

**SEX OFFENDER SENTENCING OPTIONS:
VIEWS OF CHILD VICTIMS AND THEIR PARENTS**

LUCY BERLINER

August 2007



*Washington State
Institute for
Public Policy*

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Document No. 07-08-1201

WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY

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Special appreciation to Andy Miller, Benton County Prosecuting Attorney; Lisa Johnson, Senior Deputy Prosecutor, King County Prosecuting Attorney’s Office; Craig Mathieson, Senior Deputy Prosecutor, and Bill France, Victim Advocate, Snohomish County Prosecuting Attorney’s Office.

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Summary

This study solicited the views of child victims and their parents¹ in sex offense cases from three Washington State counties: Benton, King, and Snohomish. All offenses were eligible for the Special Sex Offender Sentencing Alternative (SSOSA). Interviews were conducted between November 11, 2004, and December 12, 2005, with 49 family members of victims and 32 victims aged 13 to 18. Of the 49 cases, 9 received a SSOSA sentence.

The findings include the following:

- Most parents of child victims expressed satisfaction with the outcome of the case, agreed with the sentence, and thought it was just.
- Most child victims and their parents expressed satisfaction with the case whether or not a SSOSA was granted.
- The child victims expressed strong support for a treatment-oriented sentence for sex offenders; in contrast, the majority of parents did not support this option.
- In most instances, the family was included in the prosecutor's decision-making about the case.

Purpose of the Study

The 2004 Legislature passed ESHB 2400, instructing the Washington State Institute for Public Policy (Institute) to...

...“conduct a comprehensive analysis and evaluation of the impact and effectiveness of current sex offender sentencing policies. ... As part of its study, the institute shall also investigate the views of victims whose cases resulted in a special sex offender sentencing alternative sentence. This study shall include victims whose cases have been prosecuted recently, as well as those whose cases were prosecuted in the past. The victims shall be asked whether they considered the special sex offender sentencing alternative sentence to be a just and appropriate sanction, whether it influenced their healing process, and, if so, whether the influence was negative or positive.”

Laws of 2004, Chapter 176, § 7

To conduct this study, the research team at Harborview Center for Sexual Assault and Traumatic Stress interviewed child victims and their parents. In each case, the offender had been convicted of sex offenses that were eligible for SSOSA, a special treatment option. Families and victims were asked their experiences with the criminal justice system: their attitudes and perceptions regarding the offender's sentence and sex offender sentencing policies in general.

¹ Parents included biological parent (43); stepparent (2), foster parent (1), grandparent/guardian (2), sister/guardian (1).

SSOSA History and Rationale

Washington State's sentencing laws for adult felons went into effect in 1984, moving from an indeterminate to a determinate system that emphasized punishment and proportionality in sentencing decisions. A statewide sentencing grid was established that ranked felonies by seriousness and, in combination with the offender's prior criminal convictions, produced a sentencing range. The reform eliminated the option of suspended and deferred sentences; suspended sentences had previously been used, for many sex offenders, to allow community-based treatment and supervision as an alternative sentence.

The 1983 Legislature directed the Sentencing Guidelines Commission to examine sex offenses in detail and recommend the most appropriate sentences. The Commission's inquiries to practitioners and victim advocates across the state revealed that many citizens wanted to retain a treatment-oriented sentencing option for some first-time sex offenders. Many individuals expressed the view that some sex offenders should be able to first attend treatment and, if the treatment failed or they did not cooperate, then have the sentence revoked and a jail or prison term imposed.

The Commission learned how sex crimes differ from other offenses and their impact on victims. Most sexual assault victims do not report the crimes because of the fear of consequences. In addition to concerns about whether they will be believed and supported, some victims have concerns about the consequences to offenders if the crimes are reported and prosecuted. While all child victims want the abuse to stop, some victims and their families have more complicated situations. When the offender is someone close to the victim or family, or a family member, the victim or family may want an option other than an extended prison term. The Commission worked to establish a sentencing alternative that would increase the victim's willingness to report the abuse and cooperate with the prosecution while, at the same time, punish the offender.

In 1984, the Commission proposed the Special Sex Offender Sentencing Alternative, a sentencing option that incorporates a jail sentence followed by outpatient treatment and supervision. Under this option, if the offender fails to make progress in treatment or does not cooperate, the SSOSA can be revoked and a prison term imposed. The Legislature adopted the proposal and SSOSA went into effect that same year.

SSOSA eligibility has always been restricted. Offenders convicted of first and second degree rape and certain other sex offenses are not eligible, nor are those with a prior conviction for a sex offense and those whose standard punishment range for the crimes of conviction exceeds 11 years. (This last provision was intended to exclude most offenders with multiple victims.) In the 23 years since SSOSA was enacted, additional restrictions have been imposed on eligibility requirements (see Appendix C). For example, there must now be an established relationship between the offender and the victim. In addition, offenders convicted of a violent crime within the previous five years are no longer eligible for consideration, nor are those who inflict substantial bodily harm to the victim. Offenders must admit to the crime if they plead guilty; Alford pleas are excluded.²

The SSOSA decision is made by the sentencing judge; the law directs the judge to consider a number of factors. Amenability to treatment is the initial consideration and is based on evaluations conducted by certified Sex Offender Treatment Providers (SOTPs). The judge is also instructed to take into account whether imposition of the sentence will benefit the offender and the community; the risk the offender poses to the victim, the community, or similar age and circumstance persons;

² In an Alford plea, the defendant does not admit the act and asserts innocence but admits that sufficient evidence exists with which the prosecution could likely convince a judge or jury to find the defendant guilty.

and the victim's opinions. In recent years, the weight given to victim preferences has been emphasized. Sentencing judges must make written findings if the victim does not support a SSOSA sentence and one is imposed.

Before the sentencing decision occurs, prosecutors and defense lawyers may agree that a SSOSA is appropriate and make a recommendation to the sentencing judge; or there may be differences of opinion. In terms of amenability to treatment, there may be a single evaluation that both the defense and prosecution agree to rely on. In other cases, there may be more than one report and, in some cases, the reports may differ in their recommendations. Similarly, other considerations that must be weighed may be agreed upon or disputed in recommendations to the sentencing judge.

In practice, there are a variety of considerations that prosecutors or judges may weigh in agreeing to a SSOSA recommendation when it is sought by a defendant. Most prosecutors do not agree to a SSOSA recommendation when the offender has gone to trial and, after conviction, decides to seek a SSOSA. Other factors in decision-making include the offender's level of expressed remorse, acknowledgement of harm to the victim, and cooperativeness. Additionally, the offender must be able and willing to pay for the costs of outpatient treatment. The degree to which the victim's preference drives the recommendation or decision varies. For example, in some cases, prosecutors use SSOSA as a plea bargaining tool to achieve a conviction even when the victim/victim's family are not strongly advocating for this option but are not actively opposing it.

Since SSOSA was enacted, significant changes in societal views toward victims and sex offenders have occurred. The social climate is now much more supportive of sexual assault victims. Most children are made aware of and educated about sexual assault, and services are widely available to victims. In Washington State, these changes are reflected in numerous social policy advances. There are state-supported sexual assault programs in every county that offer crisis response, legal advocacy, and counseling. Most prosecuting attorneys' offices and many law enforcement agencies have specialized units that handle sex offenses. State law requires that counties have protocols defining the coordinated response to child sexual assault victims.

A study of a representative sample of women in Washington State demonstrates how social changes have affected victims of sexual assault.³ Compared with the older women in the study, the younger women who were victimized were more willing to come forward, seek services, and report the crimes. These younger women were victimized within the past 25 years when the social climate toward sexual assault victims was changing.

The sentencing laws in Washington State have been amended numerous times to account for evolving public policy about the seriousness of sex crimes. Exhibit 1 summarizes the key changes in state law regarding sex offenders.

³ L. Berliner. (2001). *Sexual assault experiences and perceptions of community response to sexual assault: A survey of Washington State women*. Seattle: Harborview Center for Sexual Assault and Traumatic Stress.

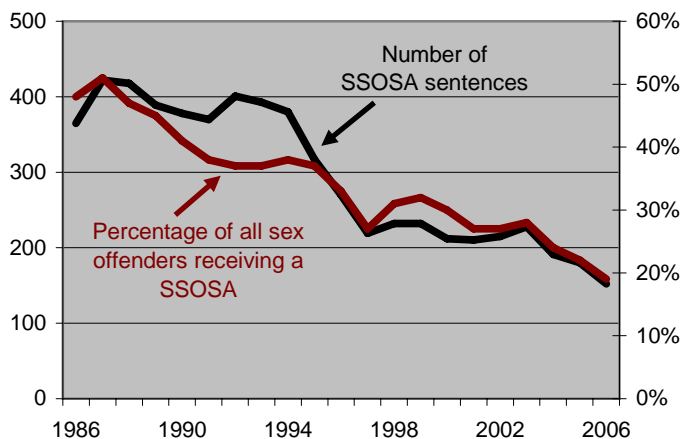
Exhibit 1
Sex Offender Policy
Changes Over Two Decades

1984	The Sentencing Reform Act (SRA) goes into effect, replacing indeterminate sentencing with determinate sentencing using statewide sentencing guidelines.
1984	Special Sex Offender Sentencing Alternative (SSOSA) is available as a sentencing option. SSOSA may be granted in lieu of a prison sentence under certain conditions and requires some jail time with outpatient treatment and supervision.
1990	The Community Protection Act passes. The Act is a comprehensive set of laws that increases prison terms for sex offenders, establishes registration and notification laws, authorizes funds for treatment of adult and juvenile sex offenders, and provides services for victims of sexual assault. Civil commitment of sexually violent predators is authorized.
1993	Voters pass a Three Strikes initiative providing for lifetime incarceration without parole for offenders who have committed three “most serious” felonies.
1996	Two Strikes legislation passes, providing for lifetime sentences without parole for persons convicted of two or more serious sex crimes.
1997	The Legislature directs a more consistent statewide approach to community notifications .
2001	Determinate Plus Sentencing is adopted for sex offenders convicted of certain sex offenses who are subject to a life sentence in prison with discretionary release by the Indeterminate Sentencing Review Board.
2005	SSOSA eligibility requirements change for crimes committed after July 1, 2005. Changes include: no prior adult violent convictions committed within five years of the current offense; offense did not result in substantial bodily harm to the victim; and offender had relationship to victim (not a stranger).
2006	Sentencing increases ; failure to register penalties increase; new crime for criminal trespass against children.

The Washington Legislature has defined new sex crimes in recent years, including Criminal Trespass Against Children, Sexual Misconduct with a Minor (1 and 2), Sexually Violating Human Remains, Voyeurism, and Criminal Sexual Misconduct (sex with an inmate). Registration and community notification have become part of the legal consequences of a sex offense conviction. Sexually violent predators may be civilly committed at completion of their prison sentence if they meet certain criteria and are found dangerous at a trial. Overall, there is a much harsher social climate and more severe consequences for a sexual offense conviction.

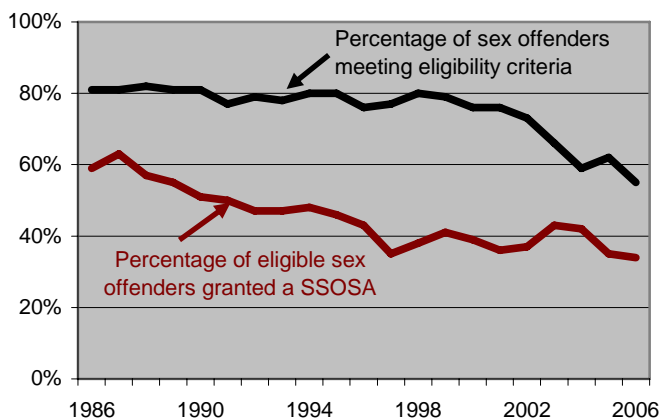
These changes likely account for the significant reduction in the proportion of eligible sex offenders being granted a SSOSA. In the late 1980s, about half of the eligible sex offenders received a SSOSA; that proportion has been reduced to approximately 20 percent (see Exhibits 2 and 3).

Exhibit 2
Trend in Number of SSOSA Sentences



Source: Institute analysis of Department of Corrections' records.

Exhibit 3
Trend in Percentage Meeting SSOSA Eligibility Criteria and Percentage of Eligible Granted a SSOSA⁴



Source: Institute analysis of Department of Corrections' records.

Little is known about the impact of sentencing decisions on victims of sex crimes, especially crimes against children. Anecdotally, the majority of child victims do not express an interest in offenders receiving community treatment sentences and avoiding lengthy prison terms. However, in a minority of cases, it has been noted by victim services, law enforcement, and prosecutors that victims express regret for reporting abuse because of the potential consequences of prosecution—they are distressed or refuse to cooperate with the criminal justice process or indicate a strong preference for a treatment alternative. Based on these experiences, professionals who routinely work with victims have generally supported the availability of SSOSA. On the other hand, some victims and their families, as well as many citizens and some legislators, have opposed SSOSA, not only in individual cases but as an option for any sex offender.

⁴ This chart relies on the pre-2004 eligibility criteria in order to accurately compare trends over time.

Study Design and Procedures

Parents of child victims and child victims of SSOSA-eligible offenders were recruited shortly after the offender's sentencing to participate in telephone interviews about their views toward sentencing in their case and sentencing of sex offenders in general. The study was approved by the University of Washington Humans Subjects Committee.

Parents of child victims were approached about the study by prosecutor office personnel, usually victim advocates, in Benton, King, and Snohomish Counties. The staff were instructed to ask all victims of SSOSA-eligible offenses if they were willing to be contacted by the study team. They asked either the victim or parent in person immediately after the sentencing, or contacted them later by phone. If the parent of the child victim agreed to be contacted (and the one adult victim who agreed to participate), the research team called them to secure consent to participate in the study. Parents of child victims 13 years old and older were asked if they would agree to their child's participation in the study. If parents provided their consent, the children were interviewed. The interviews were conducted by phone.

The parent interview included about 50 questions; the child victim interview included about 30 questions (see Appendices A and B for interview questions). The questions were organized into three sections; sample topics are presented.

- How was the individual's and/or family's experience with the criminal justice process?
 - ✓ Was the sentencing recommendation discussed with the family?
 - ✓ Was there a victim advocate?
 - ✓ Did the victim/family write an impact statement?
 - ✓ Did they attend the sentencing?
- How did they view the outcomes of the case?
 - ✓ Did they agree with the sentence?
 - ✓ Did they think justice was done?
- What were their views about sex offender sentencing in general?
 - ✓ Should there be a sex offender sentencing alternative for certain sex offenders?
 - ✓ Should sex offenders get treatment?

Information about the case characteristics and the impact of the crime was gathered from parents; children were asked about the sentencing process and options; and offender demographics and case outcomes were collected from the prosecutor's office.

Interview Results

Prosecutors' offices approached victims or parents of 122 SSOSA eligible cases during the study period about willingness to participate in the study. Of this group, 72 declined to participate, could not be reached, or initially said yes but changed their minds. One adult woman participated in the interviews, but was excluded from the study findings as she was involved in a crime as an adult. A total of 49 family caregivers were interviewed about their own perceptions/attitudes and those of their 49 children. Of the 49 children, 32 were of an appropriate age to interview (13 and older), and their parents consented to their participation.

Exhibit 4
Characteristics of Cases

Crime	Number	Percentage
Child Rape	22	45
Child Molestation	20	11
Other	7	14
Case Outcomes		
SSOSA not sought	27	55
SSOSA sought, not granted	13	27
SSOSA sought, granted	9	18

Exhibit 5
Child Victim and Offender Demographics

Child Victim Characteristics	Number	Percentage
Age	4 – 18 years	13.8 (average)
Gender-Female	45	92
Ethnicity		
African American	5	10
Caucasian	37	76
Latina/o	1	2
Native American	1	2
Other/Mixed	5	10
Offender Characteristics		
Age	18 – 66 years	37 (average)
Gender-Male	48	98
Ethnicity		
African American	4	8
Caucasian	36	73
Latino/a	5	10
Pacific Islander	3	6
Native American	1	2

Exhibit 6
Offender Relationship to Victim

Parent	Family	Acquaintance	None
7 (14%)	14 (29%)	25 (51%)	3 (6%)

Exhibit 7
Offender Relationship to Parent

Partner	Family	Acquaintance	None
6 (13%)	10 (21%)	12 (26%)	19 (40%)

Exhibit 8
Crime Characteristics

Length of Crime	
1 day	17 (35%)
< 1 month	11 (22%)
1 month to 1 year	13 (27%)
More than 1 year	7 (14%)
Unknown	1 (2%)
Time to Report	
Same day	10 (20%)
< 1 month	15 (31%)
1 month to 1 year	20 (41%)
More than 1 year	4 (8%)
Number of Offenses	
1	17 (35%)
2 to 5	22 (45%)
6 or more	10 (20%)
Offender Lived With Victim	
	Yes No
Time of crime	12 (24%) 37 (76%)
Time of report	6 (12%) 43 (88%)

Parents' Views

The parents were asked about their child's reactions, attitudes toward the case, and sentencing policy. In addition, parents were asked their own views. This section reports the responses of the parents.

Exhibit 9
Psychological Considerations: Parental Views

Psychological Factors	None/Not at All	Somewhat	A Lot	No Answer
Child afraid during crime	17 (35%)	18 (37%)	12 (24%)	2 (4%)
Child worried for offender if told	13 (26%)	19 (39%)	15 (31%)	2 (4%)
Offender importance (closeness)				
To victim	17 (35%)	21 (43%)	11 (22%)	
To parent	23 (47%)	16 (33%)	10 (20%)	
Impact of sentence				
On victim	3 (6%)	36 (73%)	9 (18%)	1 (2%)
On parent	1 (2%)	32 (65%)	16 (33%)	--
Impact of crime on child	Less Than Severe		Severe	
	22 (45%)		27 (55%)	

Exhibit 10
Parent Attitudes Toward Case Outcome

Attitudes Toward Case	Somewhat/A Lot	Not at All
Agree with sentence		
Child's view reported by parent	39 (83%)	8 (17%)
Parent	34 (69%)	15 (31%)
Justice was done		
Child's view reported by parent	32 (67%)	16 (33%)
Parent	34 (69%)	15 (31%)

Exhibit 11
Parent Attitudes Toward Sex Offender Sentencing Policy

	Yes	No
Option for treatment alternative?	14 (29%)	35 (71%)
Treatment at some point	48 (98%)	1 (2%)

Child Victim Views

Of the 49 victims in the full sample, 32 who were between 13 and 18 years old participated in direct interviews about their experiences. For the full sample of 49, parents reported on their own and their children’s perceptions and attitudes (see Exhibit 10). Asking the 32 victims directly about their own perceptions and attitudes provided information about what the children themselves thought and also allowed for comparison between their views and what their parents believed were their views (see Exhibits 11 and 12).

Exhibit 12
Child Attitudes Toward Case Outcomes and Sentencing Policy

Toward Case	Somewhat/A Lot	Not at All
Agree with sentence	27 (90%)	3 (10%)
Justice was done	27 (90%)	3 (10%)
Toward Sex Offender Sentencing	Yes	No
Option for treatment alternative?	22 (69%)	10 (31%)
Treatment at some point	32 (100%)	

Case Characteristics and Decision-Making

The generalizability of the study is limited by the fact that it is a convenience sample. It was not possible to approach all victims and parents across the state about participation in the study. The counties that were selected had substantial numbers of cases to allow a reasonable sample size. Additionally, these counties had staff in the prosecutors’ offices with the capacity and willingness to contact victims and discuss the study.

In spite of the cases being drawn from only three counties, the overall profile is representative of Washington State sex crimes that result in convictions. In terms of ethnicity of victims and offenders, the proportion is similar to Washington State demographics, especially when classified as Caucasian or minority. Victims in the sample are older than average, with half between 14 and 18 years old, but this pattern may be influenced by the fact that cases with younger victims are not as often successfully prosecuted. The case characteristics in terms of offender relationship, length of victimization, and type of offense (rape versus molestation) is typical of reported child sexual abuse cases. Offender relationship was determined by asking the parent about the offender’s relationship to the victim and to the parent. It is unclear the exact nature of the relationship in those cases where the parent reported that the offender had no relationship to their child; this characterization may include individuals the child had met on the day of the offense. In quite a few cases the parents described themselves as having no relationship with the offender.

The outcome of cases with a SSOSA sentence, 18 percent, is fairly close to the state proportion—23 percent in 2006. It is noteworthy that more than half of eligible offenders did not seek a SSOSA. The reasons for this are not known based on the information collected for this study.

A majority of parents reported that the prosecutor talked with them about the sentencing recommendation (69 percent), that they had an opportunity to give their opinion about the sentencing recommendation (75 percent), wrote an impact statement (67 percent of parents, 58 percent of child victims), and attended the sentencing (63 percent of parents, 44 percent of child victims). Of those who attended the sentencing, 60 percent spoke at the sentencing and 67 percent had an advocate present. The 32 child victims who were directly interviewed reported slightly higher levels of participation in the criminal justice process compared with all children in the study. This might be expected among older victims who would more likely be included in discussions with prosecutors, write an impact statement, or attend the sentencing.

SSOSA Cases

Because there were so few SSOSA cases (n=9), it was possible to examine each in greater detail; prosecutors' offices provided specific information. In several cases, the victim supported SSOSA but the parents did not. In one case, there was evidence that relatives and church members pressured the parents of a very young child victim to support SSOSA, so that, at the sentencing, it appeared all involved parties supported SSOSA for the offender. In several cases, the victim did not respond to repeated efforts to contact him or her, or the parents would not allow contact with the victim to provide a victim impact statement. In one of these cases, the victim was seriously emotionally disturbed and could not be engaged in the prosecution process. Although his guardian would have preferred incarceration, the prosecutors believed that without offering a SSOSA, the defendant would not have pled guilty and the case would have had to be dismissed. In another, the crime was committed when the offender was a juvenile but the case did not come to light until he was an adult. The parent wanted the offender incarcerated but did not want the victim involved. The victim did not respond to attempts to be contacted. A SSOSA appeared to be the appropriate outcome considering the facts of the case. In these instances, a SSOSA was supported despite the lack of victim involvement either to secure a conviction or because the SSOSA outcome seemed the most appropriate result. In one case, the court imposed a SSOSA over the victim's objections.

Attitudes Toward Case Outcome

In terms of attitudes about the sentencing outcome, a substantial majority of both parents and children were satisfied with the outcome. According to the parents, they agreed with the sentence (parents=69 percent; children=83 percent) and believed justice was done (parents=69 percent; children=67 percent). Parents were less likely to agree with the sentence compared with what they believed were their children's views; however, in terms of the perception of justice being done, the parent's views and what they believed their children thought were comparable.

Contrast Between Parents and Children

The 32 children who were directly interviewed reported even higher levels of satisfaction with the outcome than what their parents believed was the children's level of satisfaction. The child victims agreed with the sentence in the case and thought justice was done in 90 percent of cases. The differences between the children's own views and their parents' views of satisfaction can be seen when the children and parents views are compared (see Exhibit 13).

Exhibit 13
Attitudes Toward Case Outcomes and Sentencing Policy

	Child Victims' Views	Parents Views of Child Victims*	Parents Own Views
Attitudes Toward Case			
Agree with sentence (yes)	90%	78%	69%
Justice done (yes)	90%	62%	69%
Attitudes Toward Policy			
Option for treatment alternative (yes)	69%	n/a	28%
Treatment at some point (yes)	100%	n/a	97%

*Percentages based on the views of parents of the 32 interviewed children.

Impact of SSOSA on Satisfaction With Case Outcome

There were no differences in satisfaction with the case outcomes based on whether or not a SSOSA was granted. Parents were just as likely to agree with the sentence and believed justice was done whether or not the offender was granted a SSOSA. The same was true for the children based on the parent's report of their children's satisfaction with the case outcome and on the children's own views.

Sentencing Policy for Sex Offenders

The majority of parents (71 percent) did not believe that a community-based sentencing alternative should be available to sex offenders instead of prison, while the majority of child victims who were directly interviewed did believe that a community-based treatment alternative should be available (69 percent). The interview specifically asked whether the respondent would continue to hold this view even if it meant that some children would not participate in the criminal justice process because they wanted the offender to have treatment. All of the parents, and the interviewed children who held the view that it should not be available, maintained the position even if it meant that victims would not come forward. When the gender of the parent or caregiver completing the interview was examined, the results showed that none of the fathers (n=10) believed there should be a sentencing alternative for sex offenders, whereas mothers and female caregivers (e.g., the grandmothers, older sister/guardian) had more mixed views.

The parents, with one exception, believed it was important for sex offenders to have treatment either in prison or after release; all but one parent believed it was very important versus somewhat important. All of the child victims who were interviewed believed it was very important for offenders to have treatment at some point.

There were very few significant relationships between case characteristics and attitudes toward the specific case outcome or sex offender policy in general. The only statistically significant relationship was that when the offender was living with the victim at the time of the crime or at the time of the report, the parents reported that their children were more likely to believe that justice was *not* done.

Discussion and Conclusions

Overall, most parents of child victims and the child victims expressed satisfaction with the outcome of the case. They agreed with the sentence and believed justice was done. When child victims were directly asked, as opposed to their views being learned from their parents, they agreed even more strongly with the sentence and believed justice was done.

There were no differences in satisfaction based on the case outcome—whether the offender did or did not receive a SSOSA. This result suggests that granting a SSOSA serves the purpose intended of providing an alternative that meets the needs of a small subset of victims. It is possible that the victims and families would have been just as satisfied with the case outcome if a SSOSA had not been granted. On the other hand, if granting a SSOSA was generally associated with less victim and family satisfaction with case outcome, it would have shown in the results.

Surprisingly, while the sentence outcome did not make a difference in satisfaction, no other case characteristic was associated with case outcome. None of the variables that might be expected to be influential, such as relationship to the offender, seriousness of the case, or impact on the victim, showed a relationship to the sentencing decision. One possible explanation is that victims and families do not place the level of weight on the case outcome that is generally thought. They may care more about a process perceived as fair, or that there is a conviction, and less about the specific case result.

The majority of parents opposed the availability of a treatment alternative for sex offenders even if it meant some victims would not cooperate with the criminal justice process. On the other hand, child victims did not share these views; the large majority supported the availability of a sentencing alternative.

Finally, all parents and victims in this study believed that sex offenders should have treatment. In addition, they were unanimous in support of extensive restrictions on convicted sex offenders. The strong support for sex offender treatment is striking. It means that sex offenders are perceived as individuals suffering from treatable psychological conditions. Punishment alone is not seen as sufficient to reduce recidivism.

These results illuminate the unusual nature of victim, family, and societal attitudes toward sex offenders. Despite the belief among parents in this study that sex offenders should receive severe punishment, there is an equivalently strong belief that they should receive treatment, albeit not as a substitute for punishment. At the individual case level, even though most parents opposed the availability of a sentencing alternative for sex offenders, the fact that the sex offender in their case received a treatment sentencing alternative did not diminish their or their children's satisfaction with the outcome of the case, compared with parents and child victims in cases where the offender did not receive the alternative.

The contrast between child victims' views and those of their parents has significant implications. That parents believed their children were less satisfied with the case outcome than the children reported suggests that parents may have unwittingly assumed that their children shared their perspectives. The parents did seem to recognize to some extent that their children may have had different views, but perhaps they did not always appreciate the magnitude of the difference. It is not surprising that parents would have different and less positive views of case outcomes than their children. Overall, the parents in many cases knew the offenders less well and the offenders were less important to them than to the children. Parents might, therefore, have had fewer mixed feelings than their children toward the offenders. In addition, it is a central part of parents' role to protect their child from harm and try to provide a childhood free of victimization.

It is understandable that, from a parent's perspective, no legal consequence could seem truly just. It should be noted that this study only included children living with protective parents or family members, rather than those in foster care, for example.

The inconsistency between the parents' and children's views is most relevant to the general policy question: Should a treatment sentencing alternative be available for sex offenders? On this matter, parents and children had opposite views. It is not known from this study whether parents were aware of this discrepancy or whether the parents' views might have been altered had they known their children's position.

The evidence that child victims strongly supported having such an alternative lends weight to the underlying policy basis for SSOSA of reflecting the interests and needs of child victims. On the other hand, it is unclear how to develop or promote a public policy that adults, even the parents of victims, may not support. For example, children could not be expected to publicly promote legislative approaches that their parents oppose.

General attitudes toward sex offenders do not always coincide with attitudes toward sex offenders in a specific case. As prosecutors and judges can attest, not only victims and their families, but friends, colleagues, and community members who know someone found to be a sex offender will routinely plead for leniency or treatment alternatives at sentencing. If asked, these individuals are highly likely to reflect the generally harsh views toward sex offender sentencing as a matter of general social policy. In other words, sex offenders in the abstract are despicable and undeserving of any special considerations, whereas sex offenders who are known, especially those who are not generally antisocial, are often perceived to deserve a modified consequence.

This contrast between general and specific views toward sex offenders presents a challenge for public policymakers. Victims, families, and citizens who support SSOSA are unlikely to become actively involved in the political process. In part, this is because their position is specific to their own circumstance but, given the current social climate, they might also reasonably fear being publicly labeled as defenders of sex offenders.

APPENDIX A: SSOSA PARENT INTERVIEW

Hello, is this _____?

This is _____. I am the research assistant from the Harborview Center for Sexual Assault and Traumatic Stress at the University of Washington.

I am calling about the study on sex offender sentencing that I explained to you. At that time you agreed to be in the study. Are you still willing?

Did you get the Information Statement? I want to just review what is in it. The purpose of the study is to find out about reactions to the sentencing of the offender in your cases and sentencing of sex offenders in general. It involves a telephone interview that takes about 30 minutes. I will be asking questions about the sentencing process, your opinion about the sentence in your case and sentencing of sex offenders in general. You are free not to answer any questions you do not wish to answer or to stop the interview at any time. Your name will not appear on any form connected with this interview. It is completely confidential. After the interview is over we will throw away your name no later than October 2005. After the interview I will send you \$20.00.

At the end of the interview I will ask you if you would be willing to be contacted in the future.

Is this still a good time for you to talk? Do you have enough privacy right now or would you like me to call back another time?

I know that talking about the sentencing of the offender may be upsetting. I want to make sure that you are feeling OK when you are answering questions. Please let me know at any time if it is hard. And I will be checking in to see how you are doing. Remember you can stop any time and you don't have to answer any questions you don't want to.

Are there any further questions I can answer for you before we get started?

We are interested in learning your opinions about the sentence that the judge gave the offender. The sentence can be jail or prison time, treatment, or some combination of the two. The sentence can also include paying restitution, and restrictions on what the offender can do.

First, we have a few questions about what happened before the sentencing.

Q1. Did the offender plead guilty or did the case go to a trial, that means it went to court and people testified?

- Trial conviction
 Guilty plea

Q2. If you recall what crime(s) was the offender was convicted of?

Q3. Did the prosecutor talk to you about the offender pleading guilty?

- Yes
 No

Q4. Did the prosecutor talk to your child about the offender pleading guilty?

- Yes
 No

Q5. How much of a chance did you have to give your opinion about the offender pleading guilty? Would you say none, somewhat or a lot?

- None
 Somewhat
 A lot

Q6. How much of a chance did your child have to give an opinion about the offender pleading guilty? Would you say none, somewhat or a lot?

- None
 Somewhat
 A lot

Q7. Sometimes the main reason for letting an offender plead guilty is so that the victim doesn't have to testify in court. In this case, how much would you say this was the reason for the guilty plea? Would you say not at all, somewhat or a lot?
 Not at all
 Somewhat
 A lot

Q8. Another reason for letting an offender plead guilty is to make sure that the offender gets convicted of a crime and isn't found not guilty or acquitted in a trial. In this case, how much do you think this was the reason for the guilty plea? Would you say not at all, somewhat or a lot?
 Not at all
 Somewhat
 A lot

Q9. Did you write a letter or a victim impact statement for the sentencing?
 Yes
 No—SKIP TO Q11

Q10. Did you do the letter yourself or did you get help? If so, who helped?
 Did it myself
 Family/friends
 Victim advocate/victim witness
 Counselor
Other _____

Q11. Did your child write a letter or a victim impact statement for the sentencing?
 Yes
 No—SKIP TO Q13

Q12. Did your child do the letter his/her self or did he/she get help? If so, who helped?
 Did it myself
 Family/friends
 Victim advocate/victim witness
 Counselor
Other _____

Q13. Did you attend the sentencing?
 Yes
 No—GO TO Q18

Q14. Did you talk to the judge at the sentencing?
 Yes
 No

Q15. Was an advocate or counselor with you at the sentencing?
 Yes
 No

Q16. In your opinion, at sentencing did the offender show remorse or act sorry for s/he did? Would you say not at all, somewhat or a lot?
 Not at all
 Somewhat
 A lot

Q17. How about your child, did s/he attend the sentencing?
 Yes
 No

Q18. Did s/he talk to the judge?
 Yes
 No

Checking in to see how you are doing. Are you feeling OK? Ready to go to the next questions?

Now I have a few questions about the actual sentence.

Q19. How much did you agree with the sentence? Would you say not at all, somewhat or a lot?

- Not at all
- Somewhat
- A lot

Q20. How about your child, how much did s/he agree with the sentence? Would you say not at all, somewhat or a lot?

- Not at all
- Somewhat
- A lot

Q21. Of course nothing can totally make up for what happened. But considering everything, do you think that justice was done? Would you say not at all, somewhat or a lot?

- Not at all
- Somewhat
- A lot

Q22. How about your child, does s/he think justice was done? Would you say not at all, somewhat or a lot?

- Not at all
- Somewhat
- A lot

Q23. [Ask if SSOSA or community based counseling instead of jail/prison only is mentioned, otherwise SKIP TO Q25] You say that the offender got SSOSA/a sentence that included treatment in the community. In your opinion, how much say did you have in the offender getting that sentence? Would you say none at all, somewhat or a lot?

- None at all
- Somewhat
- A lot

Q24. How about your child? How much say did s/he have? Would you say not at all, somewhat or a lot?

- None at all
- Some
- A lot

Q25. Often offenders get restrictions such as not being alone with kids, not drinking, or something else. As far as you know, what were the restrictions in your case?

Q26. How much did you agree with the restrictions? Would you say not at all, somewhat or a lot?

- Not at all
- Somewhat
- A lot

Q27. Are there any other restrictions you think should have been placed on the offender?

Are you doing OK? Ready to go on?

Now I want to ask your opinion about sentences for sex offenders in general, not just in your case.

Q28. How important is it for sex offenders to be ordered by the court to have treatment either in the community, in prison, or after they get out of prison? Would you say not very important, somewhat important, very important?

- Not very important
- Somewhat important
- Very important

Q29. Some victims, especially children or when the offender is a close relative or someone they care about, want the offender to have treatment in the community instead of going to prison. If an offender is safe to be in the community and a specialist in sex offender treatment says s/he can be treated, should there be an option for some sex offenders to get treatment in the community?

- Yes
- No

Q30. [If no] Just to be clear, does this mean that you believe that there should never be an option for community treatment?

- Yes
- No

Q31. What if some victims would not come forward or would refuse to cooperate with prosecuting the offender? Should community treatment be an option in those cases?

- Yes
 No

[If yes, continue; If no, GO TO Q36]

Besides being safe to be in the community, I would like to know what other factors you think are important in order for the offender to be allowed to stay in the community and get treatment.

Q32. How important is the offender admitting the crime(s) as a condition to staying in the community and receiving treatment? Would you say not at all important, somewhat important, or very important?

- Not at all important
 Somewhat important
 Very important

Q33. How important is the offender taking total responsibility for the crime(s)? Would you say not at all important, somewhat important, or very important?

- Not at all important
 Somewhat important
 Very important

Q34. How important is the offender being sorry/remorseful? Would you say not at all important, somewhat important, or very important?

- Not at all important
 Somewhat important
 Very important

Q35. How important is the victim's opinion? Would you say not at all important, somewhat important, or very important?

- Not at all important
 Somewhat important
 Very important

Q36. Thank you for answering these sentencing questions. Is there anything else you would like to say about how your case turned out or about sentencing of sex offenders in general?

We are almost finished. How are you doing?

Now I have a few final questions about the victim, you, the crime and the relationship to the offender.

Q37. How old is the victim?

- Years old/age

Q38 How would you describe his/her ethnicity?

- African American
 Asian American
 Caucasian
 Latino/Hispanic
 Native American
 Pacific Islander
 Mixed

Q39. What is your relationship to the victim?

Q40. What is the offender's relationship to the victim?

Q41. What is your relationship to the offender?

Q42. Was the offender living in the same household as the victim at the time crime happened?

- Yes
 No

Q43. Was the offender living in the same household as the victim at the time the crime was reported/found out?

- Yes
- No

Q44. How important (close?) would you say the offender is to (the victim/name)? Would you say not at all important, somewhat important, or very important?

- Not important
- Somewhat important
- Very important

Q45. How important would you say the offender is to you? Would you say not at all important, somewhat important, or very important?

- Not important
- Somewhat important
- Very important

Q46. About how many times did the crimes happen?

- Once
- A few times (2-5)
- Many times (6 or more)

Q47. Approximately how long did the crimes go on?

- One day
- < 2 weeks
- 2 weeks- 1 month
- 1-6 months
- 6 months-1 year
- 1-5 years

Q48. How long after the last time the crime happened was it until your child reported or someone found out about it?

- same day
- < 2 weeks
- 2 weeks- 1 month
- 1-6 months
- 6 months-1 year
- 1-5 years

Q49. Was your child afraid of being killed, hurt, or of someone else being killed or hurt? Would you say not at all, somewhat or a lot?

- Not at all
- Somewhat
- A lot

Q50. Was your child afraid of/worried about what would happen to the offender if s/he told? Would you say not at all, somewhat or a lot?

- Not at all
- Somewhat
- A lot

Q51. Using a scale of 1 to 5 with 1 being a small impact, 3 being a moderate impact and 5 being a severe impact, how would you rate the impact of the crime(s) on your child?

Q52. How about the impact on you using the same scale, with 1 a small impact, 3 a moderate impact, and 5 a severe impact?

Q53. In your opinion, separate from the crime(s) itself, how much effect did the offender's sentence have on your child? Would you say none at all, some, or a lot?

- None at all
- Some
- A lot

Q54. In your opinion, separate from the crime(s) itself, how much effect did the offender's sentence have on you? Would you say none at all, some or a lot?

- None at all
- Some
- A lot

Thank you again for answering these questions. We know that thinking about the crime can be upsetting in some cases. How are you feeling right now? Would you like to talk to one of our counselors on the phone or would you like us to help you find a counselor in your community? If you feel upset later or want to talk to someone you can call Lucy Berliner at 206 521 1800.

[When applicable, e.g., parent has agreed to allow a 12- to 17-year-old child to be interviewed.]

You have agreed to let your child participate in the interview. Before talking to your child, I just want to check to make sure you think your child will be able to answer the questions. They are basically the same ones that I have asked you. Do you think your child will be able to understand the questions? Is there anything you think I should know before interviewing your child?

I mentioned earlier that we are interested in learning about the longer-term reactions to sentencing of sex offenders as well. Would you be willing to be contacted up to 3 years from now?

- No
- Yes

[If yes]

Just so you understand, we will keep your name separate from your answers. Only a study identifier, a number, will connect them. We will keep your name and contact information in a locked file. We will throw away your name and contact information no later than October 2007. At any time if you decide you do not want to be contacted you can just call and tell us and we will throw it away.

Contact information:

If you have any questions at all you can call Lucy Berliner at (206) 521-1800.

APPENDIX B: SSOSA VICTIM INTERVIEW

Hello, is this _____?

My name is _____. I am the research assistant from the Harborview Center for Sexual Assault and Traumatic Stress at the University of Washington.

I am calling about the study on sex offender sentencing. The purpose of the study is to learn about victim reactions to sex offender sentencing. I know your parent has agreed to let you be in the study if you want to be in it. You don't have to be in the study if you don't want to.

The study involves a telephone interview. I will ask you some questions about what happened in your case, how much you were involved in deciding what should happen to the sex offender, your opinion about how the case turned out and what you think should happen to convicted sex offenders in other people's cases. You don't have to answer any questions you do not want to answer. You can stop the interview any time.

The interview will take about 20 minutes. After the interview is over we will send you \$20.00.

It might be upsetting to talk about or remember the case. You could feel nervous or scared or mad. If you feel upset you can tell me or you can stop the interview. Remember you don't have to answer any questions you don't want to. You also might be worried about privacy when you are answering the questions. You can stop the interview whenever you want.

Your answers will be kept private. No one will know what you said. We won't give your answers to anyone.

Do you agree to be in the study?

Is this a good time to talk? Do you have enough privacy right now? I can call back if you like.

I want to make sure that you are feeling OK when you are answering questions. Please let me know at any time if it is hard. And I will be checking in to see how you are doing. Remember you can stop any time and you don't have to answer any questions you don't want to.

Are there any further questions I can answer for you before we get started?

We are interested in learning your opinions about the sentence that the judge gave the offender. The sentence can be jail or prison time, treatment, or some combination of the two. The sentence can also include paying restitution, and restrictions on what the offender can do.

First, I have a few questions about what happened before the sentencing.

Q1. If you know, did the offender plead guilty or did the case go to trial, that means it went to court and people testified?

_____ Trial Conviction

_____ Guilty Plea

Q2. If you remember what crime(s) was the offender was convicted of?

Q3. Did the prosecutor talk to you about the offender pleading guilty?

_____ Yes

_____ No

Q4. How much of a chance did you have to give your opinion about the offender pleading guilty? Would you say none, somewhat or a lot?

_____ None

_____ Somewhat

_____ A lot

Q5. Sometimes the main reason for letting the offender plead guilty is so that the victim doesn't have to testify in court. In this case, how much would you say this was the reason for the guilty plea? Would you say not at all, somewhat or a lot?

_____ Not at all

_____ Somewhat

_____ A lot

Q6. Another reason for letting an offender plead guilty is to make sure that the offender gets convicted of a crime and isn't found not guilty in a trial. In this case, how much do you think this was the reason for the guilty plea? Would you say not at all, somewhat or a lot?

- Not at all
- Somewhat
- A lot

Q7. Did you write a letter or a victim impact statement for the sentencing?

- Yes
- No

Q8. [If yes] Did you do it yourself or did you get help? If so, who helped?

- Did it myself
- Family/friends
- Victim advocate
- Counselor
- Other _____

Q9. Did you attend the sentencing?

- Yes
- No- GO TO 18

Q10. [If yes] Did you talk to the judge at the sentencing?

- Yes
- No

Q11. Was an advocate or counselor with you at the sentencing?

- Yes
- No

Q12. In your opinion, at sentencing, did the offender show remorse or act sorry for s/he did? Would you say none at all, somewhat or a lot?

- Not at all
- Somewhat
- A lot

Checking in to see how you are doing. Are you feeling OK? Ready to go to the next questions?

Now I want to ask you some questions about the sentence.

Q13. How much do you agree with the sentence? Would you say not at all, somewhat or a lot?

- Not at all
- Somewhat
- A lot

Q14. Of course nothing can totally make up for what happened. But considering everything, do you think that justice was done? Would you say not at all, somewhat or a lot?

- Not at all
- Somewhat
- A lot

Q15. [Ask if SSOSA or community based counseling instead of jail/prison only is mentioned otherwise SKIP TO Q17]

Q16. You say that the offender got SSOSA/a sentence that included treatment in the community. In your opinion, how much say did you have in the offender getting that sentence? Would you say none at all, somewhat or a lot?

- None at all
- Some
- A lot

Q17. Often offenders get restrictions such as not being alone with kids, not drinking or something else. As far as you know, what were the restrictions in your case?

Q18. How much do you agree with the restrictions? Would you say not at all, somewhat or a lot?

- Not at all
 Somewhat
 A lot

Q19. Are there any other restrictions you think should have been put on the offender?

Are you doing OK? Ready to go on?

Now I want to ask your opinion about sentences for sex offenders in general, not just in your case.

Q20. How important is it for sex offenders to be ordered by the court to have treatment either in the community, in prison or after they get out of prison? Would you say not very important, somewhat important, or very important?

- Not very important
 Somewhat important
 Very important

Q21. Some victims, especially kids when the offender is a close relative or someone they care about, want the offender to have treatment in the community instead of just going to prison. If an offender is safe to be in the community and a specialist in sex offender treatment says s/he can be treated, should there be an option for some sex offenders to get treatment in the community?

- No
 Yes

Q22. [If no] Just to be clear, does this mean that you believe that there should never be an option for community treatment?

- No
 Yes

Q23. What if some victims would not come forward or would refuse to cooperate with prosecuting offender? Should the community treatment be an option in those cases?

- No
 Yes

Q24. Besides being safe to be in the community, I would like to know what other things you think are important in order the offender to be allowed to stay in the community and get treatment.

Q25. How important is the offender admitting the crime(s) before getting to stay in the community and receiving treatment? Would you say not at all important, somewhat important or very important?

- Not at all important
 Somewhat important
 Very important

Q26. How important is the offender taking total responsibility for the crime(s)? Would you say not at all important, somewhat important or very important?

- Not at all important
 Somewhat important
 Very important

Q27. How important is the offender being sorry/remorseful? Would you say not at all important, somewhat important or very important?

- Not at all important
 Somewhat important
 Very important

Q28. How important is the victim's opinion? Would you say not at all important, somewhat important or very important?

- Not at all important
 Somewhat important
 Very important

Thank you for answering these questions. Is there anything else you would like to say about how your case turned out or about sentencing of sex offenders in general?

Now I have one last question.

Q29. In your opinion, separate from the crime(s) itself how much effect did the offender's sentence have on you? Would you say...?

- None at all
- Some
- A lot

Thank you again for answering these questions. We know that thinking about the crime can be upsetting in some cases. How are you feeling right now? Would you like to talk to one of our counselors on the phone or would you like us to help you find a counselor in your community? If you feel upset later talk to your parent or a counselor. Or you can call Lucy Berliner here at (206) 521-1800.

APPENDIX C: LEGISLATIVE CHANGES TO SSOSA LAWS

Year	Chapter	Bill	Title	Effective	Session	Description	Note
1990	Chap. 3	2SSB 6259	Community Protection Act	6/7/1990	1990 Regular Session	Increases length of supervision to 3 years or length of suspended sentence, whichever is longer. Increases length of treatment up to 3 years. Increases accountability of the treatment provider, changes maximum sentence allowed from six to eight years, directs that after July 1991 sex offender treatment providers be certified.	Governor partially vetoed in 1990
1992	Chap. 45	ESHB 2262	Sex offenders – Community Protection Act amendments	3/26/1992	1992 Regular Session	Modifies SSOSA Sex Offender Therapist certification requirements.	Governor signed in 1992
1996	Chap. 215	SHB 2545	Sex offenders – notification, release requirements	6/6/1996	1996 Regular Session	Authorized DOC to impose additional conditions for community custody.	Governor signed in 1996
1996	Chap. 275	SSB 6274	Sex offenders – supervision	6/6/1996	1996 Regular Session	Converts status of SSOSA to community custody, authorizes DOC administrative sanctions, extends the period and conditions of community custody.	Governor signed in 1996
1997	Chap. 69	SB 5140	Offender community placement	7/27/1997	1997 Regular Session	Offenders participating in the Special Sex Offender Sentencing Alternative are prohibited from accruing any earned early release time while serving their suspended SSOSA sentences.	Governor signed in 1997
1997	Chap. 144	SB 5519	Sentencing compliance	7/27/1997	1997 Regular Session	The department is authorized to require an offender to perform affirmative acts, such as drug or polygraph tests, necessary to monitor compliance with crime-related prohibitions and other sentence conditions.	Governor signed in 1997
1997	Chap. 338	E3SHB 3900	Juvenile Code revisions J.S.	7/1/1997*	1997 Regular Session	The state must pay the costs of the initial examination and treatment of an offender under adult court jurisdiction who is less than 18 and who is given an SSOSA sentence.	Governor signed in 1997
1997	Chap. 340	HB 1924	Sex offense sentencing	7/27/1997	1997 Regular Session	Authorizes the court to sentence a sex offender to a SOSSA program if the offender has received a sentence of less than 11 years of confinement instead of eight years of confinement.	Governor signed in 1997
1999	Chap. 196	E2SSB 5421	Offender supervision	7/25/1999*	1999 Regular Session	Provides for enhanced supervision of offenders in the community.	Governor signed in 1999
2001	Chap. 12	3ESSB 6151	High-risk sex offenders	6/26/2001*	2001 2nd Special Session	Relating to the management of sex offenders in the civil commitment and criminal justice systems. Determinate Plus.	Governor signed in 2001
2002	Chap. 175	SB 6627	Community service	7/1/2002	2002 Regular Session	Relating to community service.	Governor partially vetoed in 2002

2004	Chap. 38	SHB 2849	Sex offender treatment	7/1/2004	2004 Regular Session	Eliminates credentialing barriers for sex offender treatment providers.	Governor signed in 2004
2004	Chap. 176	ESHB 2400	Sex crimes against minors	6/10/2004 (7/1/2005)*	2004 Regular Session	<p>Modifies eligibility criteria for a SSOSA. Makes ineligible for a SSOSA:</p> <ul style="list-style-type: none"> • persons with adult convictions for violent offenses committed within five years of the current offense; • persons who caused substantial bodily harm to the victim; and • persons who had no connection with the victim other than the offense itself. <p>The proposed treatment plan must contain an identification of behaviors or activities that are precursors to the offender's offense cycle to the extent that they are known. The court must consider the following factors when deciding whether to grant a SSOSA sentence:</p> <ul style="list-style-type: none"> • whether the offender had multiple victims; • whether the offender is amenable to treatment. An admission to the offense, by itself, does not constitute amenability to treatment; • the risk the offender poses to the community, the victim, or persons similarly situated to the victim; and • whether the alternative is too lenient in light of the extent and circumstances of the offense. <p>The court must give great weight to the victim's opinion. If the court orders a sentence that is contrary to the victim's opinion, the court must state its reasons in writing.</p> <p>Requires that the offender must, as part of his or her plea of guilty, voluntarily and affirmatively admit all of the elements of the crime to which the offender is pleading guilty. This alternative is not available to offenders who plead guilty to the offense charged under North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160, 27 L.Ed.2d 162 (1970).</p>	Governor partially vetoed in 2004
2006	Chap. 133	HB 3252	Sex offenders	6/7/2006	2006 Regular Session	Requires that the offender must, as part of his or her plea of guilty, voluntarily and affirmatively admit all of the elements of the crime to which the offender is pleading guilty. This alternative is not available to offenders who plead guilty to the offense charged under North Carolina v. Alford, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970)	Governor signed in 2006

* Relevant dates for the SSOSA changes are listed; effective dates may vary by section of the session law.

Source: Washington State Sentencing Guidelines Commission