



Office of
Mental Health

Does Being Over 60 Years Old at Index Offense Impact Sexual Recidivism Risk?

Jeffrey C. Sandler and Naomi J. Freeman

New York State Office of Mental Health

February 19, 2025

Offending and Aging

- Well-established that older individuals, as a whole, are less likely to engage in criminal activity
- Well-established that people who commit offenses, as a whole, become less likely to recidivate as they get older
- Older men who commit sexual offenses are significantly overrepresented in both arrest data and correctional samples

Sexual Offending and Aging

- Older individuals make up a disproportionate percentage of those arrested for sexual offenses (Fazel, 2008; Feldmeyer & Steffensmeier, 2007)...
- ...and that disproportionality appears to be growing over time (Zurek et al., 2017)...
- ...men who committed sexual offenses overrepresented among older incarcerated populations

Older Sexual Offending Overrepresented

- Many possible reasons proposed as cause of the overrepresentation in prison:
 - Longer sentences for sexual offenses
 - Lengthened statutes of limitations for sexual offenses
 - Less serious crimes less likely to be pursued
 - Cognitive decline and loss of inhibition
 - Easier access to potential victims (e.g., grandchildren)
- There is a large and growing number of incarcerated men in need of sexual recidivism risk assessments

Older Men Who Sexually Offend

- Very few studies within the field of sexual offending research, what's out there tends to come from:
 - Neuropsych field (e.g., Rodriguez et al., 2017)
 - Geriatric psychiatry field
- A lot of the foundational research done by Seena Fazel
- Almost more summaries of research (e.g., Booth, 2016; Stewart & Federoff, 2017) than research studies, often with conflicting results (e.g., dementia)

Sexual Recidivism Risk of Older Men Who Sexually Offend



Office of
Mental Health

Age at Offense and Sexual Recidivism Risk

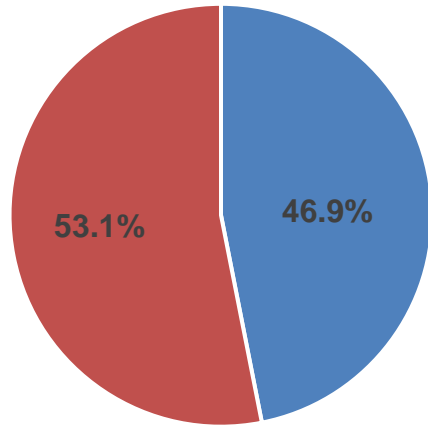
- Marshall (2010): 155 men who sexually offended, were sanctioned, and then sexually recidivated
 - Men who were 60+ at time of recidivism were assessed as higher risk following the recidivism than those who were younger at recidivism
 - Indication that age at offense could be related to sexual recidivism risk
 - Only included a measure of sexual recidivism risk not a measure of actual sexual recidivism

Sandler & Freeman (in press)

- Men who committed sexual felonies over the age of 60:
 - Limited criminal histories

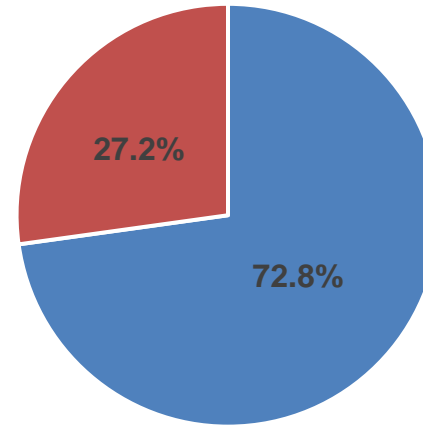
Offenses Prior to Over-60 Sexual Index

Any Prior Offense



■ No ■ Yes

Prior Sexual Offense



■ No ■ Yes

Sandler & Freeman (in press)

- Men who committed sexual felonies over the age of 60:
 - Limited criminal histories
 - High levels of at least perceived sexual deviance
 - At least look at elevated risk for sexual recidivism
- Predictors of sexual recidivism:
 - General criminality factors appear to be best discriminators of risk to sexually recidivate
 - Sexual deviance variables very limited prediction
 - Protective factors also predictive

Older Sexual Offending Overrepresented

- Many possible reasons proposed as cause of the overrepresentation in prison:
 - Longer sentences for sexual offenses
 - Lengthened statutes of limitations for sexual offenses
 - Less serious crimes less likely to be pursued
 - Cognitive decline and loss of inhibition
 - Easier access to potential victims (e.g., grandchildren)
- There is a large and growing number of incarcerated men in need of sexual recidivism risk assessments

Current Study

- Compare the sexual recidivism rates of (a) men who committed sexual felonies under the age of 60 and are being released over the age of 60 to (b) men who committed sexual felonies over the age of 60
- Test calibration of the Static-99R for these two groups of men

Does Being Over 60 at Index Sexual Offense Impact Sexual Recidivism Risk?



**Office of
Mental Health**

Method – Sample

- Sample: 939 men in New York State who were
 - Arrested, arraigned, and/or convicted of a sexual felony
 - Reviewed for possible civil management
 - Over 60 years old upon release to the community

Race/Ethnicity:	<u>Sample</u>	<u>NYS All Ages</u>
• White (non-Hispanic)	59%	51%
• Hispanic	13%	14%
• Black (non-Hispanic)	26%	33%

Method

- All 939 men in the sample were released to the community over the age of 60:
 - 701 had committed their index sexual offense under the age of 60 (Under-60 Index group)
 - 238 had committed their index sexual offense over the age of 60 (Over-60 Index group)
- Comparing the two allows us to test whether being over versus under 60 at the time of offense impacts sexual recidivism rates

Method – Sample Nonequivalence

- Of the 13 risk and protective factors that differed significantly:
 - 10 (including the Static-99R) indicated the Under-60 Index group was higher risk
 - 3 indicated the Over-60 Index group was higher risk
- On aggregate, therefore, the Under-60 Index group appeared somewhat higher risk at release than the Over-60 Index group

Method – Sample Nonequivalence (cont.)

- To control for preexisting difference in risk level at release, the following analyses were preformed:

[Insert fancy analyses]

Sexual Recidivism – Not Controlling for Risk

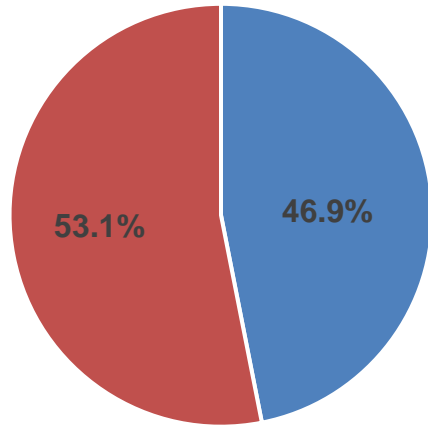
- The Under-60 Index group was higher risk at release, but the Over-60 Index group sexually recidivated significantly more:

Age at Index	Overall	1-Year	3-Year	5-Year
Under-60 index	1.6%	0.6%	1.2%	1.8%
Over-60 index	4.2%	0.9%	3.2%	5.2%
Odds Ratio	2.75*	1.46	2.72	3.01*

* $p \leq .05$

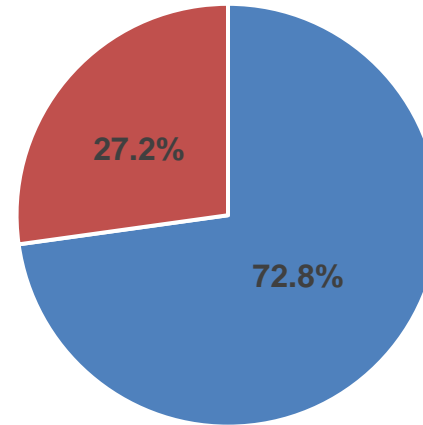
Offenses Prior to Over-60 Sexual Index

Any Prior Offense



■ No ■ Yes

Prior Sexual Offense



■ No ■ Yes

Sexual Recidivism – Not Controlling for Risk

- The Under-60 Index group was higher risk at release, but the Over-60 Index group sexually recidivated significantly more:

Age at Index	Overall	1-Year	3-Year	5-Year
Under-60 index	1.6%	0.6%	1.2%	1.8%
Over-60 index	4.2%	0.9%	3.2%	5.2%
Odds Ratio	2.75*	1.46	2.72	3.01*

* $p \leq .05$

Sexual Recidivism – Not Controlling for Risk

- The difference is driven by men in the Over-60 Index group who had committed a prior sexual offense under 60:

Age at Index	Overall	1-Year	3-Year	5-Year
Under-60 index	1.6%	0.6%	1.2%	1.8%
Over-60 index				
No Under-60 Sexual	2.2%	0.0%	2.2%	3.5%
Had Under-60 Sexual	10.3%	3.7%	6.4%	10.3%

Static-99R: Discrimination (AUCs)

- The Static-99R is an extremely strong predictor of sexual recidivism for men convicted of sexual offenses and released to the community over the age of 60: Full sample ($n = 939$): 0.81 (0.73 – 0.89)
- Also in the individual groups:
 - Under-60 Index ($n = 701$): 0.78 (0.69 – 0.88)
 - Over-60 Index ($n = 238$): 0.89 (0.81 – 0.98)
 - No sexual prior ($n = 180$): 0.88 (0.76 – 0.99)
 - Sexual prior ($n = 58$): 0.83 (0.70 – 0.97)

Static-99R: Calibration

- Ran a series of E/O analyses using various Static-99R norms
- The Static-99R 2021 Routine Samples norms appear:
 - Well-calibrated combined samples of men who sexually offend and are released to the community over 60
 - To over predict for men who sexually offend under 60, but who are over-60 at release
 - To under predict for men who sexually offend over 60 who have committed an under-60 sexual offense (HRHN norms a better fit)

Summary of Study Findings



**Office of
Mental Health**

Sexual Recidivism – Not Controlling for Risk

- The Under-60 Index group was higher risk at release, but the Over-60 Index group sexually recidivated significantly more:

Age at Index	Overall	1-Year	3-Year	5-Year
Under-60 index	1.6%	0.6%	1.2%	1.8%
Over-60 index	4.2%	0.9%	3.2%	5.2%
Odds Ratio	2.75*	1.46	2.72	3.01*

* $p \leq .05$

Sexual Recidivism – Not Controlling for Risk

- The difference is driven by men in the Over-60 Index group who had committed a prior sexual offense under 60:

Age at Index	Overall	1-Year	3-Year	5-Year
Under-60 index	1.6%	0.6%	1.2%	1.8%
Over-60 index				
No Under-60 Sexual	2.2%	0.0%	2.2%	3.5%
Had Under-60 Sexual	10.3%	3.7%	6.4%	10.3%

Age and Sexual Recidivism Broadly

- Very few sexual recidivism studies break up age at release:
 - Age at index
 - Time from index to release
- These could possibly improve sexual recidivism prediction:
 - Being over 60 at sexual offense was predictive of sexual recidivism AFTER controlling for the Static-99R
 - Some preliminary collaborative analyses indicate the two separately might be more predictive than age at release

Questions?

jeffrey.sandler@omh.ny.gov