONS

## OUTCOME SUMMARY

Outcome	Frequency	%
Adequate adaptation & still on SR	51	24.9
Adequate adaptation & discharged	54	26.3
Pt decision to revoke without violations	1	0.5
At least 1 period of custody	95	46.3
Died while on SR	4	2.0
Total	205	100.0

## VIOLATIONS / REASONS FOR CUSTODY

- Need not be a formal revocation - includes alternatives to revocation (ATR) and custody >1 week
- 27 reasons
- Sexual offense-related
  - Mutually exclusive within this category (coding most serious)
    - Sex offense (any charge)
    - Uncharged illegal sexual behavior
    - Imminent risk for sex offense
    - Created potential grooming opportunity
    - Offense-related interest activated; no imminent risk
- Non-sexual offenses and other violations
  - Can code multiple; most had >1 violation type; but typically fit violation to the best code if it could reasonably fall under >1

## REASONS FOR CUSTODY: SEX OFFENSE-RELATED

Violation	# of Clients to Ever Have Violation	% of Historical Clients
Sexual offense charge	3	1.5
Illegal sexual behavior (uncharged)	10	4.9
Engaged in behavior which puts patient at <u>imminent</u> risk for sexual re-offense	6	2.9
Offense-related interests apparently activated with no imminent risk	31	15.1
Engaged in behavior which creates opportunity for grooming of victims or victim-protectors	8	3.9
Illegal sexual behavior occurred with animals (uncharged)	1	0.5

## ILLEGAL SEXUAL BEHAVIOR ON SR

### Charges (N = 3)

- None since 2012
- All victims were aged 16+, known to the client, and female
- All sexual contact occurred in the client's homes
- In 2 of 3 cases, degree of coercion in question

### Uncharged (N = 10)

- 8 of 10 victims were adult; mix of male and female victims
- 4 of 10 involved another client / resident; 3 of 10 involved female professional staff
- 8 of 10 occurred in the client's residential/care settings; 2 on shopping outings accompanied by monitor

## REASONS FOR CUSTODY: NON-SEX OFFENSES

Violation	# of Clients to Ever Have Violation	% of Historical Clients
Non-sexual violent offense	3	1.5
Other criminal offense	8	3.9
Absconding / escape	11	5.4

### REASONS FOR CUSTODY: UNAPPROVED CONTACT / ACTIVITY

Violation	# of Clients to Ever Have Violation	% of Historical Clients
Unapproved contact or activity [not offense-related]	56	27.3
Weapons	7	3.4
Alcohol, tobacco, controlled substances, unapproved medications – possession or consumption of or giving prescribed meds to others)	26	12.7
Technology (e.g., internet, computer, cell phone, cable, gaming system)	35	17.1
Sexually explicit but LEGAL materials	28	13.7
Other (e.g., vehicle)	5	2.4

### REASONS FOR CUSTODY: INTERPERSONAL / TREATMENT

Violation	# of Clients to Ever Have Violation	% of Historical Clients
Unapproved intimate relationship or unapproved, but legal sexual contact (including solicitation / attempts to establish)	30	14.6
Solicitation/attempts to establish unapproved intimate/sexual relationship with an unwanted / stalking / harassment component	4	2.0
Inadequate participation in SOT	18	8.8
Expressing threats / thoughts of harming self / others; aggressive or threatening behavior	17	8.3
Psychiatric instability or medical decompensation	4	2.0
Boundary violations / fraternization	25	12.2

## REASONS FOR CUSTODY: MISC. RULE VIOLATIONS

Violation	# of Clients to Ever Have Violation	% of Historical Clients
Not compliant with electronic monitoring	18	8.8
Lying, providing inaccurate information, failed polygraphs	56	27.3
Miscellaneous rule violation (e.g., disruptive, argumentative, or disrespectful behavior)	23	11.2
Financial violations	40	19.5
Failure to comply with assessment, psychiatric, or medical procedures (e.g., polygraph, PPG, urinalysis, refusal to take medications)	9	4.4
Creating a hazard; serious hygiene concerns	1	0.5

## SURVIVAL ANALYSIS OVERVIEW

- Whether and when an event occurs
  - Takes into account time and censored cases
- Defining an event
  - Any custody event
  - Sex Offense Charge
- Types of analysis
  - Life Tables
  - Kaplan-Meier

## LIFE TABLE - ANY CUSTODY EVENT

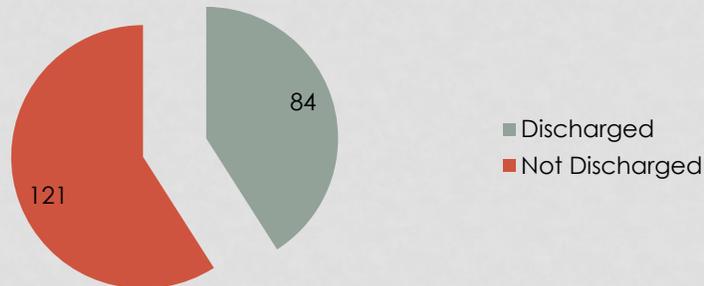
Interval (months)	# Entering	# Withdrawing	# Events	Proportion Terminating	Proportion Surviving	Cumulative Prop Surviving
[0, 6)	205	14	25	0.13	0.87	0.87
[6, 12)	166	19	17	0.11	0.89	0.78
[12, 18)	130	13	16	0.13	0.87	0.68
[18, 24)	101	12	9	0.09	0.91	0.61
[24, 30)	80	13	8	0.11	0.89	0.55
[30, 36)	59	7	5	0.09	0.91	0.50

## DISCHARGE OUTCOMES

FOLLOWING SR PLACEMENTS

## DISCHARGED FOLLOWING SR

### Historical SR Clients



## SR TO DSC CLIENT DESCRIPTIVES

( $N = 84$ )

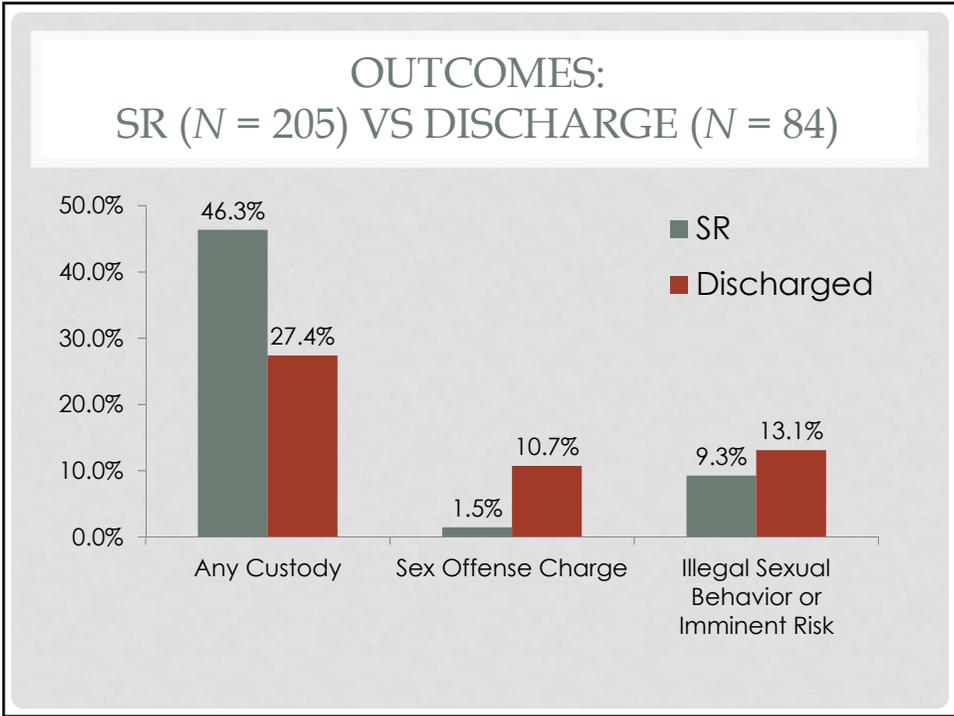
- Time on SR (months)
  - $M(SD) = 40.0 (34.3)$
  - Range = <1 - 216
- Age at discharge
  - $M(SD) = 53.5 (11.9)$
  - Range = 27 - 79
- 35.7% had a custody event on SR prior to discharge
- Static-99R at discharge ( $n = 76$ )
  - $M(SD) = 3.8 (2.0)$
  - Range = -3 - 9
- Follow up time (years)
  - $M(SD) = 6.0 (5.1)$
  - Range = 0.02 - 23.6
  - 13.1% Deceased during follow up period

## SEXUAL OFFENSE CHARGES POST-DISCHARGE

- 9 individuals with sexual offense charges (details for 1 case of 4<sup>th</sup> degree SA unavailable)
  - Equal split of male and female victims
  - Most commonly teen, followed by child (0 to 12), with only 1 adult (18+) victim [1 case involved both a child and teens]
  - Roughly equal numbers of related, acquaintance, and stranger victims
  - 6 of 8 in which sexual contact occurred at client's residence (though initial contact may have occurred in public space); offense actually occurring in public location in 2 of 8

## SEX OFFENSE-RELATED EVENTS POST-DISCHARGE

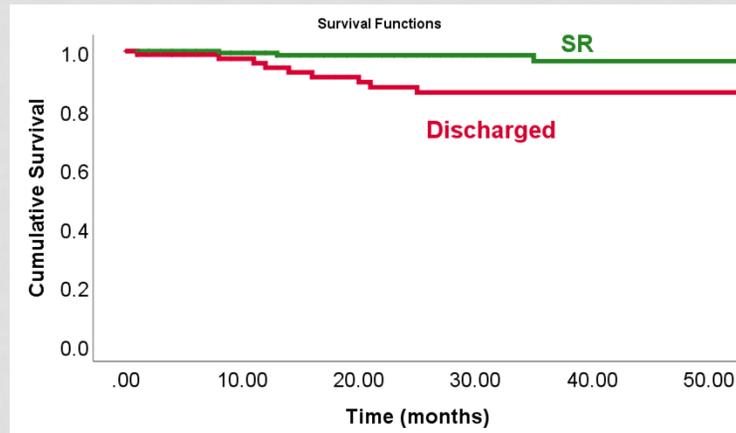
- 11 individuals
  - 9 individuals with sexual offense charges
  - 1 individual with uncharged illegal sexual behavior: revoked (still under P&P supervision at the time of SVP discharge) for accessing child pornography
  - 1 individual with imminent risk for sexual re-offense: revoked (still under P&P supervision at the time of SVP discharge); attempted to seek out underage females with the intent of sexual contact; statements shared with peers, who then reported concerns
- 8 of 11 (72.3%) had been successful on SR (i.e., no custody events)



### LIFE TABLE SURVIVAL ANALYSIS: SEXUAL OFFENSE CHARGES

SR (N = 205)					Discharge (N = 84)				
Interval (months)	# Entering	# Withdrawing	# Events	Cumulative Prop Surviving	Interval (months)	# Entering	# Withdrawing	# Events	Cumulative Prop Surviving
[0, 6)	205	39	0	1.00	[0, 6)	84	11	1	0.99
[6, 12)	166	35	1	0.99	[6, 12)	72	7	2	0.96
[12, 18)	130	28	1	0.98	[12, 18)	63	5	3	0.91
[18, 24)	101	21	0	0.98	[18, 24)	55	3	2	0.88
[24, 30)	80	21	0	0.98	[24, 30)	50	5	1	0.86
[30, 36)	59	11	1	0.97	[30, 36)	44	2	0	0.86

## KAPLAN-MEIER SURVIVAL CURVES: SEXUAL OFFENSE CHARGE



## CONCLUSIONS

- Sexual recidivism for individuals on supervised release under Wisconsin's Sexually Violent Persons (SVP) statute is rare
  - Historically only 1.5% have had sexual offense charges over an average of 2-3 years under SR
  - Even with a more inclusive definition (less intrusive but still illegal sexual behavior that goes uncharged), 93.7% of clients have been safely managed despite above average risk

## CONCLUSIONS (CONT'D)

- However, custody events in general are relatively common
  - 46.3% had at least one period of custody for violations
- The most common violations that lead to custody events
  - Unapproved contact / activity (that is not clearly offense-related)
  - Lying / providing inaccurate information / failing polygraphs
  - Financial violations
  - Unapproved technology – e.g., cell phone, internet, gaming system
  - Offense-related interests activated with no imminent risk

## CONCLUSIONS (CONT'D)

- 10.7% of Wisconsin's SVPs discharged following a supervised release (SR) placement has had sexual offense charges over an average follow up of six years
  - All sexual offense-related events post-discharge (including uncharged illegal sexual behavior and imminent risk) occurred within about two years of release; some very rapidly, within two months
  - The majority had been successful under SR
- At the end of three years, the cumulative proportion surviving for those on SR is 0.97, whereas it is 0.86 for those discharged following an SR placement; survival curves are significantly different

## IMPLICATIONS

- Custody event ≠ failure
  - Effective risk management employed to intervene (e.g., potentially imminent risk or active offense-related interests)
- Observed outcomes for SR clients may help dispel community concerns regarding risk to the public
- However, some clients who did well under SR, rapidly re-offended sexually once the structure of SR was removed
  - Gradual adjustments to supervision and other supportive services may help promote effective adaptation or surface potential concerns
  - Arranging transitional services and supports between SR and discharge environments may be critical, especially for early discharge years
  - Lifetime GPS and/or other enduring monitoring may be of little value for those who demonstrate successful time free during early years
- Importantly, the majority of clients did not engage in illegal sexual behavior regardless of release setting

## LEARNING CHECK

- The rate of sexual recidivism for individuals on supervised release under Wisconsin's Sexually Violent Persons (SVP) statute is over 20 percent (FALSE)
- Unapproved contact or activity [that is not offense-related] is one of the most common violations that leads to custody events for Wisconsin's SVPs under supervised release. (TRUE)
- The rate of sexual recidivism for Wisconsin's SVPs unconditionally discharged following a supervised release placement is higher than that of Wisconsin SVPs under supervised release. (TRUE)

## CONTACT INFORMATION

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