

## ***SHAPING THE FUTURE***

2019 ATSA Conference | Friday November 8 | 10:30 AM – 12:00 PM

**F-02**

### **Sentencing and Management: Public Perceptions, Effectiveness, and an Evidence-Based Approach**

Symposium Chair: Kevin L. Nunes, PhD  
Carleton University

Sexual offense sentencing and management policies are judged by the extent to which they satisfy the general public, are effective at preventing offending, and make efficient use of limited available resources. In this symposium three papers will consider sentencing and management policies from different perspectives. The first paper will examine the extent to which the general public endorses punitive sentencing and post-release supervision policies for people convicted of sexual offences, and whether this differs as a function of characteristics of the offender and victim. The second paper will test the relationship between incarceration and post-release sexual recidivism. The final paper will discuss evidence-based sentencing and its applications to the management of people who have committed sexual offenses. Together these papers will provide evidence regarding public perceptions and effectiveness—and recommendations for improvement—of sexual offense sentencing and management policies.

### **Punitive Attitudes Towards Individuals Convicted of Sex Offenses: A Vignette Study**

Kelly M. Socia, PhD  
Jason Rydberg, PhD  
Christopher P. Dum, PhD  
University of Massachusetts, Lowell

The public frequently holds stereotypical beliefs about the perpetrators and victims of sex crimes. These stereotypes may influence punitive attitudes towards individuals convicted of sex crimes (ICSOs), such as initial sentencing recommendations and support for post-release policy requirements. Using a nationally-representative vignette survey experiment, this study examines whether punitivity towards ICSOs is influenced by deviations from the stereotypical sex crime of a male stranger attacking a female victim, and whether these influences differ between adult and child victim crimes. Further, we examine whether the impact of these deviations is consistently applied between preferences for sentencing and post-release supervision policies.

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We find that respondents consistently recommend more lenient punishments for female perpetrators and harsher punishments for cases involving child victims. Further, compared to adult victim crimes, punitivity for child victim crimes depends less on other case characteristics (e.g., relationship or sex of the victim). Finally, while some of the predictors of punitivity are similar between sentencing and post-release policy decisions, results suggest sex crimes with male victims are viewed as deserving more punishment, while perpetrators with stranger victims are viewed as more dangerous to society. Overall, we find that while punitivity towards sex crime perpetrators is generally high, the *most* punitivity is reserved for male perpetrators and for crimes with child victims.

### **Learning Goals:**

- Understand the dynamics of punitivity as it relates to the sentencing and post-release policy support for individuals convicted of sex crimes.
- Understand how sex crime perpetrator and victim characteristics influence punitivity both separately and in interaction with each other.
- Understand the similarities and differences between what influences sentencing punitivity and what influences support for post-release policies as it relates to individuals convicted of sex crimes.

### **Does Longer Incarceration Deter Post-Release Sexual Re-Offending?**

Kevin L. Nunes, PhD  
Chloe I. Pedneault, BA (Hons)  
Jennifer Renee Malcom  
Maya Atlas  
Ali Croke  
Carleton University

In the current study we tested the relationship between incarceration duration and sexual recidivism. Participants were 322 men who had committed sexual offences and were subsequently released from Canadian federal prisons. The average incarceration length was 3.36 years and most had been released in the late 1980s or early 1990s. After an average post-release follow-up time of 19 years, we gathered information on recidivism from criminal records. Statistically controlling for pre-release actuarial risk (Static-99R), incarceration was not significantly related to post-release sexual recidivism. Consistent with most other studies to date, our findings do not support the intuitive assumption that lengthier incarceration deters sexual recidivism following release.

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### **Learning Goals:**

*I will present*

- A brief review of past research on incarceration and sexual recidivism
- New evidence regarding the relationship between incarceration and sexual recidivism
- Discuss implications of the findings, remaining questions, and next steps.

### **Toward Evidence-Based Sentencing in Sex Offense Cases**

Kurt M. Bumby, PhD  
Independent Consultant

Punishment-only sentencing and post-sentencing models are widely recognized as ineffective in reducing recidivism and enhancing public safety and, in some circumstances, have the opposite effect. Without question, sentencing goals are multi-faceted and reflect important considerations including retribution, risk management, deterrence, and victim impact. Recent trends reflect incorporating an explicit sentencing goal to enhance risk reduction and public safety by applying the “what works” research (i.e., evidence-based sentencing). This approach includes not only risk-differentiated laws and public policies, but also court-level philosophies and judicial practices that take into account the diversity of individuals who come before the courts (i.e., varied risk, need, and responsivity factors), facilitate accountability and internal motivation to change, and set the stage for effective post-sentencing strategies (e.g., individualized supervision conditions, risk-reducing programs and services). As such, it is a marked contrast to offense-based laws and policies that tend to result in “one-size-fits-all” sentencing and post-sentencing approaches.

With respect to sex offenses, however, many sentencing laws and other public policies remain, and in some instances, focus increasingly on more punitive and restrictive strategies (e.g., minimum mandatory sentences, enhanced penalties, extensive blanket supervision conditions, proximity restrictions, registration). While presumably well intended, such “sex offender-specific” policies are oftentimes not well informed by current research. Indeed, a mounting body of empirical evidence indicates the potential for a range of unintended effects that run counter to public safety, victim-centeredness, and sexual abuse prevention. This presentation will provide a brief overview of evidence-based sentencing framework and applications to sex offender management.

### **Learning Goals:**

*Participants will be able to:*

- Identify key tenets of evidence-based sentencing;
- Identify factors commonly influencing sentencing goals in sex offense cases; and

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- Recognize ways in which evidence-based principles can be applied to sentencing policies and practices in sex offense cases.

**Kevin Nunes** is a professor in the Department of Psychology and director of the Aggressive Cognitions and Behaviour Research Lab at Carleton University. The main focus of his research is on the conceptualization and measurement of cognitions (e.g., attitudes, stereotypes, beliefs, expectancies, etc.) thought to be relevant to sexual and nonsexual violent behavior, and the role these cognitions may play in violent behavior. His main goal is to contribute to scientific knowledge about the causes of violence, which is the foundation of effective and efficient assessment and intervention aimed at managing and reducing violence.

**Kelly M. Socia, PhD**, is an Associate Professor in the School of Criminology and Justice Studies and a Fellow for the Center for Public Opinion at the University of Massachusetts, Lowell. He has over thirty peer-reviewed publications in journals such as *Criminology & Public Policy*; *Crime & Delinquency*; *Sex Abuse: A Journal of Research and Treatment*; and *Psychology, Public Policy, and Law*. He has served as co-Editor of *Sex Offender Law Report*, co-wrote an Oxford Bibliography entry on Sex Offender Policy and Legislation, and has consulted on court cases involving the housing impacts of sex offender residency restrictions. His research interests include registered sex offenders and public policies, offender reentry and recidivism, public opinion and policy-making, and spatial analyses. He received his Ph.D. in Criminal Justice from the School of Criminal Justice at the University at Albany, State University of New York, in 2011.

**Dr. Kurt Bumby** is a forensic psychologist and justice system consultant primarily specializing in evidence-informed sex offender management policies and practices. Over the past 25 years, he has had a diverse career in the juvenile and criminal justice fields in capacities that include agency administration, clinical practice, expert testimony, and research. Most recently, he was a Senior Associate with the Center for Effective Public Policy, through which he oversaw multiple national justice-related initiatives and served as the Director of the Center for Sex Offender Management. He is a Past President of ATSA, is an ATSA Fellow, and served on the International Advisory Committee for the Safer Society Foundation and the Advisory Board for the National Center on the Sexual Behavior of Youth.