

Descriptive Study of Sex Offenders in an Ohio County Probation Department

by

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Abstract

Files were reviewed (n=113) of sex offenders currently on probation in an Ohio county. Demographic information about the offender (age, gender, race, marital status, and employment status) and demographic information about their victim(s) (age and gender) were collected. The relationship between victim and offender was analyzed.

The research compares the charges for arrest with those that the offender was convicted. Based on charges the offender was convicted, information about offender's registration status (based on Megan's Laws) was recorded.

Findings indicated that the majority of sex offenders are white males, with full-time employment, and most have had no prior involvement in the criminal justice system. Typical sex offenders were either presently or previously married. Findings also documented that only a few sex offenders were convicted of the offence for which they were arrested. The majority of victims were female (race not stated) and minors. Victims and offenders were most commonly known to each other. Offenders' registration status was dependant upon the criminal offense in which they were convicted.

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Chapter I

Introduction

According to the United States Justice Department, Bureau of Justice Statistics, in 1994 there were approximately 234,000 convicted sex offenders under the custody of correctional agencies. Almost 60 percent of those offenders were under some type of community supervision (Greenfield, 1997). These include probation, parole, or community corrections. Overall, sex offenders make up only 10 percent of the states' prison population, one percent of the federal prisons' population, and three percent of the local jails' populations (Greenfield, 1997). Eventually, most of these offenders will be released back into society, where their sexual offending will continue to be a threat to society. Although it is estimated that offenders convicted of rape or other sexual assaults account for approximately four percent of offenders on probation and about four percent of offenders on parole, sexual offenses are extremely humiliating and devastating to the victim(s) and therefore should be considered an important topic to the field of research (DOJ, 1997a).

As a response to public concerns over sex offenders returning to the community, long prison sentences and strict release conditions have become a common trend within the current criminal justice system. States have passed sex offender registration and community notification statutes to prevent the sexual assaults of victims by notifying potential victims that a convicted sex offender lives nearby (Zevitz & Farkas, 2000).

Sex offenders are those offenders who have been convicted of rape or sexual assaults (DOJ, 1997a). Sexual assaults include statutory rape, forcible sodomy, lewd acts

with children, and inappropriate behaviors such as fondling, molestation, or other indecent practices (DOJ, 1997a). However, sexual offenses are defined differently, based upon the reporting agency. Some of these different agencies may include; the National Crime Victimization Survey (NCVS), Uniform Crime Report (UCR), or National Incident-Based Reporting System (NIBRS). There may be extremely different variations in the data gathered, such as offense classification or definition of sexual assaults other than rape (DOJ, 1997a). However, most reporting agencies are consistent with the demographic information about the offender and victim (s), such as age, race, and gender. Different agencies gather distinctive information. Some gather the time of day the offense occurred, while others indicate the location of the assault.

Rape and other sexual assaults are a concern for each state as well as the entire nation. Each state has its own definition for what constitutes a sexual offense, and according to the Ohio Criminal Code (R.C.), there are two types of sexual offenses researched in this study:

‘Sexual conduct’ means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

‘Sexual contact’ means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person. R.C. 2907.01

According to the Ohio Criminal Code (1999) there are three classifications of sexual offender types. One classification is Sexually Oriented Offenders. They are those

individuals convicted of a sexually oriented crime who have been deemed by the court as unlikely to commit a similar offense in the future (R.C. 2950.). Sexually Oriented Offenders, are required to register annually with their local sheriff's department for ten years (KlaasKids, 2002). The second classification is Habitual Sex Offenders. They are those individuals convicted of a sexually oriented crime and have had a previous sexually oriented criminal conviction. Unfortunately, there is no indication of whether or not the Habitual Sex Offenders status has mandated a prior community notification status (R.C. 2950.). Habitual Sex Offenders are required to register annually for twenty years (KlaasKids, 2002). Sexual Predators, the third classification, are those persons who have been convicted of a sexually oriented offense and have been deemed by the court as likely to engage in another sexually oriented offense in the future (R.C. 2950.). Sexual Predators must register every 90 days for the rest of their lives and are subject to community notification (KlaasKids, 2002).

In July of 1997, the above discussed law in Ohio went into effect requiring convicted sex offenders to register with their local sheriff's department for a period of time (Legislative Budget Office, 1999). This law was based on a set of federal sex offender notification acts President Clinton signed into law on May 17, 1996, as a result of the passage of the New Jersey Sexual Offender Act of 1994 (KlaasKids, 2002).

The New Jersey Sexual Offender Act, commonly known as "Megan's Law," was enacted after Megan Kanka, a seven-year-old girl, was raped and murdered by a released twice-convicted sex offender who moved to the street where she and her family lived. Megan's parents were completely unaware that a sex offender lived in their neighborhood,

thus, could not take proper precautions. Public notification laws enable communities to protect themselves and their children from the harm caused by the victimization of sexual offenders (Zevitz, & Farkas, 2000).

The mental and physical trauma inflicted on victims of sexual violence is devastating. Physical damage that is usually associated with sexual assaults includes broken bones, bruises, or other physical injuries. Although the physical wounds can heal, the mental anguish could be catastrophic. The psychological trauma, which is harder to diagnose and treat, may include shame, self-blame, terror, and posttraumatic stress disorder, as well as developmental problems (DOJ, 1997a). The most profound psychological damage is caused by someone the victim trusted. "Trauma and the length and level of recovery seems linked to trust violation more than to many other factors. Thus, what might be regarded by some as a relatively minor type of sexual assault (e.g., 'just fondling') can be extremely traumatic to a victim who trusted the perpetrator" (DOJ, 1997a, 2). To help combat the harm caused by sexual assaults, states have implemented additional programs to traditional notification laws.

As a response to the 1997 sex offender notification laws in Ohio, an Ohio county probation department, in conjunction with other area agencies received a federal grant through the US Department of Justice to implement the MOSAIC (Management of Sex-Offending Adults in the Community) Program. This grant went into effect February 1, 2001, and is an ongoing project. One of the purposes of the MOSAIC program is to gather demographic information on sexual offenders and demographic information on their victims, as well as any criminal history of offenders. This information can then be shared

through a database for local authorities to utilize. For the purpose of this research, the demographic information about offenders and their victims was gathered under the documentation of the MOSAIC program.

To express the necessity of such programs, the following is a specific case in Ohio that shows why sex offender programs are needed. Ashley Taggart was just six years old, when she was abducted, assaulted, raped, and left for dead by a man who lived across the alleyway. Jason Earl Wagner, 23 years old, was a twice-convicted child molester in the state of Ohio, he bound and gagged Ashley with duct tape and left her to die in an attic crawl space. Wagner served two separate prison sentences in Ohio. One for assaulting a four-year-old and one for assaulting a twelve-year-old, in 1994 and 1995 respectively. He was released less than a month before the federal Law required sex offenders to register as sexual offenders with their local authorities. As a result, residents of Lancaster, Ohio, were unaware that a man, who would have been classified as a predator if the law would have been implemented earlier, was living in their neighborhood (Scott, 1999). Now with the implementation of registration and notification laws, such as Megan's Laws, and the collection of data gathered on convicted sexual offenders, under programs such as MOSAIC, an increased effort can be made to warn the public about potential dangers and track the behavior of known sex offenders.

The goal of this research project is to gain a better understanding of the demographic characteristics of sex offenders, using MOSAIC, in an effort to either confirm or deny the traditional findings of previous research in the United States, as they would apply to Ohio. Previous research has documented that the general characteristics of

a sex offender are a white male in his thirties, who was unlikely to have had prior involvement with the criminal justice system as opposed to other (non-sexual) violent offenders (DOJ, 1997b).

Although this study is descriptive in nature, it provides insight into who commits sexual assaults. This is done for the eventual purpose of treating/rehabilitating sex offenders, once a better understanding of their crimes is acquired. Since the majority of sex offenders will return to the community, it is important to discuss offender characteristics to provide communities and potential victims with safety measures, in addition to laws such as Megan's Law. This study helps to portray the "typical" offender, and make communities aware of sexual deviancy and presence of sexual predators in their surroundings.

Summary

In this chapter information was presented on what constitutes a sexual offense and the different classification in which offenders are required to register. In the next chapter, a historical explanation and the feminist perspective on sexual offenses will be discussed, as well as how the development of sex offense laws came into existence.

Chapter II

Literature Review

Before discussing the literature on sex offender characteristics, a historical explanation on the development of sex offender laws is provided. One can see how society has historically ignored the existence of sexual abuse to women and children, and only recently has the law tried to combat this victimization (Thomas, 2000).

Development of Sex Offender Laws

During pre-industrial times, criminal behavior, including crimes against mortality (sexual offenses), were brought before secular or religious courts. In 1285, in the Statute of Westminster, rape was an offense punishable by death (Thomas, 2000). “Sodomy, or anal intercourse was made an offence by the Act of 1533 and persons-male or female-convicted were sentenced to death” (Thomas, 2000, 35). During this time, women and children were considered “property” of their husbands and fathers and thus not protected by the court system (Bartol & Bartol, 1994).

Despite the harsh punishment (i.e. death) given to sex offenders during this time, fear of this type of victimization appeared to be limited. Fear of traditional violence from strangers were more commonly expressed to be the concerns of women from the 13th to the 17th century, rather than sexual assaults or rape by strangers (Thomas, 2000). As for children, natural diseases and accidents had a greater probability of occurring, than sexual assaults by adult offenders outside the family (Thomas, 2000). Sexual assaults by strangers seemed to have been relatively rare. By the Industrial Revolution, children had become a

workforce commodity, but the Victorian Era sought to pass laws to protect children from abuse and the excesses of child labor and give them the right to education. So, in the late 1800's Prevention of Cruelty to Children Acts were passed (Thomas, 2000).

The Victorian Era also brought about a "Social Purity" movement which campaigned for tougher laws on sexual offenses such as prostitution and pornography and a push for greater enforcement of those laws (Thomas, 2000). The emphasis was placed on sexual deviance, rather than sexual assaults within the family. Throughout these times, violence towards women, including sexual violence was, common knowledge. In 1736, a man who raped his wife could not be prosecuted, because the woman gave a general consent to all future sexual intercourse when she married him (Thomas, 2000). In the United Kingdom, this common law ruling was not officially abandoned until 1992. As late as 1915, court systems still allowed men to openly abuse their wives. "The husband of a nagging wife...could beat her at home provided the stick he used was no thicker than a man's thumb" (Thomas, 2000, 46). This "rule of thumb" demonstrated how a man could dominate his wife both physically and sexually.

Sexual offenses against children were also known to take place within the home. State governments and courts had traditionally claimed that family relationships deserved immunity from the law (Barton & Barton, 1994). "Incest was an offence against morality and as such had, in the past, been dealt with by the ecclesiastical courts or bawdy courts and politicians appeared in no hurry to change this situation" (Thomas, 2000, 46).

The 20th century brought about greater emphasizes on the protection of children. Incest became a criminal offense in 1910, but "putting a law into place was one thing;

enforcing that law was another” (Thomas, 2000, 47). Although laws were written to protect victims of sexual assaults, homosexual activities and prostitution were the sexual offenses that were traditionally considered criminal and enforced. Law enforcement officers would enforce crimes that were considered socially deviant. They did this because they were afraid that enforcement of other sexual offenses would lead to the wrongful accusing of innocent people of sexual offenses such as incest. Some of the sexual offenses that were criminalized and dealt within the criminal justice system included: sodomy, indecent exposure, and lewd conduct (Thomas, 2000).

Up until the 1930s, many sexual offenses were dealt with by the criminal justice system, but in 1937 sexual psychopath laws were beginning to develop (Resnick, 2002). These laws suggested that sex offenders be dealt with within the mental health community, rather than the criminal justice system. These laws were a legitimate exercise of police power to protect the public and granted authority for treatment to those who needed help (Resnick, 2002). Treatment was given to offenders, even on an involuntary basis.

These laws continued to change and develop through the 1960s. In the 1967 Supreme Court decision of *Specht v. Patterson*, the court ruled in favor of the Colorado Sex Psychopath Act which allowed a potential detention of one year to life for sex offenses, but required a second hearing to guarantee due process protection for offenders (Resnick, 2002). By the 1990s most states had abandoned their sex psychopath laws because it was becoming evident that involuntary indeterminate treatment was ineffective in changing criminal behavior. States began enacting sexual predator laws as a response (Resnick, 2002). This shift was primarily due to the shift from indeterminate sentencing to

determinate sentencing.

Sexual predator laws do not require a diagnostic explanation (a recognized mental disorder), nor do they require that any “recent” criminal act to have been committed. Sexual predator laws also require that the offender’s full prison term be completed before commitment can be sought (Resnick, 2002). “The primary goal of the sexual predator statutes is to provide continued confinement of offenders who are at risk of reoffending” (Resnick, 2002, 2). The continual confinement aspect of these laws were challenged for their constitutionality before the United States Supreme Court in *Kansas v. Hendricks* (1997), and found to be constitutional. Retroactive applications of these laws did not violate *ex post facto* prohibitions or double jeopardy conditions of the constitution, because the laws were under civil requirements (Resnick, 2002).

In recent years, the federal and state governments have taken steps to decrease the likelihood of child sexual abuse and other sexual assaults. Registration laws and community notification laws have been implemented to help society deal with the problem of sex offenders (DOJ, 1995). The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (1994) were implemented to encourage states to require convicted child molesters and sexually violent offenders to notify law enforcement of their whereabouts for 10 years after release, or longer if deemed a sexually violent predator (DOJ, 1995). If states did not comply with the conditions of the Wetterling Act, they might possibly have forfeited 10 percent of their annual Byrne Grant anti-crime funds. All states were to establish registration programs for sex offenders by September of 1997 (DOJ, 1995).

The act first required states to implement a two-tiered sex offender registration classification; distinguishing sex offenders from sexually violent predators. A sexually oriented offender is an offender who has been convicted of a sexually based crime, but is unlikely to reoffend, where as a sexual predator is an offender who is a risk to society, because of the greater probability that they may reoffend. Second, the act required states to establish a board of experts to advise the courts regarding offender classification as a sexually violent predator. Third, a sexual registration program must be developed with address verification systems involved. And lastly, the act must “ensure that sex offenders moving from state to state are reciprocally registered and that notice is provided to states receiving convicted registered sex offenders” (Bickle, 1999, 1).

The 1996 Megan’s Law is an amendment to the Wetterling Act which requires communities to be notified of the release of sex offenders (DOJ, 1995). This act requires states to release relevant information about the registered sex offender, and permits disclosure of information collected by the state’s sex offender registry, “in order to maintain and protect public safety interest” (Bickle, 1999, 1). Although critics have questioned the constitutionality of these laws, the Justice Department believes that community notification laws are reasonable methods of “protecting public safety in light of the serious problem of recidivism among sex offenders” (DOJ, 1995, 2). Megan’s Laws were developed to alert the public that a sex offender was living within their community, which would enable parents and children to be better prepared of whom to avoid, thus reducing the likelihood that the sex offender could lure a potential victim and ultimately reoffend.

As time has passed over the centuries, we can see how laws that once considered women and children property, have developed into laws that provided protection for women and children and punishment for sexual abuse, including domestic violence laws. As the laws developed and changed throughout history, so did the ways in which sexual offenders were viewed and defined.

Terminology Related to Sex Offenses

Although, the references discussed here will not represent all terms associated with sexual offenses, a brief section on terminology is necessary to help explain and understand differences effecting the law. When discussing such a delicate subject, such as sexual offenses, it is important to address the assumptions and biases associated with popular terms. How terms are defined affects how people experience, evaluate, and categorize a specific event. If people do not classify an action as rape, than no rape has occurred.

In Muehlenhand et al. (1992), in their review of the literature, the researchers expressed a wide variety in interpretations of rape and other related terms. The definition of rape has ranged from simple sexual intercourse, to any form of non-consensual sexual activity. Many people assume that rape solely involves a male and female encounter, but rape can also include homosexual situations. Other definitions of rape have also included oral or anal intercourse and penetration with objects, rather than only penile-vaginal penetration (Muehlenhand et al. 1992). Typically, when sexual behavior does not involve penetration, some other term than rape is used, such as sexual contact (Anderson, 2002). Some of these behaviors may include exhibitionism or voyeurism.

Rape is not traditionally used to describe sexual assaults involving children. According to Koss et al. (1988) the definition of rape specifies that the victim must be 14 or older. Since a child is unable to give or refuse consent, than other sexual definitions are given to the offense. Age of consent has changed over time. In 1285, in the Statue of Westminster, the age of consent was 10 years old. The age of consent rose to 12 in 1576 (Thomas, 2000).

Other common terms that have different interpretations are pedophile and child molester. A pedophile is a diagnostic term found in the DSMIV (Diagnostic and Statistical Manual of Mental Disorders), which clinically identifies an individual as having a **primary** sexual preference (arousal) towards children (Anderson, 2002). Pedophilia does not require a sexual act against a child.

A child molester is a social and legal term, which indicates that the child molester is someone who commits a sexual offense against a child, but does not necessarily have a primary arousal interest towards children (Anderson, 2002). Since, some child molesters do not have a primary sexual arousal toward children, it is important to acknowledge that some research has differentiated that there are child molesters as well as teen molesters (LBO, 1999). These offenders may be more opportunistic, rather than sexually aroused by children. As stated before, terms/labels produce images of sex offenders that may result in incorrect definitions. "Not all child molesters are pedophiles and many pedophiles never molest children (i.e. due to moral or religious values or to avoid breaking the law), choose never to act on their feelings" (Anderson, 2002, 2).

Pedophiles and child molesters often have different motivators for their offenses.

Pedophiles (who molest children) are motivated by sexual interest in children, while non-pedophilic child molesters may be motivated by other factors such as a lack of an adult partner, spouse or partner revenge, opportunity or access to children, or chronic pattern of anti-social behavior (Anderson, 2002).

In addition to adult and child sexual abusers, there are also individuals that warrant the legal label of sex offender because they have committed an illegal act(s), but may not warrant the label of sexual deviant because they are driven primarily by non-sexual motivations. Some of these drives include psychosis, mental retardation, organic brain disease, mood disorders, or psychopathic personality (Anderson, 2002). Psychotic or persons with brain disorders may not perceive reality. Anderson (2002) provided a case in which a person sexually assaulted a Girl Scout, who was selling cookies door to door because in his delusions he believed that the girl was his wife. Mentally retarded individuals may be unable to control impulses or understand the significance of their crime. Anderson (2002) also provided a case in which a mentally retarded person sexually assaulted a friend because he did not understand that his actions were wrong or illegal. Lastly, Anderson (2002) provided a case where an elderly woman with the Alzheimer disease strolled naked down a public street; unaware of the legal implications, because she had little or no cognitive abilities. So, clearly the definitions of terms will greatly alter the perception of a sexual offense. One school of thought, discussing an alternate to traditional definitions of sexual offenses, is the feminist perspective.

Feminist state that the labels that are provided to the American public are based upon traditional male definitions. Instead, Feminist advocate a theory that women have

long been viewed as property of the adult male figure (father or husband), and have been subjected to male interpretations of sexual acts. The legal definition of rape was written by male legislators, therefore the law sees and treats women the way men see and treat women (MacKinnon, 1983). Women's definition of rape are based on social examples conveyed in pornography, movies, and news reports, rather than coerced sexual incidents that are the overwhelming experiences women encounter (MacKinnon, 1983).

These traditional definitions provide an advantage for men over women by promoting fearful images of "real rape." These images keep women frightened and become a form of social control, thus limiting women's freedom. These images also promote the idea that women need to "attach" themselves to a man for safety, even though women are more likely to be raped by a date or husband, rather than by a stranger (Koss et al., 1988).

Classification of Sex Crimes

As the definition of sexual offenses have changed over time, the laws have had to adapt to the changing attitudes of society. Laws and statues have been developed to protect society from sexual abuse and prevent further victims of sexual abuse.

Sexual offenses are classified under both Part I and Part II of the Uniform Crime Report (UCR), which is compiled by the Federal Bureau of Investigation. Part I sex offenses include forcible rape, prostitution, and commercialized vice (UCR, 2001). Part II sex offenses include sexual offenses and attempts that go against chastity, common decency, and morals (UCR, 2001). These type II offenses may include gross sexual

imposition, corruption of a minor, pandering obscenities involving a minor, and public indecency. See Appendix B for the Ohio Criminal Code (R.C.) definitions of sexual offenses.

Sex Crime Statistics

According to Greenfield (1997) in a study for the U.S. Department of Justice, “[t]he number of prisoners sentenced for violent sexual assaults, other than rape, increased by an average of nearly 15 percent; faster than any other category of violent crime and faster than all other categories except drug trafficking” (Greenfield, 1997, 18). In 1980, state prisons held 20,500 sex offenders, by 1994 that number had increased to 88,100 (DOJ, 1997b). An average increase of 30.7 percent a year. Common demographics, such as age, race, gender, and social standings (such as marital, legal, employment status) provides an appropriate description of sex offenders, contradicting social stereotypes.

Sex offenses are not limited to the United States. Other countries have had their own experiences with the horrific consequences of sexual abuse. In Great Britain, community notification has been implemented under their version of notification laws. These laws are known as Sarah’s Law (KlaasKids, 2002). There has also been research conducted in Canada documenting the demographic information about sex offenders (Porporino & Motiuk, 1993).

Gender of Offenders

Most research has confirmed that sexual offenders are male, according to the United States Justice Department, Bureau of Justice Statistics; males accounted for 99.6 percent of rapist, and 98.8 percent of offenders of sexual assault (Greenfield, 1997).

Although most sex offenders are commonly assumed to be male, as reported in the research, women do represent a small portion of this special population (Orlando, 1998). Consider the infamous case of the teacher, Mary Kay Letourneau, in Washington State who had sexual relations with her thirteen-year-old, sixth grade student (law.about.com, 1997). Due to the fact that female offenders are so rare, society does not seem to address the effects of female victimization.

Whether the offender is male or female, other research has suggested that pedophiles who molest male victims typically have more victims and are more likely to reoffend than those offenders who molest female victims (Anderson, 2002). Unfortunately, not much research has been conducted in this area to indicate any demographic differences among offenders.

Gender of Victims

Although most offenders are male, this is not the case for victims. Research conducted by the Department of Justice on victims has documented that most victims were female (Snyder, 2000). Porporino and Motiuk (1993) reported that 87.1 percent of victims were female. According to the United States Justice Department, Bureau of Justice Statistics, females constituted 94.5 percent of rape victims, and 84.8 percent of victims of sexual assault (Greenfield, 1997).

Age of Offender

Sex offenders are traditionally older than other violent offenders, most likely under the age of 35 (Greenfield, 1997). (See Table 1). Sex offenders are also more likely to be Caucasian than other violent offenders (Greenfield, 1997). Snyder (2000) found that 80 percent of sexual offenders were under the age of thirty.

Table 1
Offender Age

Age of Offender	Rape	Sexual Assault
Less than 18	0.6%	1.1%
18 to 24	33.7%	23.6%
25 to 29	20.9%	17.0%
30 to 34	17.7%	16.3%
35 to 39	10.9%	13.4%
40 to 44	4.1%	10.2%
45 to 49	4.8%	6.6%
50 to 59	3.2%	4.2%
60 and older	1.3%	3.2%

(Greenfield, 1997).

Age of Victims

Additionally, according to the Bureau of Justice Statistics, more than half of the victims of sexual offenses were under the age of eighteen, and 15 percent were under the age of 12. (Snyder, 2000). The proportion of female victims increased as age increased. “Sixty-nine percent of victims under the age of 6 were female, compared with 73% of victims under the age of 12, and 82 percent of all juvenile (under age 18) victims” (Snyder, 2000, 3).

Also, according to the BJS study on sexual assaults of young children, age of the victim was related to the likelihood of arrest (Snyder, 2000). As the child’s age decreased, the offender’s probability of arrest increased. Arrest and clearance rates were gathered, while conviction rates were not documented.

Additional research found that juveniles constituted the greatest percentage of victims (See Table 2 and Table 3). Porporino and Motiuk (1993) had found that children between the ages of six and 12 made up the greatest percentage (31.0%) of victims. This study will determine if victim's age impacts the offender's classification status (sexually oriented offender, habitual sex offender, or sexual predator).

Table 2
Victim Age

Age of Victim	Percentage
0-5	14.8%
6-11	20.1%
12-17	32.8%
18-24	14.2%
25-34	11.5%
Above 34	7.4%

(Snyder, 2000).

Table 3
Victim Age

Age of Victim	Rape	Sexual Assault
12 or younger	15.2%	44.7%
13 to 17	21.8%	33.0%
18 to 24	25.1%	9.4%
25 to 34	25.4%	7.7%
35 to 54	10.2%	4.3%
55 and older	2.3%	0.9%

(Greenfield, 1997).

Criminal History of Sex Offenders

When the image of sex offenders is conjured up, people picture mentally ill monsters, sex fiends, or dirty old men, but sex offenders seem to be typical members of society (Orlando, 1998). “All kinds of people commit sex crimes. Such behavior is not unique to any one-social, economic, or racial group” (Orlando, 1998, 4). Most predatory sexual offenders are “highly functioning” people who use very developed social skills to commit sexual offenses (DOJ, 1997a). Many offenders have developed a believable facade that helps them hide the truth about themselves. Sex offenders have also developed the skills to manipulate the criminal justice system, as well as their victims (DOJ, 1997a). Therefore, research has indicated that sex offenders traditionally have stable employment, friends and family, and usually no criminal record (Orlando, 1998).

Marital status is a prime example of how sex offenders blend into the community. Clearly the majority of offenders were, or had been, married at the time of their offense. (See Table 4).

Table 4
Offender Marital Status

Marital Status	Rape	Sexual Assault
Married	22.1%	21.8%
Widowed	1.2%	1.7%
Divorced	28.5%	35.0%
Separated	6.2%	4.9%
Never Married	42.0%	36.6%

(Greenfield, 1997).

Victim-Offender Relationship

Research conducted on the victim-offender relationship by the Bureau of Justice Statistics found that family members account for 26.7 percent of offenders, acquaintances account for 59.6 percent of offenders, and strangers account for only 13.8 percent of perpetrators (Snyder, 2000). Other research conducted by Ullman and Siegle (1993) supported this finding in that most women (78%) were assaulted by offenders whom they knew, such as spouses, intimates, relatives, and acquaintances. Where as, strangers only constituted 21.5 percent of assailants (Ullman & Siegle, 1993).

According to the 1997 Bureau of Justice Statistic report on *Sex Offenses and Offenders*, the victim and offender are likely to have had a prior relationship (Greenfield, 1997). The victim's relationship to the offender consisted of family, intimate, acquaintance, and stranger. (See Table 5).

Table 5
Relationship of Victim to Offender

Relationship to Offender	Rape	Sexual Assault
Spouse	1.2%	0.6%
Child/Stepchild	14.0%	25.9%
Other Relative	5.1%	11.2%
Boy/girl Friend	8.8%	5.4%
Ex-Spouse	0.3%	0.8%
Acquaintance	40.8%	41.2%
Stranger	29.8%	14.9%

(Greenfield, 1997).

Porporino & Motiuk (1993) concluded that sex offenses were committed by people with a relationship to the victim(s). Overall, parents (biological, step, or foster) constituted 22.2 percent of offenders; siblings and other relatives constituted 26.7 percent of offenders, friends and acquaintances constituted 19.5 percent of offenders; authority figures constituted 23.9 percent of offenders, while strangers represented only 7.8 percent of offenders (Porporino & Motiuk, 1993, 25-28).

Stranger Danger

Now that the offender-victim relationship has been addressed, society must stop stereotyping who was traditionally considered a sex offender, and pay attention to the increasing research that documents that sex offenders are people who are known, and sometimes people that are trusted. Due to legislation, such as Megan's Law, many individuals have developed a false sense of safety. "It may give politicians and the public a deceptive feeling of security-and the misleading impression that sex crimes are only committed by shadowy strangers" (Hudson, 1998, 1).

Avoiding strangers is a continual warning society tries to instill in its children, but research has documented that sexual assaults are committed by known offenders, rather than strangers. Safety programs like "McGruff the Crime Dog," are aimed at providing information on how to protect children from strangers, but do not address the issue of sexual assaults by persons known to the victim (Hudson, 1998). "Stranger-danger" is a myth in which people and communities mistakenly believe that sex offenders tend to be strangers, but in all reality sex offenders are friends, family and others who are trusted (Glaser, 1991). Research has indicated that most victimization is conducted by offenders

who are known to the victim(s), such as teachers, coaches, and church leaders, as well as friends and family.

The media and politicians scare the American public by presenting the most profound instances of sexual assault, but these are rare cases (Waterson, 2002). Hillman et al. (1990) document that parents are most fearful of molestation, only second to traffic danger, for young school age children. Citizens need to remember that many offenders have been convicted prior to the registration laws and that many are not legally required to register because of a reduction in sentencing or legal loopholes.

Continuing Measures

Due to the disturbing nature of sexual crimes, law enforcement agencies have instituted policies, other than registration laws, to try to help protect communities from future victimization. Research has indicated that only about one-third of the rapes are reported; and half of the rapes reported are cleared by arrest, and only about 20 percent of offenders charged with that offense are convicted (Greenfield, 1997). Therefore, states need to advance technology and procedures to prosecute those offenders that are arrested, and “manage” the offenders who are *free* on the streets. In the State of Ohio, descriptive information about offenders is collected for law enforcement purposes. These include fingerprints, photo, DNA, criminal history, and vehicle registration information (KlaasKids, 2002). Also, the Ohio Department of Rehabilitation and Correction has a website in place to search for convicted offenders at <http://www.drc.state.oh.us/search2.htm>.

Ohio Statistics

As of February 1, 2001, there were approximately 3,570 sex offenders in the state of Ohio (KlaasKids, 2002). In 1992, the state of Ohio prepared a summary of sex offender characteristics, which found that most offenders (58.2%) were classified as *child molesters* rather than teen molesters or rapist. The Ohio Department of Rehabilitation and Correction found that 80 percent of these child molesters, and 86.5 percent of teen molesters were white, while only 65 percent of rapist were white (ODRC, 1992). The age demographic presents a more complete image of the sex offenders in Ohio. (See Table 6).

Table 6
Ohio Sex Offender Information

Age of Sex Offender	Child Molesters	Teen Molesters	Rapist
25 and Under	18.5%	24.3%	25.0%
26 through 30	22.2%	21.7%	20.0%
31 through 35	18.5%	16.2%	30.0%
36 through 40	20.1%	13.5%	8.3%
Over 40	20.7%	24.3%	16.7%

(Ohio DRC, 1992)

According to this report, 32.8 percent of child molesters were married, and 27.5 percent of offenders were divorced (ODRC, 1992). And, child molesters were most likely to assault a victim whom they knew. Assaults by family member(s) constituted 32.8 percent (approximately one-third) of victimization. Friend or acquaintance represented 56.8 percent of assaults, while strangers only represented 2.2 percent of sexual assaults by child molesters (ODRC, 1992).

Information on the victims' demographics showed that in Ohio, females represented 75.4 percent of victims of child molesters, 90 percent of the victims of teen molesters, and 98 percent of the victims of rapists (ODRC, 1992). Child molesters had the highest rate of male victims (24.6%), in comparison to either teen molesters or rapist (ODRC, 1992).

Ohio statistics seem to follow United States' trends with regards to victims' age, offenders' age and offender-relationship to victim. Like the national statistics of sex offenders' age, Ohio has found that these offenders are older than other violent offenders. The previous research has also shown that victims of sexual assaults tend to be young. Similarly, Ohio's study reaffirmed these findings, by classifying most sexual offenders as *child molesters*. Finally, Ohio research has supported the federal findings on victim-offender relationships.

Summary

Sexual assaults are some of the most heinous offenses experiences by the criminal justice system. Punishment for those who commit sexual offenses has changed over time, from a belief that women and children were property, to the development of special laws protecting against cruelty and abuse. More recently, society has begun to place strong emphases on community protection, through registration and notification laws. With the differences in offenses and offenders, it was necessary to provide a thorough review of the literature on sexually related topics.

Sexual offenses are increasing at an alarming rate, and as a response, the legal system has taken steps to safeguard against further victimization. The literature has

indicated some similarities among sex offenders and their victims. Offender demographics that were documented in the previous literature showed that the age of offenders were traditionally in their late twenties or early thirties, their gender was most commonly found to be male, and offender ethnicity showed to be primarily Caucasian. Offenders were also likely to have been married and fully employed.

Victims of sexual abuse were found to be female and typically juveniles. Victim-offender relationship is one of the most compelling aspect of the literature review that is important to this study. Previous studies have shown that most offenders knew their victim(s) either through family relationships or as an acquaintance.

The state of Ohio seems to follow the same trends found in the national literature in relation to age of victim and offenders, as well as other demographic information. In the next chapter the methods used in the current research is discussed.

Chapter III

Method

The goal of this research project was to document the demographic characteristics of sex offenders in an Ohio County, as they compared to the national findings. Knowledge about the actual characteristics of sex offenders will help increase the public's awareness of sexual offenses, especially those offenders under community supervision. Registration and community notification laws such as Megan's Law, and community programs, such as MOSAIC, are being implemented to educate society about the possible dangers sex offenders pose to the public. This research project documented the characteristics of those offenders, and the victim-offender relationship, as they impacted sexual offending.

Biological characteristics, such as age, gender, and race, as well as social characteristics, such as employment status, marital status, and legal status were looked at to determine similarities or differences to average (non-offending) citizens.

Some of the same demographic information was gathered and summarized on the victim(s), such as age and gender. This was done to provide a more accurate description of persons who fall victim to sex offenders. Society should no longer keep assuming that sexual assaults effect only one type of victim.

Research Site and Statistics

Ohio is a Midwestern state that in the year 2000 had a population of 11,353,140 (US Census, 2002). The county that was studied for this project had a population of approximately 1.07 million people (US Census, 2002). In 1999, Caucasians accounted for

78 percent of the county's population, African-Americans accounted for 18 percent, Asian-Americans accounted for two percent, Hispanic-Americans accounted for one percent, and one percent included other ethnic races (US Census, 2002). According to the UCR, there were an estimated 90,186 forcible rapes of females nationwide in 2000. Other sexual offenses categorized under Part II of the UCR, such as Gross Sexual Imposition (GSI), or Corruption of a Minor were not independently documented. Ohio had 4,271 cases of forcible rape, while an arrest was only obtained in 680 of those cases (UCR, 2001). The UCR did not document the state or national statistics for Part II offenses (sexual). However, the UCR did indicate that in 2000, Ohio had 1,723 arrests for the Part II sexual offenses.

Participants

Information was collected on 113 adult sex offenders under the supervision of an Ohio County Probation Department. Due to the County's confidentiality restrictions, the probation department's name was not used in the study. This research proposal was submitted to Youngstown State University's Human Subjects Committee for review, and was approved. (See Appendix A).

The procedure for selecting subjects and collecting the demographic information of those offenders came from the MOSAIC (Management of Sex-Offending Adults in the Community) Program database, which gathers information on convicted sex offenders under the supervision of the county probation department. The information was gathered while the researcher conducted an internship at the Probation Department. The subjects included both male and female offenders, as well as any ethnicity that was present in the

research data. Education and socioeconomic status was not available, but an offender's marital, employment, and legal status were gathered.

Materials

A desktop computer was necessary to record the data of each subject. The SPSS/PC+ program was necessary to analyze the offender's statistics, and the information was saved on a 3.5 floppy disk, which was destroyed at the conclusion of this research project.

Procedure

The researcher received verbal and written confirmation from the Sex Offender Unit Supervisor and the Probation Department Manager allowing the researcher to gather the necessary demographics on both the subjects and their victims.

The variables for each subject consisted of the offender's age, gender, race, marital status, legal status, and employment status at the time of the offense. The offender's original charge was documented, as well as the offense for which he or she was convicted. Additionally, the offender's sexual registration status was collected. Information on the victims consisted of the victim's age, gender, and relationship to the offender.

Analysis

Frequency distribution were conducted on the common variables; age, race, gender, marital status, and employment status. This was done so that a comparison could be made with the findings from previous literature on sex offenders. The biological

variables, age and gender were also analyzed for victims. In the results section of this study, the correlation between the victim's age in relation to offender registration status is presented, as well as if there is a correlation between the offender's charge in comparison to sex offender registration status.

Since, Ohio was the location in which this study was conducted, the demographic information was only representative of offenders in this county and state, and as stated before were only gathered on the sex offenders under the supervision of the probation department. The demographic information gathered on sexual abuse victim(s) were that of the victims of the convicted offenders under this community supervision program. An analysis of the other social characteristics, such as marital status or employment status, was conducted on the offenders, to determine similarities or differences.

Summary

In this chapter, the methodology for the research was presented. Data from a county probation department, dealing with sex offenders, were collected. In the next chapter, the results of the data analysis are presented

Chapter IV

Results

Offender Demographics

The demographic characteristics of sex offenders in this study showed that the majority of offenders were white (n=84, 74.3%), males (n=111, 98.2%), who were married (n=32, 28.3%) or had been married (n=26, 23.0%). Most offenders were in their late twenties to early forties (ages 25 to 34: n=37, 32.7%, ages 35 to 44: n=30, 26.5%) with 73.5 percent of them working full-time (n=83). (See Table 7).

Table 7
Demographic Information About Offenders

Variable	Values	Frequency	Percent
Gender	Male	111	98.2%
	Female	2	1.8%
Race	Caucasian	84	74.3%
	African-Amer.	27	23.9%
	Hispanic	1	0.9%
	Asian	1	0.9%
Marital Status	Married	32	28.3%
	Single w/out children	45	39.8%
	Single	2	1.8%
	Separated	3	2.7%
	Long-term Relationship	4	3.5%
	Divorced	26	23.0%
	Common-law	1	0.9%

Age of Offender	18-24	22	19.5%
	25-34	37	32.7%
	35-44	30	26.5%
	45-54	13	11.5%
	55-64	5	4.4%
	65 or older	6	5.3%
Employment	Full time	83	73.5%
	Part time	3	2.7%
	Unemployed	19	16.8%
	Unknown	4	3.5%
	Assistance	1	0.9%
	Retired	2	1.8%
	Student	1	0.9%

This study supports the traditional findings throughout the literature in the United States, with regards to the demographic characteristics of sex offenders.

Victim Demographics

The demographic characteristics of the victims in this study supported traditional findings. (See Table 8). The majority of victims were females (n=95, 84.1%) under the age of 15 (victim age 13 to 15: n=26, 23.0%, 10 to 12: n=20, 17.7%), and had prior familiarity with the offender (n=44, 41.5%). There were also instances in which there was “no victim,” such as with the cases of telephone harassment, failure to provide notice, obscenity, or public indecency. The mental and physical ability of the victim was gathered to determine if disabled individuals were more likely to be victimized by sexual offenders

because they could be more easily targeted. However, most victims did not have a disability (n=99, 87.6%). The victims' demographic characteristics in this study demonstrate with these findings, as well as the traditional findings found in previous research, that sexual assaults effect many diverse victims .

Table 8
Demographic Information About Victim(s)

Variable	Values	Frequency	Percent
Gender: Victim #1	Male	11	9.7%
	Female	95	84.1%
	No Victim #1	6	5.3%
Gender: Victim #2	Male	2	1.8%
	Female	9	8.0%
	No Victim #2	102	90.3%
Age of Victim #1	Child: No Age Indicated	8	7.1%
	0 to 3	2	1.8%
	4 to 6	6	5.3%
	7 to 9	9	8.0%
	10 to 12	20	17.7%
	13 to 15	26	23.0%
	16 to 18	7	6.2%
	19 to 64	25	22.1%
	Unknown	4	3.5%
	No Victim #1	6	5.3%

Age of Victim #2	Child : No Age Indicated	1	0.9%
	7 to 9	3	2.7%
	10 to 12	4	3.5%
	13 to 15	2	1.8%
	16 to 18	1	0.9%
	No Victim #2	102	90.3%
Relationship of victim to the offender	Spouse	2	1.9%
	Dependants	24	22.6%
	Acquaintance	44	41.5%
	Other Family	15	14.2%
	Stranger	21	19.8%
Disability	N/A	7	6.2%
	No Disability Indicated	99	87.6%
	Mental	6	5.3%
	Physical	1	0.9%

Preferences of Victim Based on Offender Demographics

Caucasians were more likely to assault adolescents (n=24, 75.0%) and adults (n=22, 88.0%), whereas non-Caucasians were likely to victimize children (n=14, 30.4%) or commit sexual offenses where there was “no victim,” such as the case with obscenity or harassment (n=4, 66.7%). See Table 9. The relationship, although statistically significant, at the .05 level, is moderate at best ($\chi^2 = 8.05$, $\lambda = .022$, $p \geq .05$). Since the non-Caucasians sample size is small, the findings may not be appropriate to generalize to the state or nation, rather it is only representative of this sample.

Table 9
Age of Victim Preferred Based on the Race of Offender

Victim Age Classification					
Offender Race	None	Child	Adolescent	Adult	Total
Caucasian	33.3% (n=2)	69.6% (n=32)	75.0% (n=24)	88.0% (n=22)	73.4% (n=80)
Non-Caucasian	66.7% (n=4)	30.4% (n=14)	25.0% (n=8)	12.0% (n=3)	26.6% (n=29)
Total	100.0% (n=6)	100.0% (n=46)	100.0% (n=32)	100.0% (n=25)	100.0% (n=109)
($\chi^2 = 8.05, \lambda = .022, p \geq .05$)					

Offenders who were employed full-time tended to assault adults (n=23, 92.0%), offenders employed part-time assaulted teens (n=3, 9.4%), while unemployed or retired offenders were more likely to assault children (n=13, 28.3%). See Table 10.

Table 10
Age of Victim Preferred Based on the Employment Status of Offender

Victim Age Classification					
Employment Status	None	Child	Adolescent	Adult	Total
Full-time	33.3% (n=2)	69.6% (n=32)	75.0% (n=24)	92.0% (n=23)	74.3% (n=81)
Part-time	0.0% (n=0)	2.2% (n=1)	9.4% (n=3)	4.0% (n=1)	4.6% (n=5)
Unemployed/ Retired	66.7% (n=4)	28.3% (n=13)	15.6% (n=5)	4.0% (n=1)	21.1% (n=23)
Total	100.0% (n=6)	100.0% (n=46)	100.0% (n=32)	100.0% (n=25)	100.0% (n=109)
($\lambda = .044, p \geq .05$)					

Despite three cells providing only one representative, there is a moderate relationship based on the lambda test finding ($\lambda=.044$, $p \geq .05$).

Offenders who were married primarily assaulted adults (n=8, 32.0%) and children (n=15, 32.6%), where as offenders who had never been married tended to assault adolescents (n=21, 65.6%) or engage in offenses with “no victim” (n=4, 66.7%), and divorced offenders were mostly likely to assault children (n=17, 37.0%). See Table 11. Unfortunately, because of the empty cell, there may be a problem with a Chi-square statistical analysis, but the uncertainty coefficient showed that the proportion of error over the distribution was reduced based on the knowledge concerning the victims age.

Table 11
Age of Victim Preferred Based on the Marital Status of Offender

Victim Age Classification					
Marital Status	None	Child	Adolescent	Adult	Total
Married	33.3% (n=2)	32.6% (n=15)	21.9% (n=7)	32.0% (n=8)	29.4% (n=32)
Never-Married	66.7% (n=4)	30.4% (n=14)	65.6% (n=21)	48.0% (n=12)	46.8% (n=51)
Divorced	0.0% (n=0)	37.0% (n=17)	12.5% (n=4)	20.0% (n=5)	23.9% (n=26)
Total	100.0% (n=6)	100.0% (n=46)	100.0% (n=32)	100.0% (n=25)	100.0% (n=109)
Uncertainty Coefficient: proportion of error was reduced					

Offenders considered as young adults (18-34) were most likely to assault adolescents (n=22, 68.8%), while middle aged offenders (35- 54) primarily assaulted

adults (n=13, 52.0%), and older offenders (55 and older) tended to assault children (n=8, 17.4%). See Table 12. The relationship is statistically significant, at the .05 level, ($\chi^2 = 12.18, p \leq .05$).

Table 12
Age of Victim Preferred Based on the Age Category of Offender

Victim Age Classification				
Offender Age Classification	Child	Adolescent	Adult	Total
Young Adult	41.3% (n=19)	68.8% (n=22)	48.0% (n=12)	51.5% (n=53)
Middle Age	41.3% (n=19)	28.1% (n=9)	52.0% (n=13)	39.8% (n=41)
Older Offender	17.4% (n=8)	3.1% (n=1)	0.0% (n=0)	8.7% (n=9)
Total	100.0% (n=46)	100.0% (n=32)	100.0% (n=25)	100.0% (n=103)
$(\chi^2 = 12.18, p \leq .05)$				

Offender Registration

When comparing the victim's age and the sex offender's registration status, it was found that if the victim's were between the ages of seven and fifteen, than the offender was more likely to be required to register as a sexually oriented offenders, rather than a sexual predator ($\chi^2=41.22, p \leq .05$). Unfortunately, there were offenders convicted of sexual assaults who were not required to register because their offense proceeded the registration law. The relationship found, although significant, were weak because of this problem.

Another correlation found was that if an offender was convicted of *gross sexual imposition* he or she would be registered as a sexually oriented offender. Where as, conviction of *rape* would most likely result in registration as a sexual predator ($\chi^2=76.19$, $p \leq .05$). However, offenses such as menacing, public indecency, or attempted rape were least likely to be required to register, *not legally required to register*. Also, the classification of the offenders original charge ($\chi^2 = 9.86$, $p \leq .05$) and the offense they were convicted ($\chi^2 =15.39$, $p \leq .05$) either as a felony or misdemeanor impacted the sexual offenders' registration status. (See tables 13 and 14).

Table 13
Sexual Offender Registration based on Classification of Original Charge

Sexual Offender Registration Status					
Classification of Original Charge	Sexual Oriented Offender	Not Legally Required to Register	Sexual Predator	Not Required, Offense Proceeds Law	Totals
Felony	93.3% (n = 42)	70.8% (n = 34)	100.0% (n = 7)	76.9% (n = 10)	82.3% (n = 93)
Misdemeanor	6.7% (n = 3)	29.2% (n = 14)	0.0% (n = 0)	23.1% (n = 3)	17.7% (n = 20)
Total	100.0% (n = 45)	100.0% (n = 48)	100.0% (n = 7)	100.0% (n = 13)	100.0% (n = 113)
$\chi^2 = 9.86, p \leq .05$					

The statistical significance difference between the classification of the offender's charge and their Sexual Offender Registration Status can clearly be seen in the similarities of these two charts. However, the convicted charge is the most significant, because it is this offense for which the offenders record and registration status are based. Being

convicted of a felony has substantially more stigmatism than a conviction of a misdemeanor.

Table 14
Sexual Offender Registration based on Classification of Convicted Charge

Sexual Offender Registration Status					
Classification of Convicted Charge	Sexual Oriented Offender	Not Legally Required to Register	Sexual Predator	Not Required, Offense Proceeds Law	Totals
Felony	91.1% (n = 42)	60.4% (n = 29)	100.0% (n = 7)	84.6% (n = 11)	77.9% (n = 88)
Misdemeanor	8.9% (n = 4)	39.6% (n = 19)	0.0% (n = 0)	15.4% (n = 2)	22.1% (n = 25)
Total	100.0% (n = 45)	100.0% (n = 48)	100.0% (n = 7)	100.0% (n = 13)	100.0% (n = 113)
$\chi^2 = 15.39, p \leq .05$					

Victim - Offender Relationships

Offenders that knew their victims were most likely to be classified, under the sex offender registration status, as a sexually oriented offender (n=38, 44.7%) or sexual predator (n=6, 7.1%), while offenders who were “strangers” to their victims tended not to be legally required to register (n=15, 71.4%). See Table 15. There was a statistical significant difference at a .05 level ($\chi^2 = 9.78, p \leq .05$). Unfortunately, there were instances in which the offender was not required to register as a sex offender because their offense proceeded the law (n=12, 14.1%). Therefore, offenses that proceeded the registration laws may have provided a different statistical scenario.

Table 15

Offender Registration Based on Familiarity of Victim

Registration Status	Victim Familiarity		
	Known	Stranger	Total
Sexual Oriented Offender	44.7% (n=38)	19.0% (n=4)	39.6% (n=42)
Not Legally Required to Register	34.1% (n=29)	71.4% (n=15)	41.5% (n=44)
Sexual Predator	7.1% (n=6)	4.8% (n=1)	6.6% (n=7)
Not Required, Act Proceeds Law	14.1% (n=12)	4.8% (n=1)	12.3% (n=13)
Total	100.0% (n=85)	100.0% (n=21)	100.0% (n=106)
($\chi^2 = 9.78, p \leq .05$)			

Summary

White males represent the major portion of sex offenders, and are most likely to be married or have been married, with full-time employment. Females represent the majority of victims, with children and juveniles being the most common age groups. Victims and offenders were most commonly known to each other. Offenders' registration status was dependant upon the criminal offense in which they were convicted. In the next chapter, a discussion of the study will be discussed.

Chapter V

Discussion

Methodological Issues

Before discussing the implications of the research, it is necessary to consider potential limitations in the study's design. The data was derived from a computer database of convicted and prosecuted men and women who committed a sexual offense, therefore, this sample is not entirely representative of all men and women who commit sexual crimes against people. The MOSAIC program only includes offenders that have been arrested, prosecuted, and sanctioned by the court system to probation. It does not include offenders that have not been arrested and/or convicted by the criminal justice system. To increase the reliability and validity of this study, offender who have been charged with a sexual crime but not convicted due to a legal issues or a technicality should be studied and evaluated.

Unfortunately, because this research only used instances where the assault was reported to law enforcement, much offender information was unknown. If a large percentage of sexual assaults were being committed by females or minorities, and no one reported the incidents, then the demographics characteristics of a "typical" offender might be quite different. Social acceptance and ethnic limitations could dramatically impact who is seen as a sex offender, and who is charge with a crime. If society is less likely to charge a female with a sexual offense, because of social misconceptions about the crime, then the demographic characteristics of sexual offenders are not entirely representative of the offender population.

This research should also be duplicated using a victim survey technique such as the National Incident-Based Reporting system. Although victim based reports do not include children responses under a certain age, victim survey techniques may provide additional information about sexual crimes, since a large number of sex offenses go unreported to law enforcement.

Additional criticisms may include the fact that other research has taken into account the time of day and/ or location of the victimization in which the offense occurred and this study does not. The MOSAIC program did not provide this information and therefore could not be documented in this report. Time of day and location of victimization could provide greater understanding to the offenders access to his or her victim, and help explain an offenders motivation to commit a sexual offense.

Also, the ethnicity of the victim should be gathered in the data analysis. This could provide additional information so that it could be determined as to whether or not sexual offenses are an intra-racial, as seen in the majority of other violent crimes. Sexual assaults are obviously assaults, but victimization by way of sexual offenses are traditionally considered “violent offenses,” but are usually classified independently (Greenfield, 1997).

Study Implications

As discussed in the results of this study, sex offenders traditionally are white males, in their twenties to thirties, who were or have been married, and were gainfully employed. These characteristics help negate the ideas that sex offenders are the “dirty old man” of which to be afraid. Rather, these traits serve to show a more realistic picture of persons who commit sexual offenses.

Since males represent such a large portion of the subjects for this study, it is unclear if the demographic information, such as age, on female offenders would be any different. The same holds true for the under-represented population of minorities in this data, such as Asian offenders or Hispanic offenders. If this study was conducted in a location with a higher minority population, such as New York, California, or Florida, the biological, as well as social characteristics may be different.

Since the research leads to the conclusions that offenders who have male victims typically have more victims and are more likely to reoffend than those offenders who molest female victims, there is definitely need for further research on the differences in offenders who assault male victims compared to female victims. The demographic differences in offenders should be addressed in this particular area of study.

Findings concerning marital status in this study are similar to the findings in the previous literature. This supports the need to abandon the misconceptions that society have about sex offenders. The *weird and lonely stranger* is not a complete and accurate portrayal of sex offenders. With this information, citizens can more accurately understand the characteristic of the typical sex offender.

Findings on the offender's employment status may help to explain whom they victimize. Offenders who were fully employed tended to assault adults, therefore coworkers may have provided an accessible target for these offenders. Offenders who worked part-time were more likely to assault adolescents, maybe because they had access to teenagers who commonly worked at locations that provided part-time "after-school" work. The results also showed that unemployed or retired offenders were most likely to assault children or commit crimes that had "no victim." This could be explained by stating

that unemployed or retired persons have greater access to children, such as watching children while their parents are at work or visiting with children because they are not yet in school. Unemployed or retired offenders may also commit sexual crimes that have “no victim,” such as telephone harassment or menacing, because their actions may have been a crime of opportunity.

As explained previously in Anderson (2002), there are many different motivating factors impacting sexual offending. These different factors may be able to help explain the results of this study. With some research indicating that spousal or partner revenge and “lack of a partner” is a strong motivator for sexual assaults (Anderson, 2002), these statements can help explain the large percentage of married or divorced offenders who have assaulted children, such as their dependants. While offenders, in this study, who have never been married tend to assault adolescents. Offenders who have never been married may have little or no access to children, rather they only have access to teens through after school jobs or social programs.

Age of the offender also seems to impact whom is victimized. Most *young adult offenders* assault teenage victims; this might be explained because many offenders have just ended their teens and twenties, and they are still associating with this age group through common interest. *Middle aged offenders* tend to assault adults, and since middle aged offenders are usually employed full-time, it would be a logical conclusion to associate the victimization of a person to the offender’s relationship as coworker or friend. Again, *older offenders* may have greater access to children, such as grandparents obtaining custody of a child or access to children due to retirement, and able to “baby-sit.”

Sexual offenders' registration status was effected by the crime in which the offenders were convicted. Individuals who were "not legally required to register" accounted for the majority of misdemeanors, while felonies accounted for 100 percent of the sexual predator registration classifications. A sexually oriented offender registration status also accounted for a large portion of the felony convictions. Unfortunately, there were instances where the offender's registration classification was not an accurate representation, because the offense proceeded the registration law. Since not all offenders had a proper sexual offender registration classification, the findings on registration status may be slightly different.

Victim-offender relationship also impacted the offender's registration status. The findings showed that the majority of victims were known by their perpetrators, such as a family member, friend, or acquaintance, rather than a stranger. Classification as a sexual predator or sexually oriented offender tended to be given to offenders who knew their victim, while strangers accounted for the greatest percentage of offenders who were not legally required to register. Although this seems incorrect, further studies into the types of offenses that constituted a "not legally required to register" classification would need to be examined.

Plea Bargaining

Plea bargaining is a tool used by many justice systems. It serves a very helpful purpose, such as cutting cost and saving time. However, with the heinousness of sexual offenses, it is important to address the needs of society as a whole, not just their time and finances. Many times sexual assaults are reduced to lesser offenses, such as with the case

of *gross sexual imposition* (GSI) being reduced to a *Corruption of a Minor* charge (J.K. Ervin, personal communication, June 26 2002). Although both are seen as a sexual offense classification under the Ohio Revised Code, *gross sexual imposition* is traditionally considered a sexual offense, where as *corruption of a minor* itself is not exclusively seen as a sexual offense. Rather a more appropriate charge is the “unlawful sexual conduct with a minor” charge (R.C. 2907.04). (See Appendix B).

When an offender has his or her offense plead down from a GSI, which is a clear indication of a sexual assault, to corruption of a minor charge which has less accountability and stigma associated with the charge, the community may not properly be informed of the seriousness of the crime. Allowing charges to be plead down, such as corruption of a minor from gross sexual imposition, may deceive the community into thinking that the offender committed a less serious offense, such as providing alcohol to minor rather than sexual assault.

With sex offender registration laws being imposed in most states, allowing offenders to plead to lesser charges decreases likelihood of an appropriate registration status. Charging someone with GSI could result in a “sexually oriented offender” status, while allowing someone to plead down to corruption of a minor could result in the offender “not legally required to register” is unacceptable. It is disheartening to think that sexual offenders are not being required to register as a result of plea bargaining tactics.

Conclusion

Although police and politicians strongly stress the “stranger danger” position, this study has clearly shown how misleading and deceptive this way of thinking can be, with

regards to sex crimes. This study has supported the findings of many other studies which have indicated that most victimization is conducted by the victim's friend, family member, or other acquaintance. No longer should society associate sexual offenses with "shadowy strangers," but realize that sexual offenses are committed by those who are known and often trusted. Sex offenders could be anyone, and anyone can be a victim.

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Appendix A

Human Subject Approval Form



January 23, 2002

Youngstown State University / One University Plaza / Youngstown, Ohio 44555-0001

Dean of Graduate Studies

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FAX 330-742-1580

E-Mail: graduateschool@cc.yzu.edu

Dr. Tammy King, Professor
Ms. Heather Alderman-Keskin, Graduate Student
Department of Criminal Justice
UNIVERSITY

RE: Human Subjects Research Protocol #30-2002

Dear Dr. King and Ms. Alderman-Keskin,

The Human Subjects Research Committee of Youngstown State University has reviewed your Protocol titled "Descriptive Study of Sex Offenders in an Ohio County Probation Department," (HSRC#30-2002), and has approved it with the following conditions:

- (1) The Investigator should provide the Committee with written approval to collect data from the appropriate administrator of the M.O.S.I.A.C. database.

Please submit the aforementioned materials, where applicable, to Cheryl Coy, Secretary, Office of Grants and Sponsored Programs, 357 Tod Hall, before initiating your project.

Any changes in your research activity should be promptly reported to the Human Subjects Research Committee and may not be initiated without HSRC approval except where necessary to eliminate hazard to human subjects. Any unanticipated problems involving risks to subjects should also be promptly reported to the Human Subjects Research Committee. Best wishes in the conduct of your study.

Sincerely,

Peter J. Kasvinsky
Dean, School of Graduate Studies
Research Compliance Officer

PJK:cc

cc: Dr. Tammy King, Chair
Department of Criminal Justice

Appendix B: Ohio Revised Code

Definitions of Sexual Offenses

§ 2907.02 Rape.

(A)(1) No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies:

(a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.

(b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.

(c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.

(2) No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.

(B) Whoever violates this section is guilty of rape, a felony of the first degree. If the offender under division (A)(1)(a) of this section substantially impairs the other person's judgment or control by administering any controlled substance described in section 3719.41 of the Revised Code to the other person surreptitiously or by force, threat of force, or deception, the prison term imposed upon the offender shall be one of the prison terms prescribed for a felony of the first degree in section 2929.14 of the Revised Code that is not less than five years. If the offender under division (A)(1)(b) of this section purposely compels the victim to submit by force or threat of force, whoever violates division (A)(1)(b) of this section shall be imprisoned for life.

(C) A victim need not prove physical resistance to the offender in prosecutions under this section.

(D) Evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence of the victim's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, or the victim's past sexual activity with the offender, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

Evidence of specific instances of the defendant's sexual activity, opinion evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, the defendant's past sexual activity with the victim, or is admissible against the defendant under section 2945.59 of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(E) Prior to taking testimony or receiving evidence of any sexual activity of the victim or the defendant in a proceeding under this section, the court shall resolve the admissibility of the proposed evidence in a hearing in chambers, which shall be held at or before preliminary hearing and not less than three days before trial, or for good cause shown during the trial.

(F) Upon approval by the court, the victim may be represented by counsel in any hearing in chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel to represent the victim without cost to the victim.

(G) It is not a defense to a charge under division (A)(2) of this section that the offender and the victim were married or were cohabiting at the time of the commission of the offense.

§ 2907.03 Sexual battery.

(A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:

- (1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.
- (2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.
- (3) The offender knows that the other person submits because the other person is unaware that the act is being committed.
- (4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.
- (5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.
- (6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.
- (7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.
- (8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.
- (9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.

(B) Whoever violates this section is guilty of sexual battery, a felony of the third degree.

(C) As used in this section, "institution of higher education" means a state institution of higher education defined in section 3345.011 [3345.01.1] of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code.

§ 2907.04 Unlawful sexual conduct with minor.

(A) No person who is eighteen years of age or older shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

(B) Whoever violates this section is guilty of unlawful sexual conduct with a minor.

(1) Except as otherwise provided in divisions (B)(2), (3), and (4) of this section, unlawful sexual conduct with a minor is a felony of the fourth degree.

(2) Except as otherwise provided in division (B)(4) of this section, if the offender is less than four years older than the other person, unlawful sexual conduct with a minor is a misdemeanor of the first degree.

(3) Except as otherwise provided in division (B)(4) of this section, if the offender is ten or more years older than the other person, unlawful sexual conduct with a minor is a felony of the third degree.

(4) If the offender previously has been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a violation of former section 2907.12 of the Revised Code, unlawful sexual conduct with a minor is a felony of the second degree.

§ 2907.05 Gross sexual imposition.

(A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

(1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force.

(2) For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.

(3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.

(4) The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person.

(5) The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.

(B) Whoever violates this section is guilty of gross sexual imposition. Except as otherwise provided in this section, a violation of division (A)(1), (2), (3), or (5) of this section is a felony of the fourth degree. If the offender under division (A)(2) of this section substantially impairs the judgment or control of the other person or one of the other persons by administering any controlled substance described in section 3719.41 of the Revised Code to the person surreptitiously or by force, threat of force, or deception, a violation of division (A)(2) of this section is a felony of the third degree. A violation of division (A)(4) of this section is a felony of the third degree.

(C) A victim need not prove physical resistance to the offender in prosecutions under this section.

(D) Evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence of the victim's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, or the victim's past sexual activity with the offender, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

Evidence of specific instances of the defendant's sexual activity, opinion evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity shall not be admitted under

this section unless it involves evidence of the origin of semen, pregnancy, or disease, the defendant's past sexual activity with the victim, or is admissible against the defendant under section 2945.59 of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(E) Prior to taking testimony or receiving evidence of any sexual activity of the victim or the defendant in a proceeding under this section, the court shall resolve the admissibility of the proposed evidence in a hearing in chambers, which shall be held at or before preliminary hearing and not less than three days before trial, or for good cause shown during the trial.

(F) Upon approval by the court, the victim may be represented by counsel in any hearing in chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel to represent the victim without cost to the victim.

§ 2907.06 Sexual imposition.

(A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

(1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.

(2) The offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.

(3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact.

(4) The other person, or one of the other persons, is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.

(B) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.

(C) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of a violation of this section or of section 2907.02, 2907.03, 2907.04, 2907.05, or 2907.12 of the Revised Code, a violation of this section is a misdemeanor of the first degree.

§ 2907.07 Importuning.

(A) No person shall solicit a person who is less than thirteen years of age to engage in sexual activity with the offender, whether or not the offender knows the age of such person.

(B) No person shall solicit a person of the same sex to engage in sexual activity with the offender, when the offender knows such solicitation is offensive to the other person, or is reckless in that regard.

(C) No person shall solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, and the other person is over twelve but less than sixteen years of age, whether or not the offender knows the age of the other person.

(D) No person shall solicit another by means of a telecommunications device, as defined in section 2913.01 of the Revised Code, to engage in sexual activity with the offender when the offender is

eighteen years of age or older and either of the following applies:

(1) The other person is less than thirteen years of age, and the offender knows that the other person is less than thirteen years of age or is reckless in that regard.

(2) The other person is a law enforcement officer posing as a person who is less than thirteen years of age, and the offender believes that the other person is less than thirteen years of age or is reckless in that regard.

(E) No person shall solicit another by means of a telecommunications device, as defined in section 2913.01 of the Revised Code, to engage in sexual activity with the offender when the offender is eighteen years of age or older and either of the following applies:

(1) The other person is over twelve but less than sixteen years of age, and the offender knows that the other person is over twelve but less than sixteen years of age or is reckless in that regard.

(2) The other person is a law enforcement officer posing as a person who is over twelve but less than sixteen years of age, and the offender believes that the other person is over twelve but less than sixteen years of age or is reckless in that regard.

(F) Divisions (D) and (E) of this section apply to any solicitation that is contained in a transmission via a telecommunications device that either originates in this state or is received in this state.

(G) Whoever violates this section is guilty of importuning. Violation of division (B) of this section is a misdemeanor of the first degree. A violation of division (A) or (D) of this section is a felony of the fourth degree on a first offense and a felony of the third degree on each subsequent offense. A violation of division (C) or (E) of this section is a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.

§ 2907.08 Voyeurism.

(A) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.

(B) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to photograph the other person in a state of nudity.

(C) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to photograph the other person in a state of nudity if the other person is a minor.

(D) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to photograph the other person in a state of nudity if the other person is a minor and any of the following applies:

(1) The offender is the minor's natural or adoptive parent, stepparent, guardian, or custodian, or person in loco parentis of the minor.

(2) The minor is in custody of law or is a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the minor.

(3) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the minor is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.

(4) The offender is a teacher, administrator, coach, or other person in authority employed by or serving

in an institution of higher education, and the minor is enrolled in or attends that institution.

(5) The offender is a caregiver, administrator, or other person in authority employed by or serving in a child day-care center, type A family day-care home, or type B family day-care home, and the minor is enrolled in or attends that center or home.

(6) The offender is the minor's athletic or other type of coach, is the minor's instructor, is the leader of a scouting troop of which the minor is a member, provides babysitting care for the minor, or is a person with temporary or occasional disciplinary control over the minor.

(E) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.

(F)(1) Whoever violates this section is guilty of voyeurism.

(2) A violation of division (A) of this section is a misdemeanor of the third degree.

(3) A violation of division (B) of this section is a misdemeanor of the second degree.

(4) A violation of division (C) or (E) of this section is a misdemeanor of the first degree.

(5) A violation of division (D) of this section is a felony of the fifth degree.

(G) As used in this section:

(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.031 [3345.03.1] of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code.

(2) "Child day-care center," "type A family day-care home," and "type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.

(3) "Babysitting care" means care provided for a child while the parents, guardian, or legal custodian of the child is temporarily away.*

§ 2907.09 Public indecency.

(A) No person shall recklessly do any of the following, under circumstances in which his or her conduct is likely to be viewed by and affront others, not members of his or her household:

(1) Expose his or her private parts, or engage in masturbation;

(2) Engage in sexual conduct;

(3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

(B) Whoever violates this section is guilty of public indecency. Except as otherwise provided in this division, public indecency is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, public indecency is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section, public indecency is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of this section, public indecency is a misdemeanor of the first degree.

§ 2907.31 Disseminating matter harmful to juveniles.

(A) No person, with knowledge of its character or content, shall recklessly do any of the following:

(1) Sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile any material or performance that is obscene or harmful to juveniles;

(2) Offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile any material or performance that is obscene or harmful to juveniles;

(3) Allow any juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

(B) The following are affirmative defenses to a charge under this section that involves material or a performance that is harmful to juveniles but not obscene:

(1) The defendant is the parent, guardian, or spouse of the juvenile involved.

(2) The juvenile involved, at the time of the conduct in question, was accompanied by the juvenile's parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.

(3) The juvenile exhibited to the defendant or to the defendant's agent or employee a draft card, driver's license, birth record, marriage license, or other official or apparently official document purporting to show that the juvenile was eighteen years of age or over or married, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of eighteen and unmarried.

(C)(1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial, or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge, or other proper person.

(2) Except as provided in division (B)(3) of this section, mistake of age is not a defense to a charge under this section.

(D) Whoever violates this section is guilty of disseminating matter harmful to juveniles. If the material or performance involved is harmful to juveniles, except as otherwise provided in this division, a violation of this section is a misdemeanor of the first degree. If the material or performance involved is obscene, except as otherwise provided in this division, a violation of this section is a felony of the fifth degree. If the material or performance involved is obscene and the juvenile to whom it is sold, delivered, furnished, disseminated, provided, exhibited, rented, or presented, the juvenile to whom the offer is made or who is the subject of the agreement, or the juvenile who is allowed to review, peruse, or view it is under thirteen years of age, violation of this section is a felony of the fourth degree.

§ 2907.32 Pandering obscenity.

(A) No person, with knowledge of the character of the material or performance involved, shall do any of the following:

(1) Create, reproduce, or publish any obscene material, when the offender knows that the material is to be used for commercial exploitation or will be publicly disseminated or displayed, or when the offender is reckless in that regard;

(2) Promote or advertise for sale, delivery, or dissemination; sell, deliver, publicly disseminate, publicly display, exhibit, present, rent, or provide; or offer or agree to sell, deliver, publicly disseminate, publicly display, exhibit, present, rent, or provide, any obscene material;

(3) Create, direct, or produce an obscene performance, when the offender knows that it is to be used for commercial exploitation or will be publicly presented, or when the offender is reckless in that regard;

(4) Advertise or promote an obscene performance for presentation, or present or participate in

presenting an obscene performance, when the performance is presented publicly, or when admission is charged;

(5) Buy, procure, possess, or control any obscene material with purpose to violate division (A)(2) or (4) of this section.

(B) It is an affirmative defense to a charge under this section, that the material or performance involved was disseminated or presented for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, clergyman, prosecutor, judge, or other person having a proper interest in the material or performance.

(C) Whoever violates this section is guilty of pandering obscenity, a felony of the fifth degree. If the offender previously has been convicted of a violation of this section or of section 2907.31 of the Revised Code, then pandering obscenity is a felony of the fourth degree.

Appendix C

SPSS Spreadsheet of Offender Charges (Initial & Convicted)

Appendix C is a printout of information on each offender in the study.

Column explanations

sex: Offender's gender

race: Offender's ethnicity

registra: Offender's registration status

original: Offender's original charge

clasorig: Classification of offender's original charge

convict: Offender's convicted charge

clasconv: Classification of offender's convicted charge

change: Change in offender's charge

Sexual offender registration status

no legal requirement: Not legally required to register as a sex offender

not required: Not required to register, offense proceeds the law

sexual oriented: Registered as a sexually oriented offender

sexual predator: Registered as a sexual predator

	sex	race	registra	original	clasorig	convict	clasconv	change
1	male	black	sexual oriented	sexual battery	felony	corruption of a minor	misdemeanor	decrease
2	male	white	sexual oriented	rape	felony	gross sexual imposition	felony	decrease
3	male	white	no legal requirement	public indecency	misdemeanor	public indenency	misdemeanor	no chang
4	male	black	sexual oriented	failure to provide notice	felony	failure to provide notice	felony	no chang
5	male	black	no legal requirement	rape	felony	domestic violence	felony	decrease
6	male	black	sexual oriented	rape	felony	gross sexual imposition	felony	decrease
7	male	white	sexual predator	gross sexual imposition	felony	gross sexual imposition	felony	no chang
8	female	white	sexual oriented	corruption of a minor	felony	corruption of a minor	felony	no chang
9	male	white	no legal requirement	pandering obscenity involvi	felony	pandering sexual matter inv	felony	decrease
10	male	white	sexual predator	rape	felony	corruption of a minor	felony	decrease
11	male	white	no legal requirement	menacing	felony	menacing	felony	no chang
12	male	white	sexual oriented	illegal use of a nude minor	felony	pandering sexual matter inv	felony	decrease
13	male	black	no legal requirement	rape	felony	gross sexual imposition	felony	decrease
14	male	white	no legal requirement	gross sexual imposition	felony	sexual imposition	misdemeanor	decrease
15	male	white	sexual oriented	gross sexual imposition	felony	gross sexual imposition	felony	no chang
16	male	black	no legal requirement	rape	felony	gross sexual imposition	felony	decrease
17	male	black	no legal requirement	public indecency	felony	disorderly conduct	misdemeanor	decrease
18	male	white	sexual oriented	rape	felony	sexual battery	felony	decrease
19	male	white	sexual oriented	corruption of a minor	felony	corruption of a minor	felony	no chang
20	male	white	no legal requirement	rape	felony	gross sexual imposition	felony	decrease

	sex	race	registra	original	clorig	convict	clasconv	change
21	male	white	no legal requirement	gross sexual imposition	felony	assault	misdemeanor	decrease
22	male	white	no legal requirement	sexual battery	felony	sexual battery	felony	no chang
23	male	white	sexual oriented	rape	felony	gross sexual imposition	felony	decrease
24	male	white	sexual oriented	rape	felony	gross sexual imposition	felony	decrease
25	male	black	not required	felonious sexual penetratio	felony	gross sexual imposition	felony	decrease
26	male	white	sexual oriented	rape	felony	attempted rape	felony	decrease
27	male	white	sexual oriented	gross sexual imposition	felony	corruption of a minor	misdemeanor	decrease
28	male	white	not required	felonious sexual penetratio	felony	gross sexual imposition	felony	decrease
29	male	white	sexual predator	rape	felony	corruption of a minor	felony	decrease
30	male	white	no legal requirement	public indecency	misdemeanor	public indenency	misdemeanor	no chang
31	male	black	no legal requirement	corruption of a minor	felony	corruption of a minor	felony	no chang
32	male	white	not required	gross sexual imposition	felony	gross sexual imposition	felony	no chang
33	male	white	sexual oriented	rape	felony	sexual battery	felony	decrease
34	male	white	no legal requirement	disseminating matter harm	felony	disseminating matter harmf	misdemeanor	decrease
35	male	white	no legal requirement	sexual imposition	misdemeanor	sexual imposition	misdemeanor	no chang
36	male	white	sexual oriented	sexual battery	felony	sexual battery	felony	no chang
37	male	black	no legal requirement	gross sexual imposition	felony	sexual imposition	misdemeanor	decrease
38	male	black	sexual oriented	rape	felony	gross sexual imposition	felony	decrease
39	male	white	no legal requirement	rape	felony	sexual imposition	misdemeanor	decrease
40	male	white	no legal requirement	public indecency	misdemeanor	public indenency	misdemeanor	no chang

	sex	race	registra	original	clasorig	convict	clasconv	change
41	male	white	sexual oriented	disseminating matter harm	felony	disseminating matter harmf	felony	no chang
42	male	black	sexual oriented	felonious sexual penetratio	felony	attempted rape	felony	decrease
43	male	white	not required	gross sexual imposition	felony	sexual imposition	misdemeanor	decrease
44	male	black	sexual oriented	rape	felony	gross sexual imposition	felony	decrease
45	male	hisp	sexual oriented	rape	felony	attempted rape	misdemeanor	decrease
46	male	white	no legal requirement	public indecency	misdemeanor	public indenency	misdemeanor	no chang
47	male	white	sexual oriented	rape	felony	gross sexual imposition	felony	decrease
48	male	black	no legal requirement	public indecency	misdemeanor	public indenency	misdemeanor	no chang
49	male	white	sexual oriented	gross sexual imposition	felony	gross sexual imposition	felony	no chang
50	male	white	sexual oriented	gross sexual imposition	felony	gross sexual imposition	felony	no chang
51	male	white	no legal requirement	pandering sexual matter in	felony	pandering sexual matter inv	felony	no chang
52	male	white	no legal requirement	telephone harrasment	misdemeanor	telephone harrasment	misdemeanor	no chang
53	male	black	sexual oriented	rape	felony	gross sexual imposition	felony	decrease
54	male	black	sexual oriented	rape	felony	sexual battery	felony	decrease
55	male	white	sexual oriented	sexual battery	felony	sexual battery	felony	no chang
56	female	white	no legal requirement	rape	felony	assult	felony	decrease
57	male	black	no legal requirement	theft	felony	theft	felony	decrease
58	male	white	no legal requirement	public indecency	misdemeanor	public indenency	misdemeanor	no chang
59	male	white	no legal requirement	rape	felony	attempted rape	felony	decrease
60	male	white	not required	rape	felony	attempted rape	felony	decrease

	sex	race	registra	original	clasorig	convict	clasconv	change
61	male	white	sexual oriented	corruption of a minor	felony	corruption of a minor	felony	no chang
62	male	white	no legal requirement	rape	felony	sexual battery	felony	decrease
63	male	white	no legal requirement	public indecency	misdemeanor	public indenency	misdemeanor	no chang
64	male	white	no legal requirement	gross sexual imposition	felony	sexual imposition	misdemeanor	decrease
65	male	black	sexual oriented	rape	felony	gross sexual imposition	felony	decrease
66	male	white	sexual predator	rape	felony	sexual battery	felony	decrease
67	male	white	not required	rape	felony	sexual battery	felony	decrease
68	male	white	sexual oriented	rape	felony	gross sexual imposition	felony	decrease
69	male	white	sexual predator	rape	felony	sexual battery	felony	decrease
70	male	white	no legal requirement	corruption of a minor	felony	corruption of a minor	felony	no chang
71	male	white	sexual oriented	rape	felony	gross sexual imposition	felony	decrease
72	male	white	no legal requirement	sexual imposition	misdemeanor	criminal mischf	misdemeanor	decrease
73	male	white	not required	gross sexual imposition	felony	gross sexual imposition	felony	no chang
74	male	white	sexual oriented	corruption of a minor	felony	corruption of a minor	felony	no chang
75	male	white	sexual oriented	gross sexual imposition	felony	gross sexual imposition	felony	no chang
76	male	asian	sexual oriented	sexual battery	felony	rape	felony	increase
77	male	white	no legal requirement	criminal child enticement	misdemeanor	criminal child enticement	misdemeanor	no chang
78	male	white	no legal requirement	corruption of a minor	felony	rape	felony	increase
79	male	white	no legal requirement	attempted rape	felony	rape	felony	increase
				gross sexual imposition	felony	gross sexual imposition	felony	no chang

	sex	race	registra	original	clasorig	convict	clasconv	change
81	male	white	sexual predator	gross sexual imposition	felony	corruption of a minor	felony	decrease
82	male	black	no legal requirement	corruption of a minor	misdemeanor	sexual imposition	felony	increase
83	male	black	no legal requirement	sexual imposition	felony	gross sexual imposition	misdemeanor	decrease
84	male	white	sexual oriented	gross sexual imposition	felony	felonious sexual penetration	felony	increase
85	male	white	not required	gross sexual imposition	felony	attempted rape	felony	increase
86	male	black	no legal requirement	attempted rape	felony	failure to provide notice	felony	decrease
87	male	black	sexual oriented	failure to provide notice	felony	assult	felony	increase
88	male	white	no legal requirement	assult	felony	rape	felony	increase
89	male	white	sexual oriented	gross sexual imposition	misdemeanor	menacing	misdemeanor	decrease
90	male	black	no legal requirement	menacing	felony	rape	felony	increase
91	male	black	no legal requirement	attempted rape	felony	theft	felony	decrease
92	male	white	no legal requirement	theft	felony	rape	felony	increase
93	male	white	sexual oriented	sexual battery	felony	rape	felony	increase
94	male	white	sexual oriented	sexual battery	misdemeanor	gross sexual imposition	felony	increase
95	male	black	not required	gross sexual imposition	misdemeanor	gross sexual imposition	felony	increase
96	male	white	not required	gross sexual imposition	misdemeanor	theft	felony	increase
97	male	white	not required	theft	felony	rape	felony	increase
98	male	white	sexual oriented	sexual battery	felony	rape	felony	increase
99	male	white	no legal requirement	corruption of a minor	felony	sexual battery	felony	increase
100	male	white	sexual oriented	sexual battery	felony	rape	felony	increase

	sex	race	registra	original	clasorig	convict	clasconv	change
101	male	white	no legal requirement	gross sexual imposition	felony	sexual battery	felony	increase
102	male	white	not required	sexual imposition	misdemeanor	failure to provide notice	felony	increase
103	male	black	sexual oriented	failure to provide notice	felony	felonious sexual penetration	felony	increase
104	male	white	no legal requirement	corruption of a minor	felony	gross sexual imposition	felony	increase
105	male	white	no legal requirement	gross sexual imposition	misdemeanor	sexual battery	felony	increase
106	male	white	sexual oriented	corruption of a minor	misdemeanor	corruption of a minor	felony	increase
107	male	white	sexual oriented	corruption of a minor	felony	gross sexual imposition	felony	increase
108	male	white	not required	gross sexual imposition	felony	sexual imposition	misdemeanor	decrease
109	male	white	no legal requirement	criminal mischf	misdemeanor	rape	felony	increase
110	male	white	sexual oriented	gross sexual imposition	felony	corruption of a minor	felony	decrease
111	male	white	no legal requirement	corruption of a minor	felony	rape	felony	increase
112	male	black	sexual predator	rape	felony	rape	felony	no chang
113	male	white	sexual oriented	gross sexual imposition	felony	rape	felony	increase