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The Social Construction of the Sex Offender

Dissertation

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University of Missouri-St. Louis
May, 2001**

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ABSTRACT

Over the last two decades, Americans have come to perceive sex offending as a serious and widespread problem. As a response to the public's concern, new sex offender legislation has been enacted. This dissertation examines the contemporary sex offender problem and the legislative responses, within a social constructionist framework. I performed a content analysis of newspaper accounts, conducted interviews with public officials, and analyzed arrest data to determine the current definitions of sex offenders, the process by which those definitions found their way into law, and how they were applied to offenders.

I found that the media depict and policy makers perceive an increase in sex offending, particularly against children, during the 1990s. In addition, both the media accounts and policy makers' comments are dominated by an image of the sex offender as a compulsive recidivist whose behavior often escalates to lethal violent crime. However, law enforcement data indicate that sex crimes against children remained stable over this period, and offending against adults declined. Furthermore, arrested sex offenders had lower recidivism rates for sex crimes and other offenses than most other categories of offenders, and their behavior rarely escalates to more violent crime.

It appears then that sex offender legislation did not arise simply because of the growing objective harm of sex offending. Rather, it was the product of a socially constructed panic stimulated by media depictions and used by policy makers to successfully promote sex offending as a menacing social problem worthy of costly and sweeping legislation. That legislation may not be effective in addressing behaviors of justifiable concern to the public. The dissertation contributes to social problems research

by modeling the process whereby conditions are converted to the problems that eventually evoke legislative action. The results can be applied to evaluations of other social problems to better calibrate policy responses. Finally, the analysis highlights the need for policy makers and the general public to become more thoughtful consumers of media accounts of deviant behavior.

PREFACE

I became interested in sex offenders and offending in the mid-1990s after the passage of sex offender registration, community notification, and civil commitment laws. Rarely had I seen laws passed so quickly, diffuse across the United States so rapidly, or gain the acceptance of citizens of different genders, races, and political affiliations so easily. In addition, these laws allowed police agencies to monitor the whereabouts of sex offenders, release this information to the public, and institutionalize them *after* they had been punished for their crimes. I questioned the logic behind laws passed to monitor and confine a single group of offenders based on what they *may* do rather than what they had done. I wondered why Americans could so easily disregard the due process rights of sex offenders to protect themselves from crimes that, as far as I could tell, were neither very prevalent nor on the increase. But then, what did I know? I quickly realized I knew very little about sex offending or offenders. Where did this problem come from? How had sex offending come to be perceived as such a serious and widespread social phenomenon as to merit such extreme legislative responses?

The social reaction to sex offenders and offending, and concern for the equity and fairness of sex-offender laws, sparked my interest in studying these offenders and behaviors. This concern required that I examine the problem within a “social constructionist” framework. I sought to depict the process whereby sex offending was converted from a social condition to a growing problem in need of legislation. The first order of business was to obtain information from the people and entities involved in making and enforcing sex offender laws. The public plays a role in the legislative process, but direct measures of public perception are costly and difficult to obtain.

Instead, I performed a content analysis of media accounts to uncover the information the public had been given about sex offenders and offending and used as a basis for their perceptions and the resulting demands they placed on public officials. I interviewed legislators and other policy makers to determine their perceptions of sex offenders and offending and the degree to which media depictions and the public influenced the passage and content of sex-offender laws. Lastly, I analyzed arrest data to determine how law enforcement portrays sex offenders and offending and compared these results to media accounts and policy makers' perceptions.

This study adds to a growing body of literature suggesting that social conditions are not deemed as problems simply because of the harm they produce but are constructed as problems based on the perceptions and interests of influential and responsible parties. It demonstrates the need to examine all aspects of a social problem's construction, not only the way in which a condition is portrayed as a problem but also how these portrayals affect the condition itself and those responsible for its control. Most importantly, this research highlights the contradictions that can exist between differing sets of perceptions of the same actors and events. It shows the need to obtain information about offenders and crimes from several sources and to be more critical of the information we receive before jumping to conclusions about the nature of events and enacting costly and sweeping legislation that may not adequately address our concerns.

This research would not have been possible without the help of several people. I wish to thank the legislators and agency personnel who took time out of their busy schedules to answer my questions and provide information. Also, I greatly appreciate the support I received from the Harry Frank Guggenheim Foundation and the University of

Missouri-St. Louis graduate school. I am eternally grateful to Tim Bray for not only his assistance with compiling the arrest data but also for having a computer powerful enough to perform operations on 3 million records. Chris Carlson is to be commended for her artistic abilities and her library research skills. I am indebted to Richard Wright, Bruce Jacobs, and Paul Roth for their advice and suggestions. However, this study would have never seen the light of day without the guidance and advice of Richard Rosenfeld, who possibly has as many hours invested in the project as I. To him, I owe a debt that I can only hope to someday repay.

This dissertation is dedicate to David, whose patience, understanding, and willingness to sacrifice allowed me to achieve my goal, and to Dottie who taught me early in life to work hard, stay on course, and never give up on my dreams.

CHAPTER 1.

CONSTRUCTIONISM AND SEX OFFENDING: AN INTRODUCTION AND OVERVIEW

Over the last two decades, the American public has come to perceive sex offending as a serious and widespread problem. Unlike other violent offenses, sex offending is viewed as a particularly egregious form of criminal behavior because the victims are often those whom society feels most compelled to protect--women and children (Furby et al., 1989; Jenkins, 1998). Core values and institutions, such as monogamy, family, and motherhood, are all challenged when women who represent these principles and institutions are sexually attacked (Jenkins, 1998). Sex crimes against children are perceived as even more reprehensible; they not only offend most people's sense of decency but also underscore the inability of law enforcement and parents to protect those in society least able to protect themselves (Sutherland, 1950a).

As a response to public concern about sex crimes, sex offender registration, community notification, and sexual predator laws have been enacted at both the state and federal levels to enhance the surveillance, apprehension, and supervision of sex offenders before they can offend again. These new laws exact considerable time and resources from legislatures, courts, and law enforcement agencies.

This dissertation examines the contemporary sex offender problem, and the legislative solutions offered for its suppression, within a social constructionist framework. This framework emphasizes the dynamics by which "sex crimes" emerge as a targeted problem area. My purpose is not to explain *why* sex offending, as opposed to another type of behavior, has attracted public and legislative attention, but to describe *how* sex offenders and offending came to be perceived as a serious and growing problem

in the 1990s worthy of significant policy responses. My major research questions are: How are sex offenders and offending defined? What organizations and individuals are responsible for these definitions? How do these definitions enter into and influence the passage and content of legislation? Are sex offending arrest statistics congruent with prevailing perceptions of sex offenders and offending? To address these questions, I performed a content analysis of newspaper accounts in Illinois to examine the information the public had been given about sex offenders and offending. I interviewed policy makers to ascertain their perceptions of the sex offender problem and investigate the public's and media's influence in the passage of sex offender laws. Finally, I analyzed Illinois arrest data to examine law enforcement's portrayal of sex offenders and offending and compare these results to media depictions and policy makers' perceptions.

Answers to my research questions contribute to scholarship on sex offending and social problems in three principal ways. First, my findings can help to sharpen theories of social problem construction. I depict the process by which sex offending came to be perceived as a social problem. This information will add to a growing body of research that treats social problems not as objective conditions, however much harm they may cause, but as conditions actively promoted as "problems" by particular groups with special interests in their definition and resolution. In this sense, my research expands theories of social problem construction by more fully specifying the process whereby conditions are converted to the problems that eventually evoke legislation.

My examination of the current sex offender problem also provides the opportunity to extend previous social problems and sex offender research. Social problems research often uses the constructionist perspective to investigate controversial topics that are

considered “problems” by some segments of society, but not by others. These issues, such as gambling, prostitution, drunk driving, and drug use, are commonly known as “mala prohibita” offenses—acts not evil in and of themselves but rather made illegal by statute. It is relatively easy to identify the process by which these issues became problems because the disagreement among the parties advocating and opposing legislation for these behaviors often highlights the distinctions among contending definitions of actors and events, thereby making application of these definitions easy to detect.

Sex offending, however, is considered a “mala in se” offense—an act that is morally wrong in and of itself. There is little disagreement regarding the wrongfulness of these crimes or their prohibition; therefore, varying definitions of acts and actors are more difficult to identify. My use of three different data sources to investigate definitions of sex offending and their application to offenders extends previous social problem research by applying the constructionist perspective to a problem not usually thought of as socially constructed.

My investigation extends prior research on sex offending by placing sexual violence within a social and political context. Unlike investigations limited only to etiology or treatment effectiveness, this study compares popular definitions of sex offenders and offending with officials’ depictions and legal responses, provides insight into the perceptions underlying legislative solutions for the problem, and assesses how those perceptions square with statistical data on offending patterns. By uncovering our perceptions of sex crimes and criminals and how these affect our collective reactions to

sexually violent crime, this study offers a more comprehensive understanding of sexual violence as a public concern.

Lastly, this study has important implications for public policies meant to address sex offending and various other crime-related problems. A very important policy goal of my research is to determine whether the legislative intent of policy makers has been realized in the current response to sex offenders. My interview data indicate that legislators have sex offenses against *children* in mind when supporting registration, notification, and civil commitment laws. Yet national data show that most sex offenders subject to these requirements have victimized other *adults* (Greenfeld, 1997). Given the burden on local law enforcement to implement these statutes, the significant civil liberties issues that arise, and the need for public protection, policy makers need to know whether current laws and practices are targeting the intended population of persons and behaviors.

This study not only has implications for sex offending policies, but other crime-control policies as well. Analysis of arrest data suggests that persons who engage in other violent crimes (e.g., robbery and assault) may be more likely than sex offenders to repeat their offenses. Once our image of the persistent sex offender has been critically assessed, policy makers may be able to redirect scarce resources to better address other frequently occurring violent behaviors that have received less attention during our preoccupation with sex crimes.

My evaluation of sex offending as a social problem is not intended to dismiss the threat of its occurrence, make light of the harm that victims endure, or demean policy makers' judgments of the problem or desires to protect the public. However, in the absence of evidence suggesting that the incidence of sex offending has grown, I propose

that the heightened concern about sex offending in the 1990s is the product of a socially constructed moral panic stimulated by media depictions and public perceptions and used by policy makers to successfully promote sex offending as a growing social problem worthy of costly and sweeping legislation, which may not be effective in addressing behaviors of justifiable concern to the public.

In this chapter, I provide an overview of constructionism and the sex offender problem. I begin by describing the constructionist perspective in social problems research. I then review previous investigations of the sex offender problem. This review leads to an examination of current sex offender legislation and the assumptions about sex offenders and offending that it implies. I end the chapter with a brief overview of the resurgence of the sex offender crisis in Illinois.

SOCIAL CONSTRUCTIONISM AND SOCIAL PROBLEMS RESEARCH

Research on crime or deviance as a social problem is often conducted using one of two different orientations. The positivistic approach assumes that deviance is an objective reality, and as such it can be defined simply as behavior that does not conform to social norms (Becker, 1963; Best, 1989; Conrad and Schneider, 1980; Edleman, 1988). Social norms are assumed to be part of widely known and shared values in society, so the problematic nature of deviant behavior is rarely in question. Positivistic researchers then generally investigate the causes of deviant behavior, so they may devise solutions to suppress the problem (Conrad and Schneider, 1980:2). In contrast, "Social constructionism takes as its point of departure the social basis of all human knowledge" (Surette, 1998:6). It posits that morality, and therefore deviance and crime, are socially

constructed and relative to a particular social and historical setting (Conrad and Schneider, 1980:2).

Constructionism holds that deviance arises from someone's initiative to define a situation as problematic (Becker, 1963). Deviance and crime, as social problems, are not then innate to the social environment, nor are they problems simply because of the harm they produce. Rather deviance and crime are constructed as social problems through a process involving various actors who make subjective interpretations of events and behaviors that eventually find their way into public policy and law (Becker, 1963; Ben-Yehuda, 1990; Cohen, 1972). Unlike the positivistic approach, constructionism does not presume the intrinsically problematic nature of deviant behavior, so constructionists are more concerned with investigating the processes involved in a behavior coming to be classified as deviant than in the causes of the behavior itself. The development of the classification process is part of the understanding of the etiology of deviance.

Although constructionist investigations generally concentrate on the way conditions become classified as problems, the research can take different forms. Cultural examinations focus on the values, attitudes, and beliefs in societies that make the problem's classification possible. They are typically meant to explain why one classification of a condition won favor over others. For example, in his classic examination of the temperance movement in America, Gusfield (1963) found that citizens accepted alcohol consumption as a social problem because it reflected their condemnation of the pursuit of pleasure. The public believed that amusement had no relationship with man's function in society or as a spiritual being; it did not improve his citizenship or his responsibilities. Gusfield concludes that the prohibition of alcohol was

a symbolic rather than an instrumental policy goal in that it was meant to reform the character and conduct of individuals rather than to simply eliminate the institutions responsible for alcohol's manufacture and sale.

In contrast, other constructionist examinations describe the social processes involved in classifying a condition as a problem rather than explain the origins of the classification itself (Spector and Kitsuse, 1977). These investigations typically identify emerging definitions of a condition, the persons and social institutions responsible for classifying it as problematic, or the ways in which groups solicit support for their classifications. Researchers using this approach can only speculate about the cultural or structural forces that permit the problem's classification to occur. Best (1989), for example, examined missing children as an emerging social problem. He found that claims-makers in the missing children movement favored broad definitions of missing children that included runaways in addition to those believed to be kidnapped or murdered to exaggerate official statistics and make the problem appear larger than previously observed. Another example is Johnson's (1989) examination of child abuse. He found that the media played a prominent role in this problem's construction by disseminating new definitions of abuse and supplying "horror stories" to help generate public support. My examination of the sex offender crisis employs this latter "social constructionist" approach. It is more descriptive than explanatory in nature. I identify the prevailing definitions of sex offenders and offending within three different institutional domains (media, policy makers, and law enforcement), explore their similarities and differences, and highlight the way in which they were used to formulate solutions to the problem. My research cannot determine whether these definitions are

accepted by the public at large, what cultural beliefs they support, or why sex offending, particularly against children, is the topic of concern as opposed to other criminal behaviors.

Regardless of the approach taken, many researchers prefer the constructionist perspective to a more positivistic approach for investigating deviance and crime as social problems. Constructionism better allows researchers to uncover the origins of social concern, examine the social, historical, and political contexts surrounding that concern, and evaluate policies offered as solutions (Becker, 1963; Cohen, 1972; Conrad and Schneider, 1980; Edleman, 1988; Rochefort and Cobb, 1994; Schur 1971; Surette, 1998). Moreover, the perspective is very liberating in that it reminds us that phenomena we consider problems are not necessarily fixed or inevitable (Hacking, 1999). "It challenges complacent assumptions about the inevitability of what we have found out or our present ways of doing things..." (Hacking, 1999:58).

Some critics suggest that the constructionist perspective has become "stale," used only to challenge or criticize policies offered as solutions for social problems (Hacking, 1999:7). This is often accomplished by trivializing or denying the existence of the problem in the world. Moreover, Hacking (1999:49) suggests that the term "social construction" has become somewhat meaningless in that most constructionist investigations rarely depict construction, or the processes involved in generating the problem under study. Constructionism is then easily devalued because of its denial of the "real" and researchers' failures to depict the processes involved in a problem's construction.

Although these may be valid criticisms on the surface, both can be easily overcome. Hacking (1999) explains that the constructionist perspective does not necessarily deny the existence of the problem under investigation, although it is often interpreted as doing so. The confusion lies within a subtle distinction between “objects” and “ideas,” or ways of classifying objects. “Objects” are very real items that exist in the world, such as people, practices, actions, and behaviors. “Ideas,” however, are concepts, beliefs, and attitudes about objects in the world. Hacking (1999) suggests that constructionist investigations of social problems, such as child abuse or serial murder, do not deny that these problems are real. Actual incidents of child abuse and serial murder do occur. Rather, the “idea” of child abuse and serial murder has come into question. While the objects of child abuse or serial murder may be real, fixed, and inevitable, the ideas, concepts, attitudes, and beliefs about these events are not; they could have evolved in various ways. Hacking concludes, “In the end, the ‘real vs. construction’ tension turns out to be a relatively minor technical matter” (123). If one keeps the distinction between “objects” and classification schemes in mind, social problems can be seen as both real and constructed simultaneously.

The criticism concerning researchers’ failures to depict the construction process can be overcome by clarifying how researchers come to see the problem under study. Constructionists are examining the idea of an object that has become classified as a problem. While sometimes they never depict a construction process at all, more often they discontinue their investigation once the process involved in the formation of the classification is uncovered. However, Hacking (1999: 116) suggests that the construction of a classification should not be seen as linear. Objects classified as problems need to be

seen as “interactive kinds” because they can interact with other objects, they can become aware of their classification, and they can adjust their behavior and ideas in accordance with the classification (32). Sex offenders, for example, should be seen as “interactive kinds” in that they mix with other people and social institutions that are aware of their classification. This interaction can influence their ideas, attitudes, and beliefs about their classification, which in turn can affect their behavior.

The introduction of “interactive kinds” into constructionism makes it easier for researchers to detect “looping effects” within a problem’s construction (Hacking, 1999: 34). “Looping effects” bring the construction of a problem full circle by highlighting the interaction between the idea of the problem and the people, social institutions, and practices involved. They take into account not only the process involved in the creation of the idea but also the effect the idea has on the institutions charged with managing the problematic behavior. In the case of sex offenders, the creation of this classification has an effect on law enforcement and judicial practices, which may in turn influence the behavior of sex offenders themselves. The construction of a social problem should be seen as more than simply a linear process ending with the discovery of the ideas responsible for the problem’s creation. The introduction of “interactive kinds” and “looping effects” into constructionist language can help researchers more fully depict the process involved in a problem’s construction and breathe new life into the perspective.

Some researchers investigating various crime-related social problems have documented the processes involved in problem construction, although not to the extent that Hacking advocates (Ben-Yehuda, 1990; Cohen, 1972; Sutherland, 1950a). Problem construction usually begins after public fear is aroused by initial isolated incidents of

deviance or crime (Ben-Yehuda, 1990; Cohen, 1972; Sutherland, 1950a). Many people, with varying degrees of power, prestige, and credibility, then offer their interpretations and definitions of the behavior (Becker, 1963; Cohen, 1972; Ben-Yehuda, 1990). These “moral entrepreneurs” often use the media to manipulate political and moral symbols to mobilize support for their specific definitions and gain control over public opinion (Ben-Yehuda, 1990:70). Once public support for specific definitions has been generated, solutions for the problem are offered that are congruent with the popular definitions (Conrad and Schneider, 1980). Although this information is insightful, it overlooks the extent to which “looping effects” occur. The effects of policy or public opinion on the newly defined people or behavior are rarely examined, thereby leaving the process only partially explained.

The processes involved in social problem construction need further examination, but the pivotal role the media play in the construction has been well documented (Barak, 1994; Best, 1989; Potter and Kappeler, 1996). The media provide a major forum for familiarizing the public with behavioral definitions, solidifying those definitions into a more or less coherent account, and generating support for this account. As Surette (1998) explains, “The media serve the role of world knowledge conduit and playing field for the competition between claims-makers (10).” This competition eventually produces the “dominant construction of reality” that is used to create public policy and law (11). In sum, the media can help form attitudes about new ideas where little prior opinion exists, influence attitudes that are weakly built, and reinforce or strengthen attitudes that are already held (Surette, 1998: 200).

Researchers have investigated various ways in which the media influence public opinion (Best, 1989; Johnson, 1989; Edleman, 1988). The selective portrayal of victims and offenders, the use of prejudicial language, and the inference of guilt in crime news all can influence the way the public comes to perceive various offenses and offenders (Marsh, 1994). Ironic contrast and gruesome detail in crime-related stories have been used to evoke negative emotions toward actors and their acts. In her examination of elder abuse, Baumann (1989) found that “warrants” were used to provide justification for public concern over incidents and behaviors. Warrants, or rhetorical devices, in reports of elder abuse showed the victims’ dependency, vulnerability, and incompetence, so the public would feel a moral obligation to care about an incident and would then be morally compelled to act. Selective portrayals, guilt inferences, gruesome detail, and rhetorical devices can all change the way the public perceives actors and events, which can then change the way these actors and events are defined.

Changes in the definitions of and responses to actors and behaviors may foster a perception of a growing social problem by influencing the public’s perception of an event’s incidence and prevalence (Scratchfield, 1989). In her examination of sexual harassment, Paul (1990:86) concluded that sexual harassment was “notoriously ill defined and almost an infinitely expandable concept.” This vagueness permitted the definition of sexual harassment to expand to include behaviors not previously defined as problematic. The expansion of previous definitions of a behavior gives the appearance of increasing incidence and prevalence as the new behaviors are reported in the media and added to official statistics.

Changing definitions of actors and behaviors can also foster the perception of a growing social problem by generalizing the risk of victimization (Albert, 1989). Baumgartner and Jones (1994:54), in their examination of air transportation policy, found that modifications in problem definition make the topic of social concern “incomplete, difficult to predict, and heavy with consequence.” These ambiguities can promote exaggerated perceptions of actors and events. Because people are given incomplete information regarding offenders, they are likely to perceive an increasing pool of suspects. As the pool of suspects grows, the pool of potential victims expands, thereby making it appear as if more people are becoming susceptible to attack.

Ambiguities in problem definition are not the only way in which the generalization of risk can be achieved. Claims-makers’ use of anecdotal stories and “crime clocks” in the media, as well as the decontextualization of events, all lead people to believe that the risk of victimization is evenly distributed in the population (Albert, 1989; Best, 1989; Loseke, 1989). In her examination of wife abuse, Loseke (1989) found that the media often displayed only one aspect of the wife abuse, never discussing events leading to the abuse, the victims’ participation in the event, or the degree of harm done. By not discussing the complexities of social events, media accounts can leave people with the perception that events happen at random, thus making anyone susceptible to attack.

Both the media’s practice of reporting changing definitions of actors and events and the ways in which the risk of victimization is generalized result in an often exaggerated fear among the public of the people or acts newly defined. Glassner (1999) explains that fear is easily produced by the media workers simply by the types of stories

they choose to report. An ideal crime story is one in which the victims are innocent and likeable people, the perpetrators are uncaring often mentally deranged brutes, the story is easily relayed, and the event had social significance (24). The public accepts these stories as truths because media use “people with fancy titles,” or experts, to tell the tale (206). As Glassner notes, rarely are these experts leading professionals in their field. Nevertheless, concern is transformed into fear among the public as experts tell anecdotal tales of events that most Americans acknowledge to be problems but have taken no action to solve. Once this fear has been generated, policies offered as solutions for the problem may be accepted uncritically.

In sum, the constructionist perspective can be used to systematically assess the social processes through which persons or behaviors are classified as problems. Previous social problems research has depicted the process involved in defining a situation as a problem, but the effects of the resulting definitions are rarely investigated. The extent to which these definitions affect the behavior of the people defined or the practices of the institutions responsible for managing the behavior remains unknown. Nevertheless, prior research highlights the role of the media in disseminating problems’ definitions and the ways in which media accounts affect public perception. Many aspects of the problem construction process and the media’s influence on perception can be seen in prior examinations of sex offending as a social concern.

PREVIOUS SEX OFFENDING RESEARCH

The constructionist perspective has been used to document the process by which sex offending came to be perceived as a serious social problem in the late 1930s and early 1940s (Sutherland, 1950a; Jenkins, 1998). Singular isolated incidents of sexual homicide

committed by repeat sex offenders were extensively covered and sensationalized in the media. These accounts contributed to public panic, which prompted the formation of committees to address the problem. These committees then demanded legislative action.

More specifically, Sutherland (1950a) notes:

Fear is produced more readily in the modern community than it was earlier in our history because of the increased publicity regarding sex crimes. Any spectacular sex crime is picked up by the press associations and is distributed to practically all newspapers in the nation...all this produces a widespread uneasiness which, given a few local incidents, readily bursts into hysteria (144).

Throughout this process of constructing the sex offender problem, the importance of media involvement can be seen. The media were given interpretations of actors and events from various claims-makers, such as police, psychologists, parents, and the attorney general. These interpretations were then extensively covered and widely disseminated. The result of this dissemination was a public panic that prompted the passage of the Sexual Psychopath laws of the 1930s and 1940s. These laws provided for the civil commitment of sex offenders to mental institutions upon their release from prison, if they could be diagnosed as "sexual psychopaths" by clinical psychologists, or as possessing a mental defect predisposing them to repeat their sex crimes.

Sexual Psychopath laws were passed on the belief that sex crimes were increasing, and sex offenders have a greater need to repeat their crimes than other criminal offenders. However, few researchers compared these popular perceptions to officially documented cases. The exception was Edwin Sutherland (1950b), who found that in the three years of 1930, 1935, and 1940, only 17 homicides of the 324 investigated

in New York City involved rape, and most of these were committed by relatives or “other intimate associates” (p. 546). Sutherland (1950b) also investigated recidivism among sex offenders and found only 5.5% of convicted sex offenders in New York City were re-arrested for sex crimes over a twelve-year period. This was markedly lower than the re-arrest percentages for non-sexual criminal offenders. Sutherland concluded that media coverage in the 1930s and 1940s had exaggerated the threat of sex crimes to the public and created a distorted image of the sex offender as a compulsive psychopath who attacked strangers at will and re-offended with great frequency.

More recently, the role of the media in disseminating knowledge of sex offenders and crimes has been re-examined. Websdale (1999) explains that the media’s use of “atrocious tales” helps to magnify the danger of sex offending. In his examination of Washington’s sexual predator law, he found that the media sensationalized specific incidents of sex crimes—those committed against children. By repeatedly reporting on the same single incident of mutilation and sexual assault against a young boy, the media made this type of incident appear more pervasive than it actually was. The media can then affect public perception regarding the prevalence of sex crimes by over-reporting single incidents of behavior.

Jenkins (1998) also notes the media’s use of atrocious tales to generalize the risk of sex offending. He found that during the investigations of child sexual homicides, the media promoted pleas from the children’s parents to the public to protect their own children, implying a high risk of child sexual homicide in the youth population. In addition, Jenkins (1998) found that the definition of sex offending has been expanded to include new behaviors, thereby creating the appearance that sex offenses are becoming

more widespread. In the late 1980s, the media began reporting incidents of “on-line pedophilia” (child molesters using the Internet to lure children). “On-line pedophilia” then became linked to “cyberporn” (pornography on the Internet). Prior to the 1980s, the public knew nothing of on-line pedophilia and cyberporn, and they were not defined as sex crimes. By the 1990s, however, both became classified as sex offenses, making the behaviors subject to numerous legal restrictions. Jenkins’ (1998) examination illustrates how definitions of sex offenses have been expanded to include new behaviors and how the media’s subsequent reporting of these events can heighten public concern by creating the image of increasing incidence and prevalence of sex crimes. He cites the 1995 Congressional hearings on cyberporn and on-line pedophilia and the passage of an amendment to the Communications Decency Act prohibiting “offensive” material on the Internet as evidence of the public’s growing concern for these behaviors.

While the definition of sex offenses was broadening, the definition of sex offenders was expanding as well to include members of society who were previously thought to be above reproach. Jenkins (1998) discusses the priest pedophilia scare and the daycare pedophilia rings of the 1980s and 1990s. The media reports of both priests’ sexual behavior toward youths and daycare workers’ sexual advances toward children helped expand the pool of sex offenders to include persons previously regarded as trustworthy. Prior to these events, sex offenders were more often portrayed as black men who raped white women, mentally unstable individuals, or criminally prone vagrants (Jenkins 1998). The priest pedophilia scare and the daycare pedophilia rings expanded the definition of sex offenders to white middle-class professionals not previously regarded as criminals.

Moreover, the media coverage of the William Kennedy Smith and Michael Tyson rape trials expanded the definition of sex offenders to include people of affluence (Sample, 1998). Sex offenders were no longer portrayed as existing simply among the poor. The cases of Smith and Tyson, priests, daycare workers, on-line pedophilia, and cyberporn reoriented perceptions of sex crimes and criminals. Sex offending was no longer restricted to back alleys and dirty basements, but could be found in rectories and childcare facilities, around swimming pools and computers, and in upper-class homes. The addition of new offenses to the definition of sex offending has encouraged the perception of a growing social problem by increasing the apparent prevalence of these events. The addition of new faces to the pool of sex offenders also has contributed to the perception of an increased risk of sexual victimization.

The recent passage of sex offender registration, notification, and “sexual predator” laws runs in tandem with the media portrayals in the 1980s and 1990s of new sex offenders and new sex crimes. This convergence of media attention and policy response underscores the importance of revisiting the construction of a sex offender problem and the assumptions underlying legislative solutions.

THE CONTEMPORARY SEX OFFENDER PROBLEM

Although sex crimes have attracted considerable media and legislative attention in the last decade, sexual victimization has actually declined. In 1998, the estimated rate of victimization for rape and sexual assault was 1.5 per 1,000 persons age 12 or older— a 40% decline from the rate of 2.5 per 1,000 persons in 1993 (Bureau of Justice Statistics, 1998). The rate of sexual victimization for children ages 12 to 15 has slightly risen from 3.1 per 1,000 persons in 1994 to 3.5 in 1998, a significant increase. However, this rate is

lower than the victimization rates in 1998 for persons 16 to 19 and 20 to 24 years of age (5.0 and 4.6 per 1,000 respectively) (Bureau of Justice Statistics, 1998). Comparable victimization data for children under the age of twelve are not available. Although sexual victimization among youths 12 to 15 has slightly increased during the 1990s, the decline in overall rates of sexual victimization does not indicate an increasing sex offender problem. We must look elsewhere to explain the public's concern for sex crimes and the plethora of sex offender legislation.

In the late 1980s and early 1990s, three specific incidents of sexual homicides against children were catalysts for much of the sex offender legislation we have today. In October of 1989, Jacob Wetterling, 11, was abducted near his home in Minnesota by an armed masked stranger (The National Criminal Justice Association, 1997). To date, he has still not been found. His case resembled that of a boy in a neighboring town who was abducted and sexually attacked earlier in the year. Both incidents are believed to have been committed by the same man, thus leading police to conclude they were searching for a repeat sex offender. While the Wetterling abduction drew attention to the repetitiveness of sex offenders' behaviors, it was the homicides of Polly Klaas and Megan Kanka that brought this issue to the forefront of the policy agenda (Jenkins, 1998).

- In 1993, the media widely disseminated the story of Polly Klaas, a twelve year-old girl who was abducted from her bedroom in California, sexually assaulted, and subsequently killed. Only one year later, the media reported that seven year-old Megan Kanka was missing from her New Jersey home; she was later found sexually assaulted and murdered. Both Polly Klaas and Megan Kanka had been murdered by previously

convicted sex offenders who had been released from prison. The parents of these murdered children actively lobbied state and federal legislators for remedies to address the repeat behavior of sex offenders. The results of their efforts have been witnessed nation wide.

In 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act mandated that ten percent of a state's funding under the Edward Byrne Memorial State and Local Law Enforcement Assistance grant program be used for establishing a state-wide system for registering and tracking convicted sex offenders (The National Criminal Justice Association, 1997). The act also "strongly encouraged" states to collect DNA samples from registered offenders to be typed and stored in databases and used to clear crimes (7). Law enforcement personnel are responsible for obtaining and typing DNA samples and creating the DNA databases. They are also responsible for creating sex offender registries, obtaining addresses, phone listings, driver's license numbers, and other information from sex offenders upon their conviction, in addition to verifying addresses, updating registry information, and apprehending persons for failure to comply. The Wetterling Act was amended by the passage of "Megan's Law" in 1996, which requires states to make sex offender registry information available to the public. This burden again falls on law enforcement personnel and can be accomplished in several ways, such as door-to-door solicitation, answering requests for information over the phone, or providing registry listings on the Internet. All fifty states have now made some provision to comply with Megan's Law (Adams, 1999). States' compliance with the Wetterling Act can be seen in Appendix A.

As of March 2000, in all fifty states adults convicted of sex crimes must register. In addition, half of the states now require registration for juveniles adjudicated for sex offenses. Only New Mexico and North Carolina specify that the juveniles must be certified as adults before being subject to registration. Of the other 23 states requiring juvenile registration, only 3 have stipulations placed on this requirement. Mississippi mandates juvenile registration only after a second adjudication for a sex crime, North Dakota requires registration after one prior adjudication for a sex offense, and South Dakota demands that juveniles be over the age of 15 before they must register as sex offenders.

The duration of registration for juveniles and adult sex offenders varies by state. Twenty-three states have specified time limits for registration ranging between 10 and 15 years. Most states that require adults to register for life have made provisions for offenders to petition for removal from the registry if no other sex crimes are committed during the registration period. The duration of time to petition ranges from three to ten years. The duration for juvenile registration is limited in most states to ages 21 or 25. States requiring registration for juveniles certified as adults mandate registration for life with the opportunity to petition for removal from the registry if no other sex crimes are committed.

The sex crimes for which adults and juveniles are mandated to register vary by age of victim. All crimes listed in Appendix A are felony offenses unless otherwise noted. All states now require registration for sexually violent crimes such as forcible rape, sodomy, or sexual assault, against adults and children. In addition, the majority of states require registration for the crimes of incest or sexual abuse against children.

However, most states also now require registration for sex crimes against children that do not involve violence. Examples of non-violent sex crimes against minors include: manufacturing, possessing, or distributing juvenile pornography; soliciting or pimping juveniles for sex; enticing a child for the purpose of sex; exploitation of minors for sexual purposes; indecent exposure if done in the presence of a child; and molestation or the touching and fondling of a child regardless of penetration.

Given the expansion of registration requirements to non-violent sex crimes committed against children, it is important to determine how each state chooses to define a child. It appears that all states define persons twelve years or younger as children. Over the age of twelve, however, the definition of a minor varies by state, usually ranging from 13 to 18 years of age. In many states, the definition of a minor varies by crime type. For example, in Arkansas a child victim is age thirteen or under for sexually violent offenses, pimping, soliciting, and child pornography; however, registration is mandated for indecent exposure against a child age eleven or younger. In Idaho, registration is required for sexually violent offenses, incest, and lewd conduct if the victim is under the age of fifteen. Persons who possess or manufacture child pornography or commit sexual battery must register if the victim is under eighteen. Some states also require registration for certain sex crimes based on the age of the victim in relation to the age of the perpetrator. In Connecticut, for example, individuals must register for sexually violent offenses against a child less than fourteen, or against children fourteen and fifteen if the perpetrator is at least two years older (<http://web.lexis-nexis.com>).

Thirty-seven states have now broadened their registration requirements to include non-sexual offenses. Most of these states require adults and juveniles to register for

kidnapping or unlawful restraint of a minor unless committed by a parent. The District of Columbia also requires registration for sexually motivated homicides, Illinois requires registration for any homicide of a minor, and Kansas and Minnesota require all people convicted of first or second degree murder to register no matter the age of the victim. Montana has extended registration to include murder, aggravated assault on a minor committed with or without a weapon, and domestic assault. Nevada requires adults to register for any offense committed against a minor, and North Dakota now requires registration for breaking and entering. Oregon and Texas also require registration for burglary if the intent was to commit a sex offense.

Obviously, registration laws have become an accepted strategy for controlling the sex offender problem. Another policy response rapidly becoming popular for managing the behavior of sex offenders is post-sentence civil commitment or "sexual predator" laws. Sexual predator laws are strikingly similar to the sexual psychopath statutes Sutherland studied fifty years ago. They provide for the civil commitment of convicted sex offenders to mental health facilities upon their release from prison if they can be identified as either a sexual predator exhibiting repeat incidents of sex offending or diagnosed as possessing a mental defect that predisposes them to sex crimes. Application of these laws requires the involvement of several government agencies. In some states, the Attorney General must request a hearing to determine if an offender is a sexual predator; in others, prosecuting attorneys request this determination from the sentencing court at the time of conviction. In all states with such laws, mental health professionals must evaluate the offender for mental defect, law enforcement personnel must produce

the offender's criminal history, and judges or juries make the final determination of status.

The enactment of "predator" laws can be traced to two trigger offenses (Websdale, 1999). In 1988, a work release prisoner with two prior convictions for sexual assault raped and murdered a woman in Seattle, Washington (92). One year later, Earl Shriener drew national media attention for sexually assaulting a seven year-old Seattle boy, mutilating his genitals, and leaving him for dead. Shriener had previously been hospitalized for murder in the 1960s and convicted of child molestation in 1977, 1987, and 1988 (Jenkins, 1998: 191). These events prompted the passage of Washington's Community Protection Act in 1990, which was soon commonly referred to as the "Predator Law" (Websdale, 1999: 92). The popularity of Washington's "predator law" across the nation can be seen in Appendix B.

Twenty-one states currently have laws providing for the post-sentence commitment of offenders. Matson and Lieb (1997) noted only nine states with such statutes in 1997. In all 21 states, the nature of the commitment is in-patient confinement in a secure mental health facility or treatment center within a penitentiary. Texas also provides for outpatient treatment within the community. In all states, the length of the confinement is indefinite. The offender is released when he or she is determined to no longer possess a mental defect or the propensity to re-offend, and diagnoses are subject to yearly review by a state designated panel. The exception is California, which places a two-year restriction on confinement unless the court is petitioned to lengthen the offender's stay.

In most states, the offenders eligible for civil commitment are adults convicted of sexually violent offenses against other adults or children and non-violent sex crimes against children for which the offender would have to register. Massachusetts, South Carolina, Texas, and Wisconsin also provide for the civil commitment of juveniles adjudicated for sexually violent felonies against other children, and in South Carolina and Texas, felonies against adults.

The definitions of “psychopath” and “predator” are very similar across states with civil commitment provisions. Most states identify a predator or psychopath as a person possessing a mental defect or abnormality, which makes the person more likely to engage in repeat incidents of sex crimes. In some states such as Arizona and California, the presence of mental defects defines only sexual psychopathy, and the presence of prior convictions for sex crimes activates the status of predator. In other states, prior convictions come together with mental abnormalities to define either the status of a psychopath or predator. In most states, however, sex crimes against children are one of the prerequisites for the initial consideration of a determination of “psychopath” or “predator.”

Several inferences can be drawn about the current sex offender problem from these descriptions of sex offender laws. First, the legislative activity surrounding sex offending in recent years itself confirms the perception of a growing sex offender problem. The federal edicts for sex offender registration and community notification indicate that the belief in an increasing sex offender problem is not limited to specific states or communities. The growing number of states in recent years with post-sentence confinement statutes demonstrates that public concern with sex offending is not waning,

and the inclusion of juveniles in some states' registration requirements indicates that concern with sex offending is not limited to acts committed by adults. Sex offending is perceived as national in scope, perpetrated by adults and children alike.

The state statutes also reveal that strong consensus on the definition of sex offenders and offending has not been reached. The variability among the states in both the sexual and non-sexual offenses mandated for registration offers evidence that legislators across states perceive sex crimes, crimes against children, and children themselves rather differently. There are similarities in the definitions of sexual "psychopaths" and "predators;" however, in most cases these definitions are ambiguous at best. Rarely are the "mental abnormalities" or "mental defects" needed for diagnosis precisely defined. In some states, the definition of these terms appears tautological in that sex crimes against children predispose offenders to evaluations for psychopathy, and the mental defect indicating psychopathy is then used to explain sex offending against children. The ambiguous or circular terms in the civil commitment laws suggest that policy makers' perceptions of sexual psychopaths and predators are unsettled.

Lastly, the descriptions of sex offender registration and civil commitment statutes reveal legislative assumptions about the nature of sex offenders and sex crimes. Given that few other categories of offenders (e.g., convicted robbers or thieves) are made to register or subject to civil commitment unless their crimes were sexually motivated, it appears these laws assume sex offenders repeat their crimes with greater frequency than other types of offenders. These laws also appear to assume that all sexually violent offenders exhibit similar levels of recidivism. Civil commitment and registration laws rarely differentiate between child and adult victims with regard to sexually violent

offenses such as rape or assault, thus suggesting that offenders who commit rape against an adult are as likely to repeat their crimes as pedophiles or offenders committing incest against their own children. As with the older sexual psychopath laws, rarely has the validity of these legislative assumptions been directly assessed.

In recent years, several researchers have investigated, both retrospectively and prospectively, sex offending recidivism among offenders hospitalized, incarcerated, or under treatment for sex crimes (for reviews see Furby et al., 1989; Becker and Hunter, 1992; Marques et al., 1994). Despite methodological difficulties, differences in sample size, and variability in follow-up lengths, most of these studies report elevated levels of re-offending among sex offenders. Furby et al. (1989), for example, examined 53 sex offender recidivism studies and found that sexual re-offending ranged between 3.8% and 43%. Some researchers have also compared recidivism levels across different classifications of offenders within the sex offender category (e.g., recidivism of rapists with adult victims to pedophiles or exhibitionists) (Hanson and Bussiere, 1998; Becker, 1998). These studies generally find differences in recidivism rates across sexual offender types. Hanson and Bussiere (1998) conducted a meta-analysis of 61 sex offender studies and found that sexual recidivism, on average, was 18.9% for rapists compared with 12.7% for child molesters.

Although these findings shed some light on the assumptions underlying sex offender legislation, often they are based on evaluations of the effectiveness of treatment programs. Most only compare the re-arrest percentages for sex crimes of treated and untreated sex offenders. Few compare the level of sex offending recidivism to the recidivism found among other criminal offenders for their crimes, and none has examined

the propensity for sex crimes among those not currently classified as sex offenders (e.g., convicted burglars or robbers re-arrested for sex crimes). Moreover, I could find no studies that place sex offending in a social or political context by comparing sex offenders' recidivism rates to media portrayals or public officials' perceptions.

Prior constructionist examinations attempting to place the sex offender problem in its social and political context rarely use systematic sampling techniques for gathering data. For media portrayals of sex crimes, researchers simply select articles from news accounts in support of their claims; little disconfirming evidence is offered. When comparing the assumption of a growing sex offender problem to crime statistics, Sutherland (1950b), for example, examined only sexual homicides, thus neglecting trends in other more prevalent sex crimes such as rape and molestation. Moreover, prior constructionist investigations ignored the "looping effects" of the sex offender definition; rarely did they directly explore the degree to which new definitions of sex offending affected the content of law or the effect the application of law has on the targeted sexual behavior.

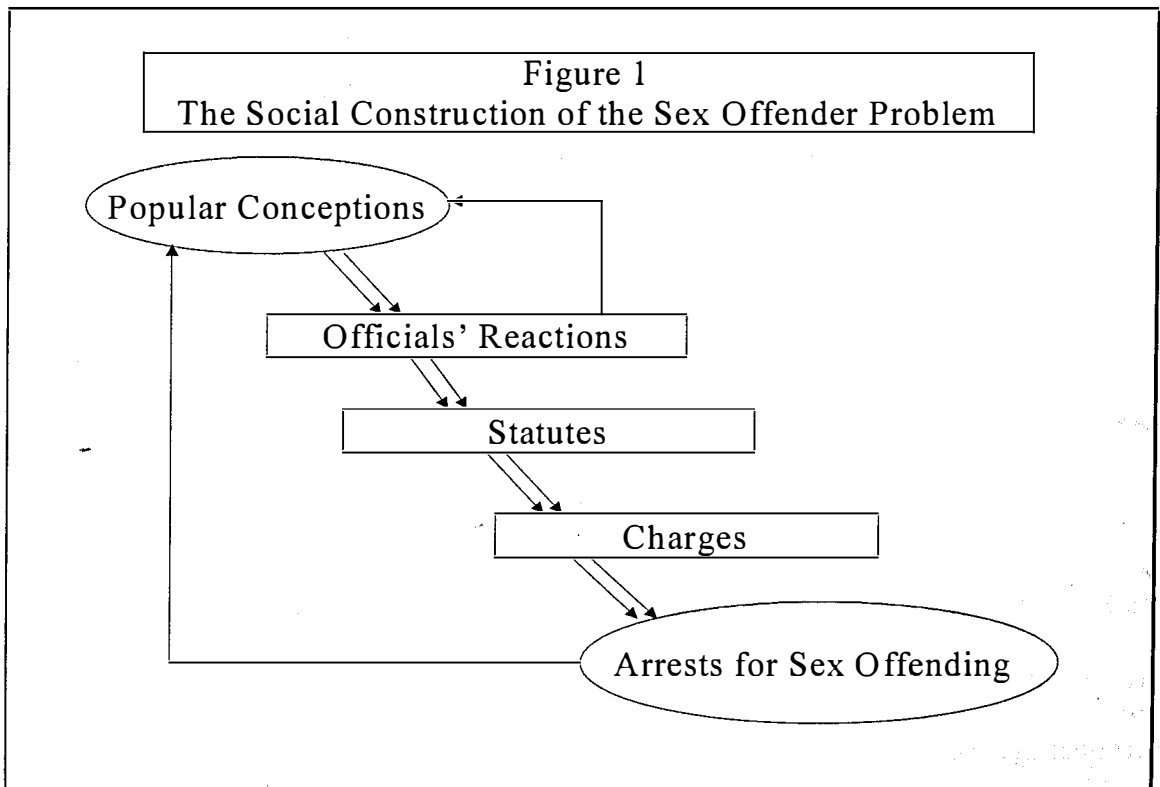
My examination of the sex offender crisis of the 1990s extends previous research by using systematic sampling and coding methods for gathering data from three different data sources to determine popular definitions of sex offenders, the process by which those definitions find their way into law, and their congruence with the portrait of the sex offender drawn from crime statistics.

RECONSTRUCTING THE SEX OFFENDER PROBLEM IN ILLINOIS

Illinois provides an ideal environment for studying sex offending as an evolving social concern. The offenses that initiated the passage of predator legislation did not

happen in Illinois. Yet, in 1997 Illinois legislators passed “sexual predator” legislation. The Illinois legislature had previously enacted a “Sexually Dangerous Person Act” in 1938, which remains in the statutes today and is virtually identical to the predator laws recently passed. The recent enactment of sexual predator legislation in Illinois enables me to explore the resurgence of a moral panic and how this prompted legislators to pass an act equivalent to one passed almost sixty years ago.

Unlike prior examinations of the sex offender problem, I fully depict the process by which sex offending came to be defined as a problem by taking the “looping effects” of sex offending definitions into account. I investigate not only popular perceptions of sex offending and the influence these perceptions have on the content and implementation of law but also the effect of law on the targeted behavior. Figure 1 depicts how this process unfolds.



Popular conceptions of sex offending influence public officials' reactions to the problem. Officials' reactions lead to the passage of the statutes that law enforcement personnel use to enact arrest charges. The arrest statistics, themselves a product of the social construction of sex offending, can be used to assess the extent to which legislative intent has been realized and the accuracy of popular perceptions of the problem. Information regarding sex offending arrests is then used to reaffirm or reformulate popular perceptions of the problem.

I used media accounts to determine the popular conceptions of the sex offender problem in Illinois. Several researchers have documented how the print media frame and influence public conceptions about crime (Barak, 1994; Glassner, 1999; Surette 1998). I performed a content analysis of newspaper accounts in Illinois. I randomly drew a sample of sixty articles per year from 1991 through 1998 pertaining to sex offending from representative newspapers across the state (N=480). The sheer number of articles documents the public perception of a growing sex offender problem. Using six different key words, I received a total of 303 articles from three newspapers in 1991; by 1998 the same key words generated 692 articles.

Both qualitative and quantitative data were derived from this content analysis and used to answer the following questions: What are the demographic traits of sex offenders and victims (e.g., gender, race, age, and social class)? What offenses are reported as sex crimes? What is the incidence and prevalence of sex offending in Illinois? How is the etiology of the behavior characterized? What individuals and organizations offer information on the etiology and level of sex offending? What solutions are offered for the problem, and what individuals or organizations are responsible for these suggestions?

Answers to these questions allow me to uncover the information Illinoisians have been given regarding the typical sex offender, typical victim, typical sex crime, the extent of sex offending in their state, the causes of the behavior, and effectiveness of the suggestions offered as solutions.

While it is important in the problem construction process to determine the way sex offending has been portrayed in the media, it is equally important to examine how these portrayals have influenced, and are influenced by, public policy. Legislators are ultimately responsible for creating the laws that are used to enact arrests, and due to the nature of their tenure, they often feel compelled to respond to the perceptions of their constituents. If constituents believe a social problem is serious and growing, it is likely that policy makers will respond with legislative action. Given the importance of legislators in the problem construction process, I randomly sampled and interviewed Illinois legislators to investigate their perceptions of sex offending and offenders. Other decision-makers from the Department of Human Services and the Attorney General's office also were included in the sample because much of the sex offender legislation in Illinois mandates the involvement of these agencies.

A total of thirty-five interviews were conducted, including twenty-five with state legislators, four with employees from the Department of Human Services, Division of Mental Health, and six with personnel from the Attorney General's office. The research questions addressed by these interviews are: How do public officials perceive the typical sex offender and sex crime? Who is sex-offender legislation intended to protect? What are the perceived causes of sex offending? On what sources of information (constituents, media, personal experience) do officials base their perceptions of perpetrators, incidents,

victims, and etiology? What aspects of the current legislation would officials change? How effective do officials believe registration, notification, and civil commitment laws are at addressing the sex offender problem? The information gathered during interviews with public officials is intended to highlight the ways in which public perceptions influence the political climate surrounding sex offending, and how this political context influences the course of the problem's construction through legal enactments.

Public officials and media portrayals account for part of the process involved in creating a sex offender crisis. However, the process would not be complete without the legal definitions of what sex offenders and offenses are and how these definitions are applied in criminal procedures. Arrest data allow me to determine how frequently offenders are charged with various types of sex offenses and to compare assertions made about sex offending in media accounts and by policy makers with official arrest histories. These data also allow me to examine the "looping effects" of the problem construction process by determining the effect of sex offender statutes on the behavior of sex offenders as measured by trends in arrests.

Arrest rather than conviction data are preferred for these analyses to avoid downward bias resulting from plea bargains and charge reductions. A limitation of the use of arrest data is that it allows for the inclusion of false positives, or people falsely accused of sex crimes. Another limitation of arrest data is that official crime statistics, like media accounts and personal perceptions, are socially constructed. They are susceptible to reporting bias and sometimes more accurately reflect police procedures than actual criminal occurrences. However, they are the only systematic data source available for the study of sex offenders who are not in custody or in treatment programs,

they permit detailed comparison with other categories of offenders and crimes, they are a critical output measure of legislative activity, and they afford a measure of recidivism through comparisons of re-arrest probabilities within and across offense types.

For the legal application of the definitions of sex offenders and offenses, I used Illinois criminal history data for 1990 through 1996 compiled by the Illinois State Police (ISP). All cities, counties, and municipalities in Illinois send detailed data on each arrest enacted to the ISP. These data then provide a reliable and comprehensive overview of all arrests made in Illinois over time. The criminal history database includes several variables relevant to the descriptions of sex offenders and offenses. I used these data to address the following questions: What is the race, gender, and age of persons charged with sex crimes? What are the sex offender statutes currently in use? Are sex offenders re-arrested for sex offenses in greater proportions than other offenders are for their crimes? Does the probability of re-arrest for any offense or for a sex crime vary across different types of sex offenders? Have arrests for sex crimes changed over time? How do trends in these arrests compare with those for other crimes? Lastly, sex offender statutes often delimit the ages of the victims involved in the crime. This permits me to ask: Who is at greater risk from sex offenders: adults, teens, or younger children?

To answer these questions, I aggregated the approximately 11,000 Illinois statutes used to enact charges in Illinois into general offense categories resembling those found in Part I and II of the Uniform Crime Report (UCR). These categories are created broadly for my initial analysis so I can investigate the between-group differences in re-arrest. Using 1990 as a base year for the analysis, I categorized offenders as a specific "type" by identifying their most serious charge for 1990. Most serious charge is preferred for

categorization purposes so serious violent felonies are not under-represented in the analysis. To determine the most serious charge, I created a hierarchy of offense types that resembles the offense seriousness scale recommended by Sellin and Wolfgang (1964). I also disaggregated the general sex offense category to examine within-group differences of re-arrest (e.g., to compare re-arrests for rapists, pedophiles, child pornographers, etc.). In this analysis, sex offenders are characterized as a specific “type” based on their first sex offense charge in 1990. First rather than most serious charge was used because of the difficulty in making determinations of seriousness for crimes against child, teen, and adult victims.

This method of categorizing offenses and arrestees allowed me to depict the demographic traits of sex offenders as a group, so they could be compared to those offered in media accounts and by public officials. It also allowed me to compare the recidivism rates across different categories of sex offenders and rates of recidivism among sex offenders to those of other groups. I recognize the shortcomings of using re-arrest as a measure of recidivism. Far more crimes are committed than those that come to the attention of the police, but high-frequency offenders are more likely to come to police attention than low frequency offenders. Re-arrest should be generally indicative of repetitive behavior and provides some insight into offending patterns. To control for possible differences across offenders and crime types in “time off the street,” I matched the arrest history information for the 1990 arrestees with Illinois Department of Corrections (IDOC) incarceration data from 1990 through 1997.

The information gleaned from Illinois criminal history data allows me to evaluate how popular definitions of sex offending are applied to offenders and assess the

assertions made about sex offenders in the media. These data supplement news depictions and public officials' impressions of sexual offending so that a more complete picture of the sex offending problem can be drawn. This representation can then be related to the current attention toward sex offending and the legislation offered for its suppression.

In sum, definitions of actors and behaviors are important to people's understanding of, reactions to, and solutions offered for events (Loseke, 1989). Often these definitions are derived from media portrayals of actors and incidents. From media accounts, I derive a key information source Illinoisians use to formulate popular conceptions of sex offenders and offending. Interviews with public officials permit me to examine the role these conceptions play in the content and passage of legislation, and official crime statistics enable me to assess whether the legislative intent of the laws has been realized. The presence of these official arrest statistics in media accounts allows me to highlight the "looping effects" within the construction process as these numbers are used in news reports to inform the public's perception of the sex offender problem.

The social construction of a problem should be seen as a process in which the idea of the problem is analyzed to reveal the "causal routes that led to, or were involved in, the coming into being or establishing of some present entity or fact" (Hacking, 1999: 48). It seems-clear that sex offending, as a social problem, has established itself as fact, and as such it deserves to be examined. The use of a single data set to examine the contemporary sex offender crisis would overlook elements that are vital to the process of the problem's construction, as would the use of only qualitative or quantitative data. My use of three distinct data sets, and the inclusion of both quantitative and qualitative data,

enable me to describe a number of elements involved in the process of classifying sex offending as a social problem worthy of extensive legislative activity.

This study does not deny the existence of sex offending as real—as an “object”—, nor does it deny the need to protect citizens from sexual attack. Rather, my research depicts sex offending as an “interactive kind,” an idea entailing attitudes, beliefs, and assumptions that interact with the people and acts defined. It is the process involved in the creation of these attitudes and beliefs, and the way they interact with the people and institutions involved, that is under investigation. Given that popular conceptions initiate this process, I begin my investigation by examining the information the public has been given about sex offenders and offending in Illinois.

CHAPTER 2.

MEDIA PORTRAYALS OF SEX OFFENDERS AND OFFENDING

As the distributors of information, the media play a vital role in the development of attitudes and beliefs about sex offenders and offending. One way in which the media can influence public perception is by increasing or decreasing the amount of coverage sex crimes receives. Despite the nation-wide decline in reported rates of sexual victimization since 1993, media coverage of sex crimes has steadily increased. Using six different key words and phrases to search three Illinois newspapers' archives, I found a 128% increase in articles about sex offenders and offending, from 303 in 1991 to 692 in 1998. An increase in coverage of this magnitude easily conveys the impression of a growing sex offender problem in Illinois.

In this chapter, I assess how the sex offender crisis has been framed in the mass media. Specifically, I describe the information that Illinoisians have been given in the print media about sex offenders and offending. My research questions are: What is the incidence and prevalence of sex offending in Illinois as depicted in media accounts? What are the demographic traits of sex offenders? How is the recidivism of sex offenders portrayed? How is the etiology of the behavior characterized? What individuals and organizations offer information about sex offenders and offending? Who is the typical victim of the behavior by age, race, sex, and social class? What types of offenses are reported as sex crimes? What are the circumstances involved in sex offending incidents (e.g., relationship between offender and victim, where incidents occur, and other crimes involved)? Answers to these questions will provide insight into some of the key dimensions of the framing of the sex offender problem.

I begin with a review of research on the media's influence on public perceptions of social issues. I then discuss the data and methodology used to examine the content of sex offending news accounts. I end the chapter with a summary of the key findings and a discussion of their implications for the social construction of sex offending.

MEDIA AND PUBLIC PERCEPTION

Although only 4% of the American population was personally victimized by crime in 1998, 14% of respondents in a recent survey state that they are concerned about being murdered, 28% worry about being sexually assaulted, and 41% are afraid to walk near their homes alone after dark (Kappeler, Blumberg, and Potter, 2000: 27, 37). Given that public concern about crime exceeds by a large margin the prevalence of personal victimization, people are basing their perceptions about crime on sources beyond personal experience. Nisbett and Ross (1980) explain that the sources largely responsible for people's conceptions are pre-existing knowledge structures and two simple judgment heuristics, representativeness and availability.

People's understanding of social events is often dependent on a general knowledge of objects, actors, events, and their relationships that is learned over the life course (Nisbett and Ross, 1980). In addition, people are influenced by the relative availability and representativeness of an event. Representativeness is often judged by applying goodness-of-fit criteria to information, whereas availability relates to how easily information can be stored and remembered. Vivid information, or that which is emotionally interesting, prompts sensor images, and is temporally or spatially proximate, is more likely to be recalled and used to make judgments than pallid information. Nisbett and Ross (1980) further suggest that once the representativeness and availability

heuristics are used to formulate conceptions, people often ignore future information and fail to make adjustments to their initial conceptions. The over-utilization of pre-existing knowledge structures and the representativeness and availability heuristics, coupled with people's willingness to discard scientifically-derived yet pallid information, contributes to people's incorrect judgments of social phenomena.

Although people's reliance on simple heuristics allows them to draw inaccurate conclusions from any source of information, the media exacerbate people's inferential shortcomings. Nisbett and Ross (1980) state:

As human experience has come to rely more and more on the social transmission of information, the likelihood of being deliberately misled by concrete, vivid accounts has increased dramatically. Social communicators bombard us with concrete instances and vivid incidents carefully selected (or constructed) to influence our inferences and behavior (60).

By its very nature, the information media accounts provide is interesting, spatially and temporally proximate to its audience, and generally emotionally charged. Media presentations then can have an impact on people's perceptions of offenders and offending because they offer vivid information that is easily recalled and thereby used to inform people's conceptions.

There remains debate regarding the degree of influence the media have on public perceptions and fear of crime. Several researchers have found that increases in the public's fear of victimization and perceptions of a growing crime problem coincide with increases in media coverage of criminal events (Chermak, 1994; Johnson, 1989; Kappeler, Blumberg, and Potter, 2000). However, some scholars suggest that the effects

of crime news on public perception are indirect, mediated through social networks and personal experience and conditioned by the age, sex, or social class of the audience (Sasson, 1995; Surette, 1998). Others have found a more direct influence of the media on public perception only when media sources are used to inform opinions on topics about which little opinion currently exists (Barak 1994; Surette, 1998). Regardless of the conditions placed on the relationship between media and public perception, most authors find that, to some degree, the media do influence popular conceptions and fear of crime (Barak, 1994; Best, 1989; Glassner, 1999; Sasson, 1995; Surette, 1998). The media's effect on *fear* of crime is most influential the more personal experience people have with criminal behavior, (Chiricos, Padgett, and Gertz, 2000:755), whereas the media's influence on *conceptions* of crime is more significant the less direct experience people have with crime (Surette, 1998:202).

The media act as the bridge between people's private lives and the public world (Croteau and Hoynes, 2000:19). Because people have little personal experience with crime, they must rely on the media for knowledge of criminal events and behaviors. Given this reliance, "nothing can be more important than the mass content of crime and justice news" (Barak, 1994:33). While headlines and sound bites generate awareness of criminal occurrences, ultimately the content of news accounts shapes perceptions, attitudes, and concerns about crime.

The content of crime news does not reflect only the facts about crime (Croteau and Hoynes, 2000). Journalists receive the facts they choose to report from individuals and organizations that offer their interpretations of events. Journalists then forward the interpretations of events that they believe to be true (Surette, 1998:61). In this sense, the

content of crime news should be seen as a combination of fact and interpretation. Media accounts provide facts about criminal events as interpreted by journalists and their sources of information. These interpretations in crime news accounts then inform people's views of events of which they have little or no personal knowledge (Surette, 1998).

In sum, researchers have found that the public's limited personal experience with crime dictates a reliance on the content of crime news to help formulate perceptions about criminal acts and actors. The content of news accounts about sex offenders and offending is then an intricate part of the social construction of the sex offender because it frames public perceptions of a problem about which most people have almost no personal experience.

DATA AND METHODOLOGY

The inclusion of media accounts in this research allows me to examine the definitions of sex offenders and offending that are responsible for generating the appearance of sex crimes as a growing social problem. In order to examine these definitions, I performed a content analysis of newspaper accounts in Illinois from 1991 through 1998.

Print, rather than televised, media accounts were chosen for this analysis for several reasons. First, researchers have found that televised media are more closely associated with people's fear of crime and perceptions of their risk of victimization whereas the print media are more related to people's knowledge about crime, such as incidents that occurred and trends in offending, and the adoption of crime prevention activities (O'Keefe, and Reid, 1990; Surette, 1998). Given that my interest in the media

focuses on public perceptions as they relate to the enactment of sex offender policies, print media accounts are more congruent with my purpose. Secondly, the general public may rely as much or more on televised media than print for their news, but it is reasonable to assume that policy makers are more influenced by newspapers, which play a critical role in the political process. For example, newspapers endorse candidates, facilitate speech making, and disseminate policy agendas. Finally, I can think of no reason why the print media's frame of sex offenders and offending would markedly differ from that of other media. However, to the degree that it does, my assessment of the media's influence on public perception is limited and would perhaps differ if electronic media were used.

Content analysis is the most common and effective methodology to date for obtaining data from print media text. This method involves a data-reduction process whereby words and phrases are extracted from text and reduced to meaningful categories and variables (Weber, 1990). The techniques used to achieve this data reduction vary depending on the researcher's purposes. Researchers use key word searches throughout text and structured coding schemes to obtain quantitative data, which are then used to describe or explain social phenomena (Weber, 1990). Alternatively, researchers simply wishing to explore social phenomena will often purposely seek out specific phrases and quotes from text so more concrete research questions can be formed. In either case, a content analysis of media text is an effective way to discern the information the public has received regarding specific social issues.

Content analysis methods use both quantitative and qualitative operations on text, so this method allows researchers to combine data collection techniques and analyses that

are usually considered antithetical (Weber, 1990). Moreover, content analysis offers unobtrusive measures for data collection so concerns that often confound results, such as testing bias and the “Hawthorne effect,” can be reduced (Maxfield and Babbie, 1995). The concerns associated with content analysis usually center around the process of reducing many words of text into relatively few (Weber, 1990). The reliability of content analysis is sometimes questioned due to the subjective nature of the data reduction process. Some techniques, however, help to increase the reliability of information. Intercoder reliability can be used, which requires one individual to code data previously coded by another. This provides for a comparison between coding schemes to ensure that data are coded consistently (Maxfield and Babbie, 1995; Weber, 1990). The validity of content analysis also can be problematic. However, validity can be enhanced to the extent that the measures being used are correlated with some other measure of the same construct.

For this content analysis, I drew data from two Illinois newspapers, the *Chicago Tribune* and the *Springfield State Journal-Register*, and a Missouri paper, the *St. Louis Post Dispatch*. The *Chicago Tribune* is one of the most widely distributed newspapers in the state and is read by the greatest number of people. In addition, approximately 57% (N=120) of Illinois state representatives are from the Chicago area and, therefore, the *Tribune* is a major “hometown newspaper” for state policy makers (hpi@atlanta.com, 1999). The *Springfield State Journal-Register* is also included in this analysis because Springfield is the state capital. Given that legislators spend nine months in session, it is likely that legislators read this newspaper as well. Lastly, given the border location of St. Louis, Missouri, the *St. Louis Post Dispatch* includes sex offending incidents in both

Missouri and Southern Illinois. The *St. Louis Post Dispatch* is widely distributed in Southern Illinois; therefore, it is likely that Southern Illinoisians and their legislators receive some portion of their information from this newspaper. In 1999, approximately sixty percent of the state's population lived within the metropolitan areas served by these three newspapers (www.state.il.us/isp). Their inclusion helps to ensure geographic representation across the state, and the inclusion of the paper from the state capital, the *State Journal-Register*, both minimizes any urban or geographic bias and highlights legislative activity.

To identify the articles about sex offending incidents, problems, or legislation, I used six different key words and phrases when searching the newspapers' archives: sex crime, rape, molest, "Megan's law", predator, and sex registration. These words were chosen for the type of information they convey. Sex crime, rape, and molest produced articles discussing specific sex offenders or incidents. Megan's law, predator, and sex registration produced articles regarding sex offender legislation. The use of several key words also allowed for detection of duplication in coverage, which indicated that I had saturated the population of sex offending articles available in the three papers. These six key words generated a large number of articles (a total of 3633 from 1991 through 1998), so I randomly drew sixty articles per year to be included in my analysis (N=480).

- The standardized instrument I used to gather data from news articles is presented in Appendix C. Both qualitative and quantitative data regarding the characteristics of sex offenders, offending, and victims, etiology of the behavior, and legislative solutions for the problem were gathered in addition to information regarding the persistence of offenders and circumstances of the crime (e.g., location of incidents, relationship between

offender and victim, other crimes committed). Data regarding the age, gender, and race of offenders and victims were often specifically stated in news accounts or easily could be inferred from names, descriptions, or pictures. The age of offenders was recorded in years because it was frequently included in news accounts, and victims' ages were coded as adult (18 to 64), elderly (65 and older), adolescent (13 to 17) and child (12 and younger) because this information was often aggregated to groups. I created a typology for the social class of offenders and victims based on information about their occupation. Offenders and victims were coded as affluent if the article included references to their family holdings or celebrity status, as in the case of William Kennedy Smith and Michael Tyson. Offenders and victims were classified as working/middle class if they were employed, and people's social class was coded as indigent if references were made to their joblessness, status as inmates, or residence in public housing. Etiological information for sex offenders was inferred from references to past or present diagnoses or experts' testimonies and includes psychological, sociological, biological, learned behavior, and other explanations. Psychological explanations for sex offending include any reference made to mental deficiencies, regardless of their cause, whereas information was coded as a learned behavior explanation if it made a direct reference to prior sexual abuse as a cause of a psychological abnormality. Information about the persistence of the behavior was inferred from statements about similar past arrests and convictions.

The sex crimes mentioned in news accounts were categorized according to the age of the victim (e.g., rape of an adult 18 or older, child under 13, or teens 13-17) and the degree of sexual contact (e.g., rape, molestation, exhibition). Regarding the circumstances of the crime, the relationship between the victim and the offender was

categorized as stranger, friend/acquaintance, date/spouse, or relative, and the acquaintanceship of victims and offenders was further differentiated by their association (e.g., students, babysitters, parishioners, etc). Other crimes involved in sex offending incidents also were recorded (breaking and entering, homicide, robbery, etc). The location of sex offending was determined by the types of places mentioned in news accounts, such as the workplace, school, or a residence.

Finally, sources of information were categorized as criminal justice agents (police, prosecutors, judges), policy makers (elected officials, attorney general), psychiatric experts, victims, victim activist groups (Parents of Murdered Children, NOW), offender advocacy groups (ACLU), and editors. These were cross-referenced with solutions offered in news accounts to suppress the sex offender problem. For solutions, I created a typology of hard physical control, soft physical control, hard mental control, soft mental control, and post-sentence solutions. These categories were further collapsed into physical, mental, and post-sentence control.

In order to ensure the veracity of my inferences and guarantee that information was not omitted if it did not support my claims, I employed intercoder reliability techniques (Maxfield and Babbie, 1995; Weber, 1990). I randomly drew a 10% sample of 48 articles, and an impartial individual coded information. These newly coded forms were checked against those already coded, and 94% of the newly coded information was in agreement with that already recorded. Most often, the disagreements in coding involved the major focus of the article and how claims-makers expressed their point of view. The disagreements were resolved once I provided more detailed instructions to the coder. For example, I instructed the coder to count the number of paragraphs dedicated

to a topic in a news article to identify its major focus. If the number of paragraphs discussing the need for legislation outnumbered the paragraphs dedicated to the incident, the article was coded as "legislation" rather than "sex offending incident" as its major focus. Similar instructions were given for discrepancies regarding the ways in which claims-makers expressed their point of view. These more detailed instructions eliminated preliminary discrepancies between the other coder's decisions and my own.

If the information in the article did not permit inference, data on these variables were left missing. News accounts were examined to ascertain the information people are being given about sex offending in Illinois. Because people's perceptions often are based on this information, things left unsaid can be just as important as information offered. For this reason, the nature of the missing data is discussed throughout my analysis.

RESEARCH FINDINGS

Analyses regarding the portrayals of sex offenders and offending were performed separately for each of the three newspapers included in the analysis. The newspapers did not differ substantially in their presentation, so the following results are aggregated to include all three newspapers' accounts.

For all years included in the analysis, the primary focus of the news accounts about sex offending in Illinois is on specific sex offenders or offending incidents (81%). To a lesser degree, news accounts also focus on sex offender legislation (11.5%), the ways in which sex offending is portrayed in popular culture (1%), and vigilantism against offenders (1.5%). Only five percent of news accounts include official information regarding trends in sex offending or rates of victimization or arrest. From these accounts,

several assumptions can be inferred about the typical sex offender, sex crime, victim, circumstances of events, and source of information for news accounts.

THE TYPICAL SEX OFFENDER

With regard to the descriptions of sex offenders, virtually all news articles include the name and age of offenders. For example:

37-year-old Tony Ransen, a track coach at a girl's high school, was arrested for molesting students...(Chicago Tribune, 09/02/97:News Section).

Police said that Ronald McDonald, 71, admitted molesting at least eight children... (Chicago Tribune, 10/26/97:News Section).

Staff Sgt. Anthony Fore, 36, pleaded guilty to rape...(St. Louis Post Dispatch, 12/15/96:D3).

From the names of offenders, I could infer that 97% of sex offenders mentioned in news articles from 1991 through 1998 are males. The mean age of sex offenders is 35.2 for all years, and no discernable trend exists over time. Although offenders' ages range from 7 to 83 in any given year, newsworthy sex offenders are in their mid-thirties.

News accounts are less forthcoming with other demographic information. Only 19 of 480 articles, or roughly 4%, describe the offender's race. When race information is included in accounts, it is usually found only when a picture of the offender accompanies the article or the police are searching for a suspect. In 1996, for example, the *Springfield State Journal-Register* ran a picture of the mayor of Riverton to accompany its article about his arrest for sexual assault. The picture showed the mayor to be white (7/13/96). In another example, the *Chicago Tribune* covered the search for a suspected rapist and reported, "He is a white male in his late 30s with long dark stringy hair, a beard, and a mustache" (8/26/93).

Information about the social class of sex offenders is also absent from most coverage of sex crimes. Only 139, or 29%, of the 480 news articles offer information about the social class of offenders. When this information is present, sex offenders are portrayed, most often, as working-middle class (86.2%), and less frequently as indigent (5.1%) or affluent (8.7%).

In coding sex offenders as working or middle class, I found that offenders had various types of occupations (e.g., truck driver [*Chicago Tribune*, 9/15/95], handyman [*Chicago Tribune*, 10/10/93], and carnival worker [*Chicago Tribune*, 12/9/96]). However, more frequently news accounts portray sex offenders as having occupations that command respect and trust within the community. The *Chicago Tribune*, for example, reports offenders as “a first grade teacher” (12/22/98: News 3), “a youth minister” (3/19/92: News), “a police officer” (12/17/93: News), and “a security guard” (11/26/96: News7). The *Springfield State Journal-Register* covered the alleged sex offenses of “a school bus driver” (12/13/94), “a mayor” (7/13/96), “a sheriff’s deputy” (7/2/94), and “a pharmacist” (1/28/94). The *St. Louis Post Dispatch* reported that “...Malone, 32, a supervisor at a children’s home, was arrested today on charges of sexually molesting children...” (5/3/91). The *Post* also reported the arrests of “a candidate for political office” (2/15/91) and “a DCFS [Division of Children and Family Services] case worker” (12/22/94).

The presumed causes of the offender’s behavior are as relevant to the picture of the typical offender as his demographic attributes, yet news accounts rarely make reference to the etiology of sex offenders’ behavior. For all years in the analysis, only 72 (15%) of the news accounts offered information about the causes of sex offending, and

explanations were more frequently offered in reports of the rape of child (47.8%) than the rape of a teen (22%) or adult (18.2%). However, when causes are mentioned, several different explanations are found. A staff writer at the *Chicago Tribune* reports:

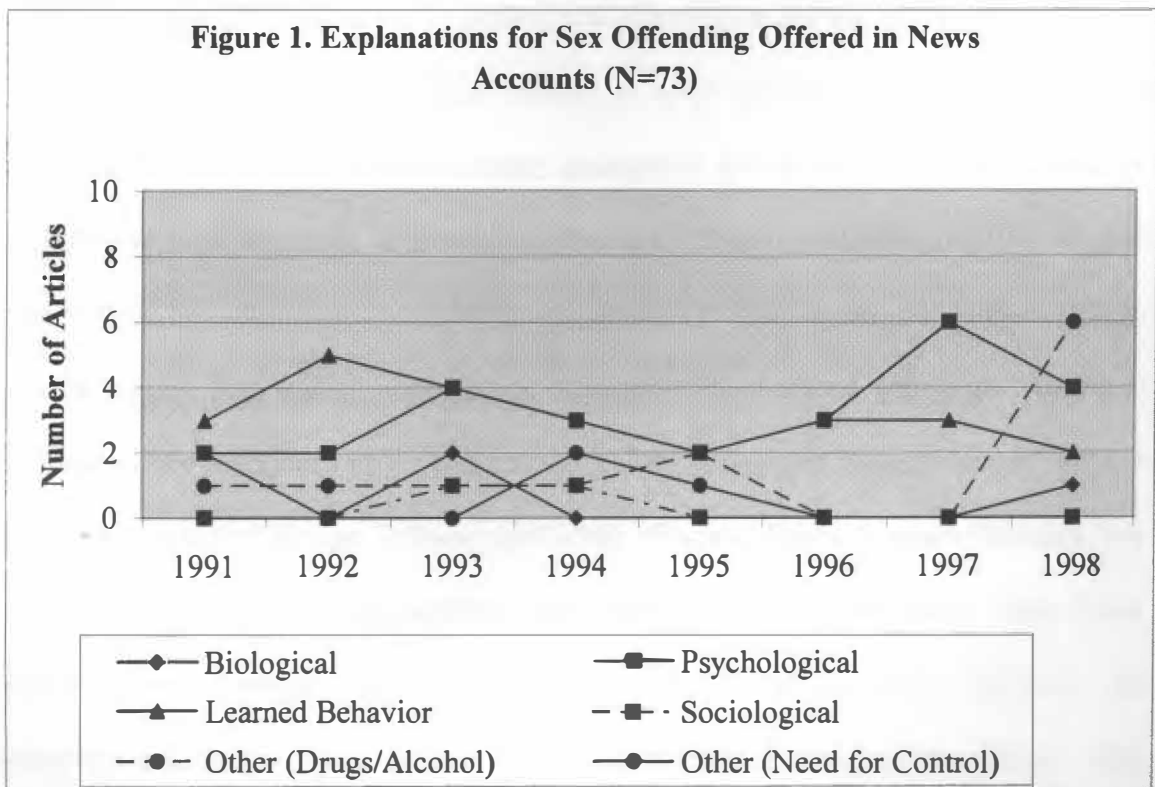
Behaving “normally” in the outside world, experts say, is no indication that a sex offender has quelled obsessive, pathological urges.... Convinced that the current laws don’t get at the real problem—the drastically different psychology of sex offenders—two Illinois legislators have proposed a law that would require a psychological screening before any sex offender is released from prison (Dell’Angela, 8/22/96: News 1).

This passage suggests that psychological abnormalities are responsible for sex offenders’ behavior. One such abnormality is an excessive need for power and control. In a letter to the editor, one Chicagoan writes, “Like rape, molestation is a crime of domination, not lust.... As with all people, the molester’s brain is his or her most powerful sex organ” (*Chicago Tribune*, 10/9/95: Tempo).

Other explanations for sex offending, beyond the psychological, are offered in news accounts. In 1993, a *St. Louis Post Dispatch* staff writer quotes the legal advisor to the Board of Education, “There is a high correlation between being molested as a child and being a molester as an adult” (Bosworth, 8/9/93). This statement intimates that sex offending is a learned behavior. Other accounts offer information indicating that drugs or alcohol play a role in sex offenders’ acts. The *Springfield State Journal-Register* reports, “A Chicago psychologist found that Comb’s drug and alcohol abuse predisposes him toward committing a sexually violent act” (Dettro, 9/9/98: M1). Still other news accounts imply that sex offending results from biological abnormalities. In the *Chicago Tribune* commentary section, Michael Bailey, an associate professor of psychology at Northwestern University, writes:

Jeffery A. Morse of Schaumburg, who stands accused of sexually assaulting a 9-year-old girl...has offered to have himself surgically castrated in exchange for reduced jail time.... Therapy does not work. We simply do not know how to change people's sexual preferences...[but] we can diminish their motivation to have sex.... Morse should be granted his grim exchange (8/21/97:25).

This passage describes a biological "fix" for sex offending, which intimates a biological cause for the behavior. In another article, the *Chicago Tribune* reports, "Paul Timmendequas, brother of Jesse Timmendequas who sexually molested and killed Megan Kanka, has been arrested for the rape of a child..." (3/27/98: AP News 4). This report offers a biological explanation for sex offending by maintaining that some "sex offending gene" may exist within families. Of the 73 articles that offered information about the etiology of sex offending, Figure 1 depicts trends in the most popular explanations.



The explanations for sex offending varied over the years. Until 1998, the majority of articles imply psychological or learned behavior explanations for the crime (76%). In 1998, however, drug and alcohol abuse is more often cited than other causes, although psychological and learned-behavior explanations were still frequently found. Sociological causes for sex offending are mentioned only in 1993 and 1994, and these are generally related to offenders' ability to obtain and view pornography. Biological explanations are not offered in news accounts from 1994 to 1997 but resurface in 1998, and an excessive need for power and control as a cause is only cited in news accounts in 1994 and 1995. The vacillation in explanations for sex offending over the years suggests that news sources have yet to settle on a single dominant explanation for the behavior. Media accounts are simply reporting the range of possibilities, although all assume that whatever the specific mechanism or source, sex offending is deviant behavior.

Regardless of the explanation offered in news accounts for the source of sex offending, one inference that consistently emerges is that sex offenders are unusually persistent in their behavior. Information about sex offending patterns could be inferred from 231 of the 480 articles included in the analysis (48%). Nearly all (96%) of those articles suggest that, unless stopped, sex offenders will re-offend with high frequency. Sometimes, the headlines imply persistent offending: "Convicted Rapist Charged in Rape of Evanston Girl" (*Chicago Tribune*, 11/13/94); "Decatur Police Suspect Released Sex Offender in Molestation" (*Springfield State Journal-Register*, 10/22/96); "Man Faces Sexual Abuse Charges Again" (*Springfield State Journal-Register*, 12/18/93: 6). Information regarding persistence is also found within the text of the article. For example, "[A man] received 23 years in prison for trying to rape a woman a month after

being released from prison after serving time for a similar attack” (John W. Fountain, *Chicago Tribune*, 12/20/94). “An inmate already convicted of molesting a girl in a prison visiting room struck again this week...” (*Chicago Tribune*, News Section p. 3, 5/19/94). And, “Years after a convicted rapist agreed to go through a highly publicized ‘chemical castration’..., he has pleaded guilty to new sex crimes...” (*Chicago Tribune*, 11/28/98; AP News: 8).

News accounts also offer evidence of the persistence of sex offenders by including testimony from psychological experts, news editors, criminal justice agents, and sex offenders themselves. The *St. Louis Post Dispatch* reports, “There is no cure for any sex offender. That’s a given, said the director of the Behavioral Science Institute. ‘You can control the sex offender’s behavior through therapy but you can’t cure them’ (3/14/97). During an interview, one un-named convicted sex offender states, “Even after years of treatment, sex offenders are still haunted by fantasies” (Marx, *Chicago Tribune*, 10/18/94). One columnist writes, “There is no cure for the pedophile...” (Krouthammer, *St. Louis Post Dispatch*, 12/15/96). Lastly, a police chief is quoted as saying, “These people [pedophiles] are not routinely treatable... Their recidivism rate is extremely high” (*St. Louis Post Dispatch*, 8/7/96).

In sum, race, social class, and etiological information about sex offenders is usually not included in news accounts. However, from the limited information that is present, it appears that the typical newsworthy sex offender is a middle-class male in his mid-thirties, often possessing an occupation worthy of trust in the community, and unusually compulsive in his offending. The causes of his deviant behavior range across several possibilities, and his race or ethnicity is left to our imagination.

THE TYPICAL SEX CRIME

Although much about the typical sex offender has to be inferred from news articles, characterizations of the types of crimes sex offenders commit are much more overt and explicit. The *St. Louis Post-Dispatch*, for example, reports:

The 5-year-old had been sexually assaulted, repeatedly...she was molested with eating utensils (Quindlen, 5/1/92).

The man impregnated [his step-daughter] when she was 11-years-old and took her to get an abortion without telling her mother. A year later when he impregnated her again, the mother and daughter went to police (2/5/91).

In another example, the *Chicago Tribune* reports:

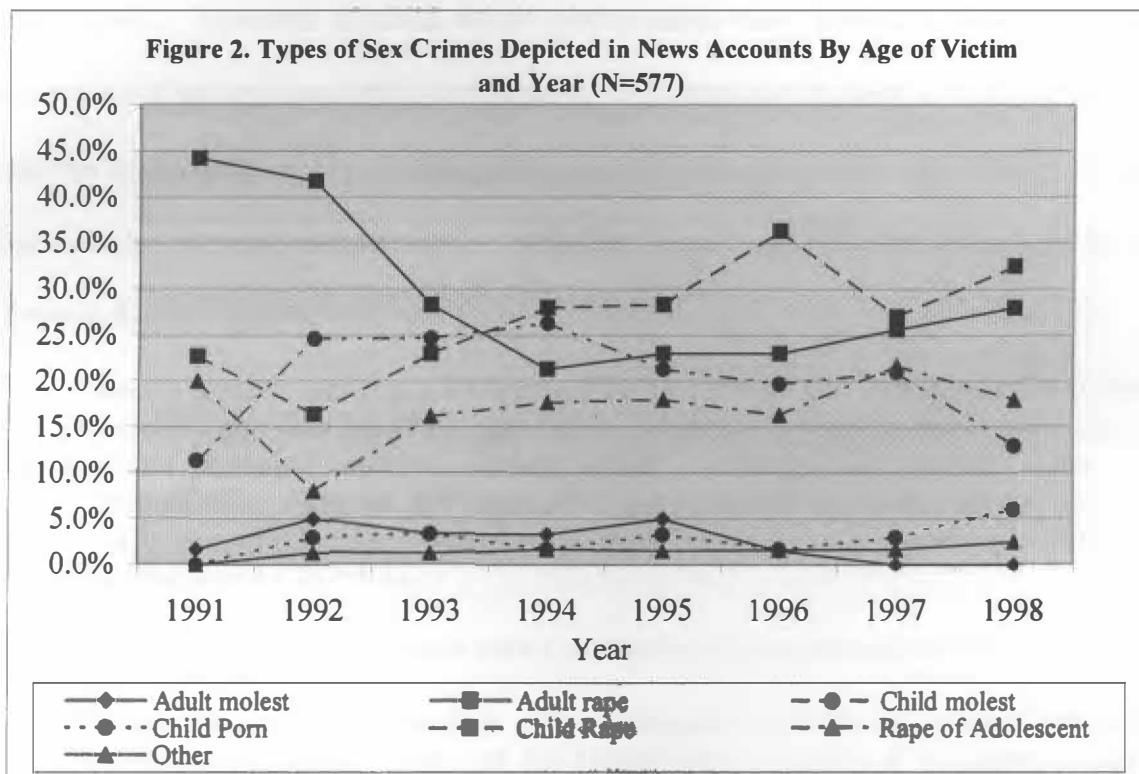
Gamble raped Shanika Diggs in the filthy garage then stabbed her to death and removed the Starter Jacket...[and] presented it to his girlfriend.... The girlfriend was wearing the jacket around the neighborhood with Shanika's blood still on it...(Greene, 12/18/91).

These examples show that the news media are quite detailed in their accounts of rape, incest, and sexual assault. It was not difficult to discern the types of sex crimes discussed in news accounts from 1991 to 1998.

For all years, most sex crimes mentioned in news accounts involve rape, or forced sexual penetration (70.2%). Accounts of molestation, or unwanted touching and fondling, represent 22.7% of the sex crimes for all years, and sex crimes involving no physical contact such as child pornography, on-line pedophilia, or cyberporn are mentioned in only 7.1% of the news accounts. When these categories are disaggregated by the age of the victims, however, some distinct time trends emerge. Figure 2 illustrates that the types of sex crimes reported in news articles have changed over time when the age of the victim is taken into account.

In 1991, the modal category of stories on sex offending concern the rape of adults 18 years-old or older (44.2%). By 1994, however, accounts of the rape of children 12-

years-old or younger are more prevalent than accounts of the rape of adults (28.0% and 26.3%, respectively). This pattern continues through 1998. Interestingly, 1994 was only one year after the highly publicized sexual homicide of Polly Klaas, the year of the Megan Kanka sexual homicide, and the year the Jacob Wetterling Act was passed requiring states to establish registries for convicted sex offenders.



While reports of rapes against children were increasing, accounts of molestation against children age 17 or younger remained relatively steady from 1992 to 1994 and then began to decline. Accounts of child molestation, however, are more prevalent than those of molestation or sexual misconduct against adults, which steadily declined after 1995 and never exceed more than 5% of the cases reported. Articles about the rape of teens 13-to-17 years of age increased from 1992 to 1998, as did accounts of people possessing, manufacturing, or distributing child pornography, although these stories are

much less prevalent than accounts of rape or child molestation. Lastly, sex crimes in the “other” category, comprised of cyberporn, on-line pedophilia, and registration violations, increased from no cases in 1991 to 2.5% of the total in 1998. Obviously, however, accounts of these crimes remain rare in comparison to others.

The media have painted a changing picture of sex offending in Illinois over the last decade. Accounts of child sexual victimization have increased relative to the proportion of stories about adult victimization. It is important to keep in mind, however, that the total number of sex offending stories has doubled over the period. These patterns are reflected in news accounts of sex offending trends. In 1995, the *Springfield State Journal-Register* reports:

Sexual assaults were up a whopping 54% in 1994.... The 131 reported last year were 46 more than the 85 the year before. Fueled by a big jump in the numbers of sexual assaults reported, violent crime continues its upward trend in Springfield.... Whether the increase is due to greater awareness on the part of victims or whether there were actually more people sexually assaulted is difficult to determine (1/26/95:1).

Two years later the *Chicago Tribune* ran an article about rape trends nationwide stating:

The number of rapes reported to police nationwide in 1995 dropped to 97,000, the lowest number since 1989 and the lowest rate per capita in a decade.... The number of people 12 and older who were victims of rape or sexual assault fell by 44 percent from 1993 to 1995 (2/3/97: News).

Later that month, the *Tribune* ran a story about rape rates in Illinois in which the headline read, “Rapes Reach Lowest Level Since 1989” (2/23/97). Despite the reported increase in sex offending in Springfield, most reports of trends in sex offending state that it is declining state- and nation-wide. However, other accounts imply that children may be increasingly at risk. In 1996, the *St. Louis Post Dispatch* reported, “two-thirds of sex offenders in state prisons attacked children and one-third of these victims were offspring

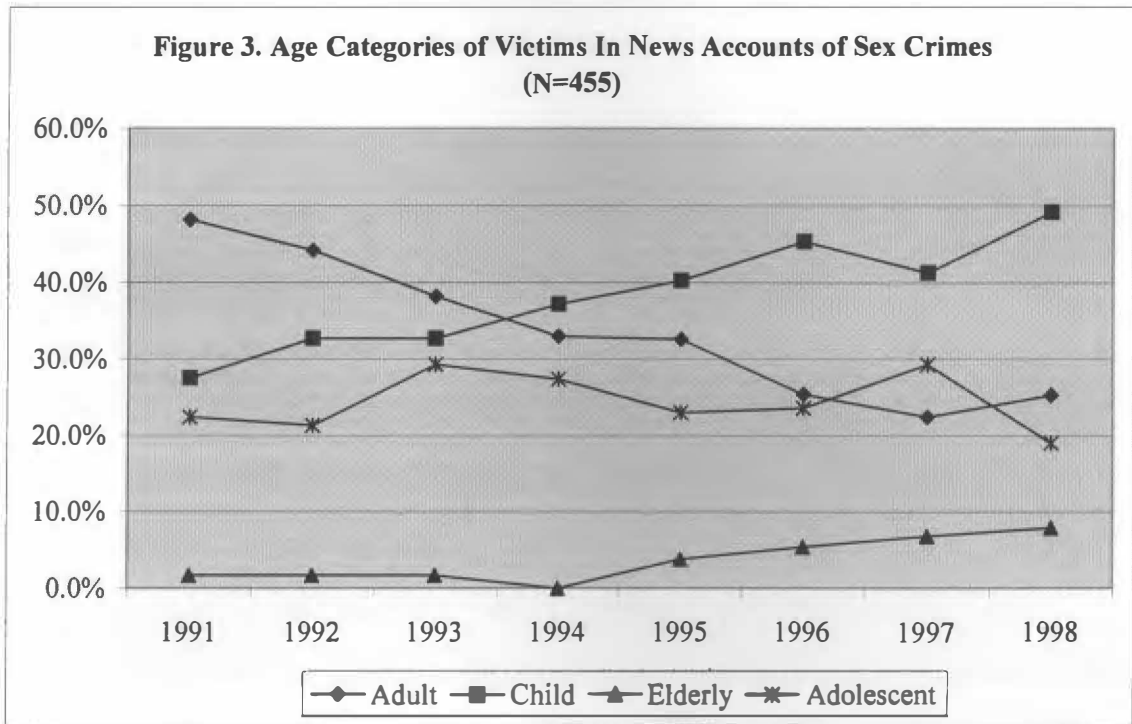
or step-children of the attackers, the Justice Department reported..." (3/4/96). Another example suggests, "Girls under eighteen are victims of more than half of the rapes reported to police..." (*Chicago Tribune*, 6/23/94:News 18). And, the *Springfield State Journal-Register* states, "Nearly 18 percent of women in the United States have been raped.... That amounts to 17.7 million American women.... Almost 62 percent said they were attacked when they were minors" (11/18/98: News). Therefore, even though some news stories report that overall rates of sex offending are on the decline, others suggest that the sexual victimization of children is a pervasive problem. And again, it should be stressed that, while sex offending may have declined during the 1990s, and a few stories reported on that trend, news stories *about* sex offending rose sharply over the decade.

Overall, the news accounts offer a fluid picture of sex offending in Illinois. It is difficult to specify the "typical" newsworthy sex crime except to say that, since 1994, it has entailed the rape of a child, and these crimes against children are covered in the news with great frequency.

THE TYPICAL VICTIM

The discussion above suggests that children have replaced adults as the typical victims of sex crimes. However, this is somewhat misleading. When the adult category is further disaggregated by age, media accounts portray the victimization of some adults as increasing. When all crimes against children age 12 and younger are taken into account (e.g., rape, molestation, pornography, etc.), news reports of child victimization exhibit a steady increase, from less than 30% of all accounts in which victim age could be determined in 1991 to just under 50% in 1998 (see Figure 3). Accounts of rape and molestation of adults ages 18 to 64 have declined in parallel fashion. Accounts of rape,

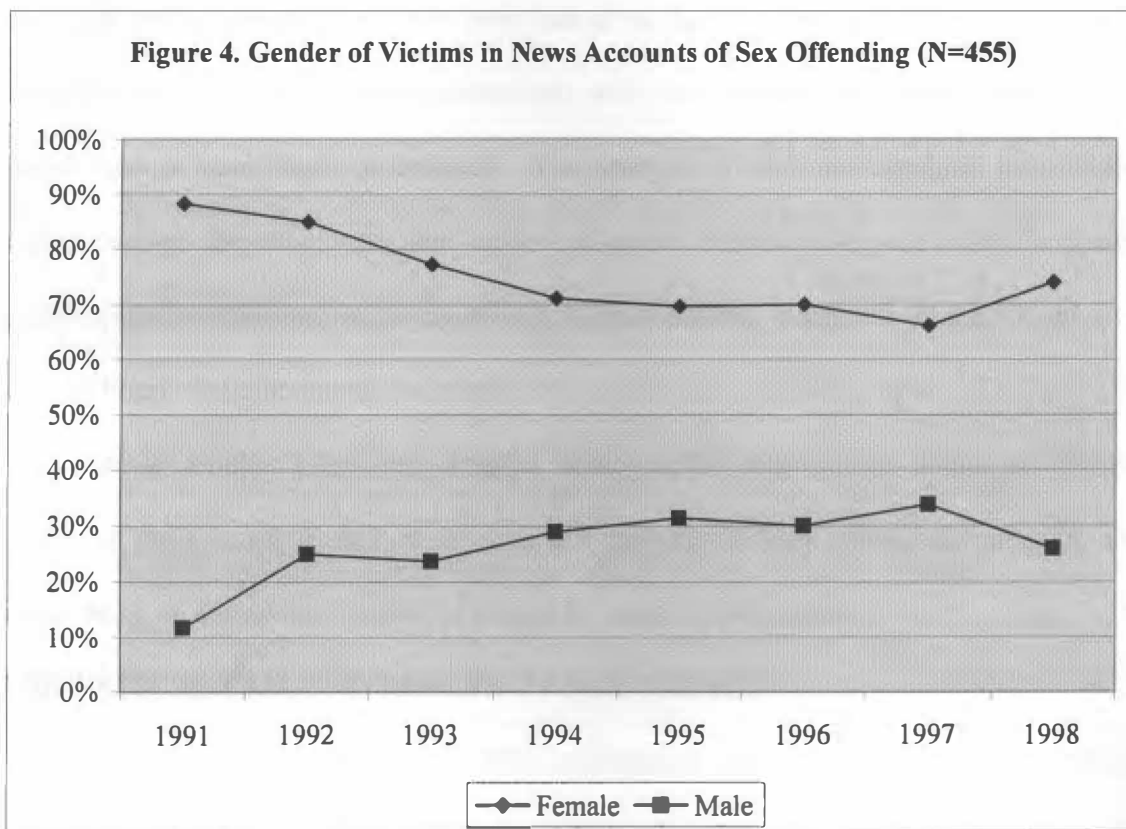
molestation, and pornography violations against adolescents ages 13 to 17 show no trend over the period, consistently accounting for 20%-30% of all cases in which victim age could be determined. By contrast, accounts of sex crimes against the elderly, age 65 and older, rose more than four-fold, although they remain very rare in comparison to the other categories.



Children and the elderly are not the only groups increasingly portrayed as targets for sexual victimization. News accounts also report on the victimization of the infirm. The *Springfield State Journal-Register* reports, “A disabled woman was sexually assaulted by a 38-year-old wheelchair salesman...” (7/5/97: 8). The same paper reported in 1992, “Moore, 33, is accused of sexually assaulting a disabled woman. The woman, who is blind and has cerebral palsy...” (4/10/92: 13). When covering the rape of a 21-year-old woman, the *Chicago Tribune* states, “Think of her as a needy 6-year-old....

They say she is mildly retarded and has the mental capacity of an 8-year-old” (12/15/92: 27).

In these descriptions of the sexual victimization of the infirm, all the victims are female. This pattern reflects the overall prevalence of females as sex crime victims as seen in figure 4.



The majority of victims of sexual assault for all years is female (75.6%). However, the percentage of male victims mentioned in news accounts is increasing, from 12% of the total in 1991 to roughly 30% since 1994, a trend paralleling the growth in depictions of child victimization. News accounts are relatively silent regarding the race and social class of sex crime victims. Only 5 of the 480 articles mention the race of the victim, and only 20 articles offer information about the victim’s social status. The

following is an example of the vagueness of news accounts concerning the race and social class status of the victim:

A missing 12-year-old California boy was found in the home of a Virginia man whom he talked to on the Internet.... In New Jersey, a 15-year-old boy was sexually assault by a 43-year-old man he met in an America On-Line 'chatroom'.... The man has been accused of sexually assaulting and killing an 11-year-old boy after the incident (Lytle, *Chicago Tribune*, 11/8/97).

Based on media accounts, we know even less about the class or race of the victim than of the offender. Seldom is there information such as occupation or photos from which social class or race might be inferred. The absence of such demographic information may encourage the perception that the risk of sexual victimization is evenly distributed across ethnic, racial, and social class lines thereby leaving people to wonder if they, or their children, could be the next victim.

News articles offer very limited demographic information about the typical victims of sex crimes. Based on the available reports, the very young, the very old, and males make up a growing fraction of targets for sexual victimization.

THE TYPICAL CIRCUMSTANCES OF SEX CRIMES

Although news articles offer little information about the victims of sex crimes, accounts provide more detail about the relationship between victims and offenders. Some stories describe frightening encounters with a stranger. In one account, the *Springfield State Journal-Register* reports, "He was a stranger to the girl. He cut the screen to her bedroom window and abducted her against her will..." (8/30/96: 15). More frequently, however, victims and offenders are portrayed as friends, neighbors, linked romantically, or in some other established relationship. Of the 126 articles that describe

the relationship between victims and offenders, 94% portray them as acquainted with one another. Table 1 depicts the types of relationships found.

Table 1. Type of Relationship between Victims and Offenders in News Accounts of Sex Offending, 1991-1998 (N=126)

<u>Relationship</u>	<u>Number of Articles</u>	<u>Percent</u>
Friend/Acquaintance	51	39.5%
Neighbors	19	15.1%
Spouse/Date	14	11.1%
Teacher/Student	10	7.9%
Relative	9	7.1%
Employee/Co-worker	7	5.6%
Parishioner	3	2.4%
Babysitter	3	2.4%
Patient	2	1.6%
Stranger	8	6.3%

Most often, news accounts portray victims and offenders as friends or acquaintances. For example:

he was seen with her on several occasions... (*St. Louis Post Dispatch*, 7/12/94)

the woman told police that they had met through mutual friends years ago...(*Springfield State Journal-Register*, 12/22/91);

they had 'partied' together frequently... (*Springfield State Journal-Register*, 4/7/96); and

they had been in class together and shared notes occasionally...(*Chicago Tribune*, 5/25/93).

From such accounts, I could establish that victims often know their attackers and have at least a superficial relationship with them. Other accounts are more explicit, stating the exact association. For example:

she had babysat for him on several occasions... (*Chicago Tribune*, 3/12/92)

the high school teacher is suspected of molesting several of his students... (*Chicago Tribune*, 12/22/98); and

she filed the report with police yesterday accusing her doctor of molesting her during an examination... (*Springfield State Journal-Register*, 10/27/95).

In only 6% of the news accounts are offenders portrayed as strangers to their victims. A notable dimension of the circumstances of newsworthy sex crimes is, then, an association between victim and assailant.

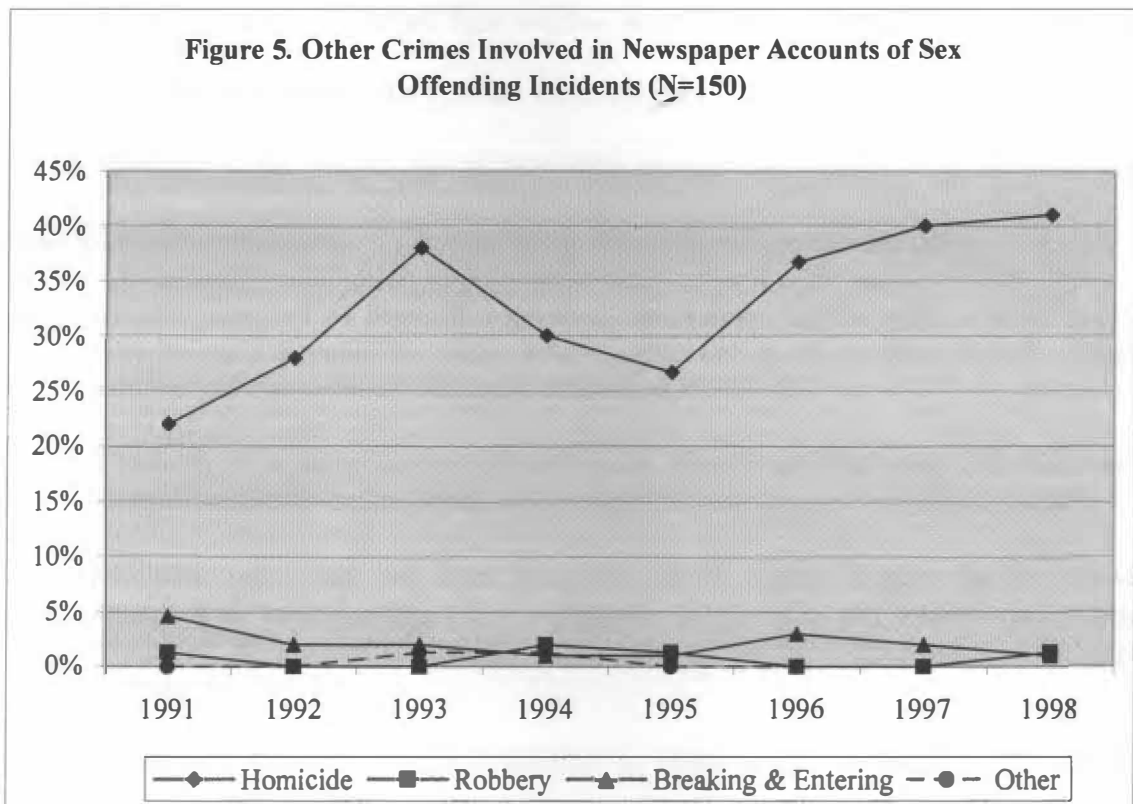
Another circumstance relevant to the framing of sex crimes is the location in which they occur. News accounts rarely include such information, but when they do, it is often characterized as a setting in which safety and security are routinely expected. The *Chicago Tribune* reports two incidents:

An employee of the Oak Park Nursing Home has been arrested for trying to fondle his clients. An 86-year-old woman told police he was fondling her while helping her bathe... (6/20/96:2).

The alleged assault occurred in the boys restroom at Smith Middle School during regular class hours...(1/15/93).

In another example, the *Springfield State Journal-Register* reports, "the attack took place on the [school] bus while the driver looked on..." (5/14/92: 6), and in an account of an adult molestation, the *St. Louis Post Dispatch* reports, "the incident occurred at the Planned Parenthood clinic where she works..." (5/30/91). Lastly, the *Chicago Tribune* states, "he came in through an unlocked window in the rear of the apartment and attacked her while in bed..." (2/21/92). Only 16 of 480 articles include information about the location of sex crimes, but when this information is offered, the location is often portrayed as one in which victims should feel safe from attack—their schools, homes, or place of business.

The last aspect relevant to media portrayals of the circumstances of sex crimes involves the other crimes that occur in conjunction with sexual attacks. Figure 5 depicts the other crimes involved with sex offending incidents between 1991 and 1998.



Of the 480 articles examined, 31% (N=150) offered some information about other crimes that occur in conjunction with sex offenses. Accounts of breaking and entering and robbery are rarely present. Accounts of crimes falling in the “other” category, such as kidnapping and unlawful restraint, also are rarely given. However, news reports of sexual assaults involving homicide rose during the decade, from about one-quarter to just over 40% of the incidents for which other crimes are mentioned. The increase in news accounts of sexually-motivated homicide could well support public perceptions that sex offending is often synonymous with murder.

The extensive coverage of sexually-motivated homicides is most notable when the victim is a child. All three newspapers frequently reported on the Polly Klaas homicide in 1993 and the Megan Kanka homicide in 1994 as these cases proceeded through investigation and trial. I found four stories in 1992 that referred to the previously mentioned *Chicago Tribune* story of the rape, robbery, and homicide of Shanika Diggs, 15, by Gamble as he, “raped her in the filthy garage then stabbed her to death and removed the Starter Jacket ...” Greene, 12/18/91). Other examples include:

Moss is accused of sexually assaulting and murdering the child...When asked why, the police report that Moss said, ‘I killed her so she wouldn’t testify’ [Moss was the girl’s neighbor]” (*Chicago Tribune*, 12/7/91: 5).

The body of a young boy was found in the woods near his home. He had been sexually assaulted before death... (*Springfield State Journal-Register*, 10/13/96).

Childress previously had been convicted of 1st degree murder for the sexual assault and fatal beating of a 4-year-old North side girl before this recent allegation of the sexual assault and homicide of the 7-year-old...” (*Chicago Tribune*, 11/20/93).

I found at least two stories referring to these single incidents. The sexual homicides of children, however, are not the only accounts of lethal sex crimes the media provide. The *Chicago Tribune*, for example, states, “Shawn, 27, has been arrested in the rape and murder of a 22-year-old South side woman...” (10/26/93). In another example, the *St. Louis Post-Dispatch* states, “...he has been charged in the rape and murder of Marsh; a 25-year-old accounting assistant...he previously was charged with kidnapping, raping, and assaulting her...” (1/18/92). News accounts often repeatedly report on the same incidents of sexual homicides when the victims are children, but the sexual homicides of adults also receive their share of media attention.

The typical circumstances of sex crimes are difficult to discern because seldom are the details of the attacks disclosed. From the information that is available, sex crimes are portrayed most often as occurring between people who know each other in places where the victims should feel safe. In addition, sex crimes are increasingly portrayed as precursory crimes to homicide.

THE TYPICAL SOURCE OF INFORMATION

The media rely on several sources for information about sex offenders and offending in Illinois. Table 2 depicts the distribution of media sources found in news accounts between 1991 and 1998.

Table 2. Sources of Information for News Accounts of Sex Offenders and Offending (N=480)

<u>Source</u>	<u>Percent</u>
Criminal Justice Agents	76.9%
Policy Makers	7.1%
Editors	5.8%
Victims/Families	3.1%
Victim Advocacy Groups	2.5%
Psychological Experts	2.3%
Offenders/Offender Advocacy Groups	2.0%
Total	99.7%

Most information about sex offenders and offending in Illinois is received from criminal justice agents, such as the police or prosecutors (76.9%). These sources are easily identified in news accounts, which typically state, “the prosecutor says he will...” (*St. Louis Post Dispatch*, 1/23/91), or “police state that they are...” (*Springfield State Journal-Register*, 7/17/94). Policy makers (7.1%) and editorial writers (5.8%) also provide information and are easily recognized. In the *Chicago Tribune*, for example: “As

a columnist, I can tell you the things that are wrong with the notification law. It can promote a false sense of security..." (Quindlen, 8/4/94). In another example, "State Senator Dick Klemm and Representative Calvin Skinner said..." (*Chicago Tribune*, 11/19/93). Surprisingly, the media rely least for information about sex offending on the people closest to the problem—victims, offenders, and their advocacy groups. In one case reported in the *St. Louis Post-Dispatch*, "the victim's mother said 'For anyone who rapes a child, we should put brands on their houses and maybe on their foreheads...'" (12/11/94). In another, "The Director of the ACLU states 'there were documented cases of retribution against sex offenders after their whereabouts were made known'" (*St. Louis Post-Dispatch*, 8/25/97).

THE TYPICAL SOLUTIONS FOR SEX OFFENDING

Information sources are often invoked in discussion of solutions for the sex offender problem. Several types of solutions are found in news accounts. The *Chicago Tribune* reports on a new law in Illinois that:

...places an additional \$100 fine on sex offenders, increases to \$100,000 the fine paid by people producing child pornography, [and] requires people convicted of sex crimes against children to be listed in a computer registry after their first conviction (Poe, 9/4/92).

Another *Tribune* article discusses a legislative proposal in Delaware in which, "Sex offenders...must be identified with a special note on their driver's licenses..." (4/21/98: 2). Although newsworthy recommendations range from fines to "branding," preferred solutions typically fall within one of five types: hard physical control, soft physical control, hard mental control, soft mental control, or post-sentence confinement/surveillance.

Hard physical control solutions generally suggest some permanent biological “fix” for sex offending. For example, the *Chicago Tribune* reports:

Senator Alan Lasee said he will ask that the death penalty be an option for a convicted murderer who kills for a second time and for someone who murders a child while committing first-degree sexual assault” (10/6/93: 6).

The *Tribune* also cites a police officer who suggests, “These men can’t be cured. Anyone convicted of sexually assaulting a child for the second time should be put to death” (8/17/93: News). Other news accounts suggest a less extreme form of punishment.

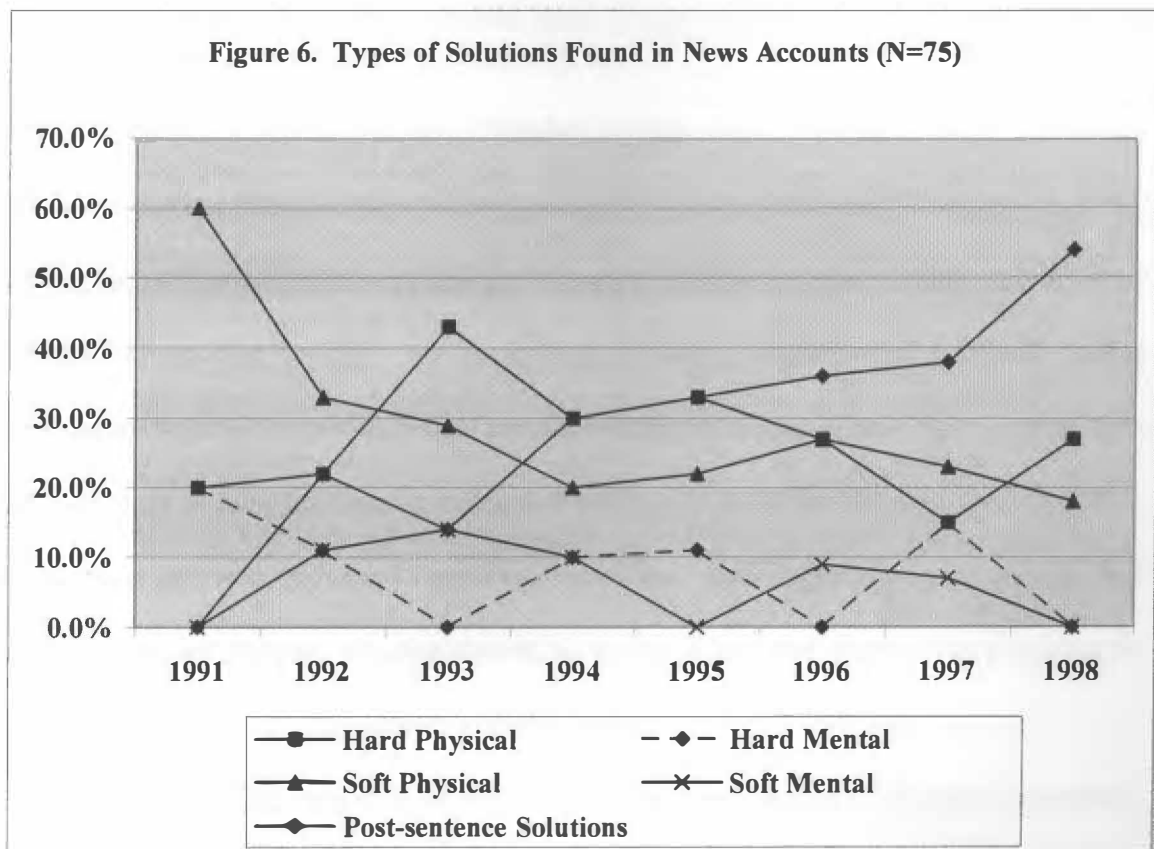
[In California]...From now on, anyone convicted twice of child molestation will have to undergo what has become known as ‘chemical castration’—unless he prefers the surgical version—upon his release from prison...(*Chicago Tribune*, 9/9/96: 20).

Suggestions of execution and castration are also occasionally combined. “The ‘Bobbitt Bill’ calls for castration of rapists convicted of a second offense and electrocution for three-time offenders” (*Chicago Tribune*, 2/13/94: 22). Hard physical control solutions such as castration and execution intimate a biological cause for sex offending and recommend an irreversible altering of the sex offender’s physical being.

Soft physical control solutions generally are premised on deterrence or incapacitation and suggest long prison terms with little mention of rehabilitation. The *St. Louis Post-Dispatch* reports on an Illinois legislator who suggested, “a 15-year mandatory minimum prison term for anyone convicted of sexually assaulting a child” (4/22/94). I also found accounts in all three newspapers of victims’ families, police officers, or prosecutors recommending life imprisonment without the possibility of parole for specific sex offenders convicted of child molestation or child sexual assault. These soft physical control suggestions are quite distinct from soft mental control solutions, which recommend treatment within the community rather than isolation from it. One

psychologist is quoted as saying, "...for many of these men [child molesters], incarceration does more harm than good.... Their treatment can be conducted at home while they keep contact with their families and people who can help them..." (*Springfield State Journal-Register*, 3/18/93). Other members of the psychiatric community are not so optimistic, however, and recommend hard mental control solutions, or confinement with a treatment component. The *Springfield State Journal-Register* quotes one therapist as saying, "The men need to be incarcerated long enough for us to help them.... They can get the counseling and therapy they need in prison to emerge as productive citizens..." (5/2/94: 5).

Figure 6 depicts the distribution of solutions found in news accounts by year.



Only 16% of news articles offer solutions for sex offending (N=75), and the recommended responses vary over the years. Generally, physical control solutions are more likely to be mentioned than mental control solutions during the 1990s. Moreover, mentions of post-sentence solutions for sex offending increase over the period, and since 1995 post-sentence confinement or surveillance is mentioned in more news accounts than any other type of solution.

Post-sentence solutions generally suggest civil commitment or surveillance after the sex offender's release from prison. As early as 1992, for example, the *Chicago Tribune* reports:

Inspired by a 7th grader, a Florida Congressman has persuaded House colleagues to support the creation of a nationwide FBI computer registry for convicted child molesters...[the Congressman states] 'with this new tracking system, we can prevent second incidents of child abuse by providing information to organizations that look after our children (10/27/91: 8).

A police chief discussing this sex offender registry states, "[it] will help us find sex offenders and keep track of their whereabouts..." (*Chicago Tribune*, 7/2/94: 4). In 1996, the *St. Louis Post-Dispatch* reported on President Clinton's desire to make sex offender registry information public. He is quoted as saying, "[Megan's] law will 'tell a community when a dangerous sexual predator enters its midst. There is no greater right than the right to raise children in peace and safety...'" (5/18/96: News). Later in 1997, the *Tribune* reported, "Chicago Democrat Tom Dart's [bill suggests]...anyone convicted of violent sexual offenses who has served his sentence could be confined in a psychiatric institution if he is proved in court to remain dangerous..." (3/31/97: 14).

Although these recommendations of civil commitment, sex offender registration, and community notification are increasingly found in news account since 1991, they are

not always portrayed as favorable. Concerning civil commitment, a Seattle University law professor states, "It is essentially lifetime preventative detention masquerading as indefinite involuntary psychiatric treatment" (*Chicago Tribune*, 9/11/94: 6). In reference to Megan's law, or community notification, one U.S. district court judge states, "The harm that would be visited on Mr. Diaz [convicted sex offender] is greater than the immediate harm to the community" (*Chicago Tribune*, 1/4/95: 11). This harm is documented in one news account: "[Two men] broke into a house looking for Michael Goff [convicted sex offender]. Instead they allegedly assaulted a man staying at the sex offender's home" (*Chicago Tribune*, 11/11/95: 3). Regarding both registration and community notification, a commentary states, "At some point, people who have served their time deserve to be left alone. Someone who is shunned or hounded may be more likely to be driven to desperate acts..." (*St. Louis Post-Dispatch*, 3/15/95: Commentary).

Regardless of how favorably a solution is portrayed in news accounts, solutions are usually consistent with the interests and needs of their source. Table 3 depicts, for all years, the types of solutions offered in news accounts by their source. Criminal justice agents, victims, and victim advocacy groups offering solutions for sex offending in news accounts generally recommend physical control solutions (56%, 79%, and 77%, respectively). Policy makers are portrayed as equally likely to offer physical control and post-sentence solutions. Psychiatric experts and offender advocacy groups tend to prefer mental control solutions in news accounts, and editorial writers offer post-sentence solutions. When others such as private citizens or professors propose, rather than critique, solutions for sex offending in news accounts, physical control and post-sentence solutions predominate.

Table 3. Types of Solutions in News Accounts by Source of Information (N=75)

Type of Solutions	Sources of Information								N
	Crim. Justice Agents	Politicians	Psych. Experts	Victims/ Families	Victim Advoc. Groups	Editors	Off. Advoc. Groups	Other	
Physical Control	56.3%	50.0%	16.7%	78.6%	76.9%	0.0%	0.0%	40.0%	40
Mental Control	6.3%	0.0%	83.3%	0.0%	0.0%	33.3%	75.0%	20.0%	11
Post-Sentence	37.5%	50.0%	0.0%	21.4%	23.1%	66.7%	25.0%	40.0%	24
	100%	100%	100%	100%	100%	100%	100%	100%	
N	16	14	6	14	13	3	4	5	75

Those sources in news accounts closest to the victim, including their advocacy groups (Parents of Murdered Children, NOW), favor long-term punitive sanctions such as execution, castration, or incarceration, as do criminal justice agents charged with apprehending offenders and policy makers charged with finding politically acceptable solutions for sex offending. In contrast, those having greater contact with offenders, such as psychiatric experts and offender advocacy groups, are more likely to favor rehabilitative mental-control solutions. However, with the exception of psychiatric experts, all sources of information favor to one degree or another post-sentence confinement and surveillance as solutions for sex offending. This is not surprising given that these solutions offer elements to appease most groups. Post-sentence policies contain both physical and mental-control options: psychiatric treatment while confined, registration for enhanced physical surveillance, and notification as a more expansive form of physical control.

Most information Illinoisians receive about sex offenders and offending comes from criminal justice agents. Although sources of information rarely suggest solutions

for the sex offender problem, when offered, they tend to align with the sources' needs, interests, or mission.

CONCLUSION

An important aspect of the process involved in converting social conditions to problems is the way the condition is framed. Claims-makers often describe the consequences of social conditions at length, but other aspects of conditions, such as their causes or the circumstances in which they occur, are rarely discussed (Baumgartner and Jones, 1994: 65). The inclusion of consequences without the benefit of circumstantial or etiological detail enables claims-makers to frame social conditions as "incomplete, difficult to predict, and heavy with consequence," which helps them generate public concern for issues where little prior opinion existed (Baumgartner and Jones, 1994: 54). This frame is evident in the media's coverage of sex offenders and offending.

Although the number of news articles about sex crimes is large and increasing, the public is given surprisingly little information about sex offenders and offending. Sex offenders are most often portrayed as men in their mid-thirties. The lack of information in news articles regarding the race or social class of offenders may contribute to people's fear and sense that sex offending is ubiquitous by encouraging the belief that virtually any man in his mid-thirties is a possible sex offender. When reference to social status is made, the newspapers suggest that the majority of sex offenders are working or middle class, many employed in trusted professions. Such characterizations broaden the category of potential sex offenders and the types of settings where victimization occurs. Most men can be classified as working or middle class, and most people spend a good deal of time in trusted settings such as schools, workplaces, and hospitals.

Sex offenders are consistently portrayed as compulsive in their offending, but rarely is the cause of the offenders' behavior mentioned in news accounts. When discussed, psychological abnormalities, learned behavior, and, more recently, substance abuse emerge as the most popular causes. Such discussions do little to help readers understand the behavior, because undoubtedly people know substance abusers or abuse survivors who do not sexually offend. Moreover, few people can recognize or diagnose some unseen mental abnormality, so they are left to perceive virtually any middle-aged male as a psychological candidate for sex offending.

The information in news accounts about the types of sex crimes committed and trends in their occurrence make sex offending appear difficult to predict. Media accounts portray sex crimes as changing. While once the rape of adults appeared most common, today news accounts portray rapes against children as more prevalent. News articles also portray child and teen molestations and incidents of child pornography as increasing, and newspapers have broadened the categories of sex crimes to include on-line pedophilia and cyberporn. As the types of sex crimes broaden and the face of sex crimes changes, the public may no longer know what behavior to expect from sex offenders or what new types of sex crimes may occur. Moreover, news accounts of sex offending often decontextualize the events by simply providing a single aspect of the incidents—the crimes involved (Loseke, 1989). Rarely are other circumstances of the incidents disclosed, such as the relationship between victims and offenders or the location in which the crime occurred. The broadening of sex crime categories coupled with lack of detail regarding their occurrence makes it difficult for people to predict where, when, or under what conditions the various types of sex crimes may occur.

Sex offending also is portrayed as difficult to predict because news accounts generalize the risk of victimization to virtually every segment of society. Articles portray child, elderly, and male victimizations as increasing, while continuing to provide information on the victimization of females, teens, and adults as well. Given that news accounts rarely disclose the race or social status of victims, the public has little information on which to base its perceptions of sexual victimization other than to deduce that a growing fraction of the population is vulnerable to attack.

The information regarding victimization in news accounts also portrays sex offending as heavy with consequence. News accounts increasingly report on the victimization of the innocent, the aged, and the infirm—those in society least able to protect themselves. Moreover, sex crimes are also increasingly portrayed as resulting in homicide. Child sexual homicide threatens the future, and attacks against the elderly endanger the people who connect us to the past. The implication is that sex offending threatens the social order itself. The growth of sexual homicides in the media also serves to justify harsh, punitive responses to sex offenders. I found no mention of castration, execution, and post-sentence confinement and surveillance in relation to other categories of offenders (e.g., burglars, robbers, thieves), but I also rarely found any mention of less serious crimes committed in conjunction with sex offending. It would not be surprising if the readers drew the conclusion that sex offending inevitably involves murder.

Public perception is an important element in the process of constructing sex offending as a social problem, and since people have limited personal knowledge of sex offending, they must depend on the media for information on which to base their opinions. The increase in news articles about sex offending alone can give the

appearance of a growing sex offender problem. However, media accounts also create a portrait of a crime that is difficult to predict and heavy with consequence. This frame can promote perceptions of a growing sex offender problem as people learn of the need to protect those people least able to protect themselves from various types of sex crimes, which are committed by a compulsive offender that people most likely know but cannot readily identify because he possesses some mental ailment that is easily hidden or disguised. Moreover, as more sex crimes are reported in conjunction with homicides, public concern for sex offending may be heightened as people not only worry about their loved ones' loss of virtue but also their loss of life. Given the increases in media coverage of sex offenders and offending, coupled with this type of frame, it would be difficult for the public to *not* have a growing concern for sex crimes and perceive a sex offender threat.

Like the general public, policy makers also depend on the media for information about sex offenders and offending, so it is important to determine the influence this media frame has on the policy process. In the next chapter, I examine the views of policy makers regarding sex offenders and offending, and how these perceptions influence legislative solutions for the sex offender problem.

CHAPTER 3.

PUBLIC OFFICIALS' PERCEPTIONS OF SEX OFFENDERS AND OFFENDING

Based on media representations of sex offending incidents, public perceptions of a sex offender crisis are likely to grow. People then turn to public officials for solutions to the problem. Due to the political nature of their tenure, public officials cannot afford to ignore citizens' cries for legislative action. Moreover, public officials are also citizens themselves who possess their own perceptions of sex offenders and offending that are also often based on information obtained from the media. Although it is difficult to speculate which may influence the passage and content of sex offender legislation more, public outcry or policy makers' personal perceptions, both undoubtedly play a role in the enactment of sex offender laws, which are then used by the public to confirm its belief in a growing sex offender problem (Beckett and Sasson, 2000: 126).

In this chapter, I examine public officials' perceptions of sex offenders and offending. Specifically, I determine who and what public officials have in mind when enacting and implementing sex offender legislation. My research questions are: How do public officials perceive sex offenders and sex crimes? Who is sex offender legislation intended to protect? What are the perceived causes of sex offending? On what sources of information (constituents, media, personal experience, law enforcement personnel) do officials base their perceptions of perpetrators, incidents, victims, and etiology? How effective do officials believe registration, notification, and civil commitment laws are at addressing the sex offender problem? Answers to these questions highlight the ways in which people's perceptions, as influenced by media accounts, affect the political climate

surrounding sex offending, and how this political context influences the construction of official responses.

I begin the chapter with a review of research on the factors that influence public officials' perceptions and their legislative reactions to social concerns. I then discuss current sex offender policies in Illinois and the methodology I used to gather data. I end the chapter with a summary of the key findings and a discussion of their implications for the social construction of the sex offender.

PUBLIC OFFICIALS' PERCEPTIONS AND LEGISLATIVE RESPONSES TO SOCIAL CONCERNS

Research findings suggest that several factors influence public officials' perceptions of crime and their enactment of criminal justice policies. Some scholars find that public officials' introduction of criminal justice reforms is often nothing more than political posturing, pandering to constituents' perceptions and concerns in order to ensure their election (Jenkins, 1998; Kappeler, Blumberg, and Potter, 2000; Lowney and Best, 1995; Goode and Ben-Yehuda, 1996). Jenkins (1998) found that the passage of Washington's sexual predator legislation in 1990 was the direct result of "overwhelming public pressure [on the legislature] to do something about sex offenders (191)." Lowney and Best (1995: 34) suggest that the National Institute of Justice's development of a Model Anti-Stalking Code for States in 1993 was the result of claims that stalking was "a large and growing problem" for which the public called for a solution. These findings imply that public concern influences policy makers' perceptions of crime-related issues and the initiation of political action.

Other researchers suggest that public officials' rely more heavily on their own personal perceptions when enacting social policies than on the perceptions of the public

(Beckett and Sasson, 2000; Kau and Rubin, 1982; Lewis, 1977). Kau and Rubin (1982) measured the influence of personal ideology, constituents' interests, and campaign contributions on congressional voting. After introducing several measures of personal ideology, they conclude: "In all cases, the ideological variable is by far the strongest and most significant variable in explaining congressional voting, even after numerous attempts to adjust statistically for economic interest of constituents and campaign contributors" (121). Beckett and Sasson (2000: 85) note that public officials often interpret increases in media coverage as a sign of public concern, to which they feel obligated to respond. Ironically, however, public officials often serve as the source for media coverage of crime-related issues, so they are often responding to the views and beliefs they themselves have propagated through media accounts (Beckett and Sasson, 2000:85). These findings suggest that criminal justice policies reflect public officials' personal beliefs more than the concerns of their constituents. However, Beckett's and Sasson's (2000) findings also imply that the media play a role in the development of perceptions and policy enactment.

Scholars suggest that public officials use the media to influence public perceptions and generate concern for crime-related matters, which is then used to justify the introduction of policy reforms (Jenkins, 1998; Kappeler, Blumberg, and Potter, 2000; Goode and Ben-Yehuda, 1996; Sutherland, 1950a). Public officials benefit by introducing reforms because they not only provide a measure of job performance but also demonstrate officials' willingness to address their constituents' concerns. One way in which public officials can generate concern is to provide the media with distorted portrayals of the typical crime and criminal during the course of campaigning (Kappeler,

Blumberg, and Potter, 2000: 46). The "Willie Horton" campaign advertisement by President Bush in the 1988 presidential election provides an example (Sasson, 1995: 6). While on furlough from a Massachusetts prison, Horton, a convicted murderer, raped a Maryland woman. Horton was portrayed in campaign advertisements as the typical furloughed prisoner, and the subsequent rape was portrayed as the typical offense committed while released. However, several other inmates participated in Massachusetts furlough program, and they were not arrested for subsequent crimes. Willie Horton was the exception, not the typical case. Although this is an example of campaign advertising in the media rather than media reporting, it serves to show how the media can be used to help generate public fear, which can create a platform from which public officials could proclaim a need for criminal justice reform and introduce policies to alleviate public concern (Kappeler, Blumberg, and Potter, 2000). Paradoxically, however, the use of the media to introduce policies to alleviate fear often serves to exacerbate public concern.

Beckett and Sasson (2000) note that public levels of concern for crime correspond to the extent to which public officials discuss the behavior (126). Moreover, public concern is directly responsive to the level of political initiative (126). These associations are believed to result from public officials' use of the media to discuss criminal justice reforms, which often increases the amount of media coverage that particular types of crimes receive. To the degree that the public uses the media to inform their perceptions, increased coverage of the crime can heighten people's concern by making it appear increasingly more prevalent (Best, 1989).

Policy makers not only use the media to influence public perception, they also use media coverage as a measure of public concern. For example, policy makers in the 1980s

often cited increases in media coverage of drug issues as evidence of growing public concern. This concern was then cited as the reason behind the “get tough” drug policies enacted (Beckett and Sasson, 2000). Baumgartner, Jones, and Leech (1997) examined the number of articles in magazines about smoking, nuclear power, drug abuse, and urban affairs and correlated these data with the number of congressional hearings held on those topics from 1900 to 1990. They found in all cases that “congressional attention tended to follow media attention” (361), implying that public officials, to some degree, view levels of media coverage as representative of levels of public concern.

Public concern, policy makers’ perceptions, and the media are all factors involved in the enactment of criminal justice reforms, and the relationships among these factors are complex. Public concern can influence policy makers’ perceptions and their enactment of legislation, but that concern is often derived from media accounts that reflect the personal viewpoints of the public officials themselves. Moreover, as public officials offer their personal views in media accounts, the coverage generated serves to reaffirm policy makers’ perceptions of the public’s desire for legislative attention. Policy makers’ reliance on media coverage and their willingness to respond to perceived public concern can be seen in the enactment of sex offender legislation in Illinois.

SEX OFFENDER LEGISLATION IN ILLINOIS

The passage of much of the current sex offender legislation in Illinois coincides with media coverage during the 1980s and 1990s. From 1979 to 1981, the media extensively covered the child murders in Atlanta and seven-year-old Adam Walsh’s abduction and sexual homicide in Florida (Jenkins, 1998: 132). By 1983, media attention to sex crimes against children reached its pinnacle with the coverage of the alleged abuse

at the McMartin Daycare Center and the molestations of children by priests (174). This media attention prompted federal hearings from 1981 through 1985, which also drew media coverage. The hearings stressed the growing threat to our nation's children and highlighted the ways in which child abductions, sex crimes, child pornography, satanic ritual abuse, and homicides were intertwined (133). By 1985, Illinois legislators paid heed to the media coverage of child sexual abuse and followed the federal congressional example by holding hearings on crimes against children. The hearings resulted in the passage of the Habitual Child Sex Offender Registration Act in 1986.

The Habitual Child Sex Offender Registration Act was intended to protect children from the crimes of repeat sex offenders and required persons convicted of a second offense of criminal sexual assault or abuse against persons under 18 years of age to register their residency with local law enforcement agencies for a period of 10 years (730 ILCS 150/1). This information was then to be forwarded to the Illinois State Police so a statewide registry could be compiled. However, the widely disseminated media stories of twelve-year-old Polly Klaas' and seven-year-old Megan Kanka's sexual homicides in 1993 and 1994, respectively, prompted Illinois legislators to change their registration law. In 1993, after the Klaas sexual homicide, the law was amended to require registration for the first conviction for sexual assault or abuse against persons under 18 years-old, possessing, manufacturing, and/or distributing child pornography, and indecent solicitation, exploitation, and pimping of a minor. The federal passage of the Jacob Wetterling Act in 1994, which mandated states to create sex offender registries, prompted further changes to Illinois' registration law. In 1995, the law was expanded to include registration for kidnapping and unlawful restraint of a minor unless committed

by a parent, sexual assault and abuse of adults 18 years of age or older, and predatory criminal sexual assault. By January of 1996, first-time convicted sex offenders in Illinois were mandated to register with law enforcement agencies for life, with the ability to petition for removal after 10 years, for various sex crimes committed against adults and both sexual and non-sexual crimes against minors. ↵

However, the tide of sex offender legislation in Illinois did not stop there. The federal passage of Megan's Law in 1996 as an amendment to the Wetterling Act mandated the release of sex offender registry information to the general public. By June of 1996, Illinois legislators responded with the passage of the Illinois Child Sex Offender and Murderer Community Notification Law, which makes the names, addresses, and dates of birth for offenders, as well as the age of the victims (cited as under or over age 18), available to the public. By November 1999, this information had been placed on the Internet (www.state.il.us/isp/isphpage). By July 2000, an Illinois legislative mandate was implemented that required the inclusion of photographs of registered sex offenders in the registry that is displayed on the World Wide Web. Today, Illinois residents can download sex offender registry information from their homes, schools, or local libraries and see the faces of more than 5,500 convicted sex offenders accompanied by the city, county, zip code, street address of residence, date of birth, and the age of their victims, designated as over or under 18. Those who are homebound or without Internet access can request registry information for a specific city, county, or zip code from their local law enforcement agency, which is provided to them free of charge. Interestingly, registry information does not include the offenses for which sex offenders have been convicted. The public is left to imagine the types of sex crimes registered offenders have committed.

From November 1999 to June 2000, the registry web site had more than 800 inquiries, and to date, the Illinois State Police has received 99 tips on registration violations (www.state.il.us).

Although some citizens seem to appreciate the utility of registration and community notification laws, their creation and maintenance place a tremendous burden on law enforcement agencies in Illinois. This burden is even greater due to the low level of public response, at least via the Internet, when compared to the many millions of potential users with access to registry information. Officers must continually update registries as sex offenders are released from prison or registered offenders are returned. Offenders are required to update their registry information yearly. Law enforcement officers must input this information into the database, but these same officers must also investigate the offenders who do not submit to the yearly updates. Hours are spent in communications between law enforcement and corrections personnel to obtain the needed information for registry updates, and additional time is spent apprehending sex offenders released from prison who provided false information of residency. Despite the additional funding provided to law enforcement agencies under the federal government's Byrne block grant program to create registries, hidden costs are still incurred through the many man hours needed to place information on the Internet and update it in a timely fashion, investigate false information, photograph offenders for the registry, and apprehend those in violation of registration.

Sex offender legislation in Illinois does not only include registration and community notification. Following the highly publicized passage of Washington's sexual predator law in 1990 and Kansas' predator law in 1994, Illinois legislators

followed suit with the passage of the Sexually Violent Persons Commitment Act in 1997, which amended the Sexually Dangerous Person Act of 1938. Although Illinois prosecutors had the authority since 1938 to request civil commitment hearings for sex offenders being released from prison, the 1997 act restated the procedure for commitment.

To be eligible for civil commitment in 1938, sex offenders needed to possess a “mental disorder continually for at least one year, coupled with the propensities to the commission of sex offenses” (725 ILCS 205/0.01). Eligibility for commitment in 1997 required sex offenders to be “dangerous because he or she suffers a mental disorder that makes it substantially probable that the person will engage in acts of sexual violence” (725 ILCS 207/1). Other than this slight modification, both acts are significantly similar and require the involvement of several government agencies. Illinois Department of Corrections personnel must notify the Attorney General’s office prior to the release of sex offenders who may meet the eligibility criteria for civil commitment. If the state’s attorney chooses to file for commitment, he or she must petition the circuit court alleging the offender is a “sexually violent person.” After a hearing is held to determine probable cause, the court can order the offender into custody for evaluation by Department of Human Services, Division of Mental Health, personnel. These evaluations must be completed quickly, for within 45 days of the probable cause hearing, a trial must be held in which the state has the burden of proving the offender is a sexually violent person. One of the ways in which the state’s attorney may meet this burden is by introducing the offender’s criminal history. If the court believes the burden of proof has been met, the offender is confined in a correctional facility and placed in a treatment program

administered by the Department of Human Services, Division of Mental Health, until such time he or she is no longer believed to be dangerous. Between January 1, 1998 and June 30, 1999, the Illinois Department of Corrections reviewed 1,970 sex offenders' files and referred 122 of these to the Office of the Attorney General for eligibility under the Sexually Violent Persons Commitment Act. As of June 30, 1999, only 28 inmates had been committed to the Department of Corrections, Division of Mental Health program, as a sexually violent person (www.idoc.state.il.us, 9/29/00).

Beyond registration, community notification, and civil commitment, sex offenders are also subject to DNA testing. In 1992, prior to the Wetterling Act's encouragement for states to establish DNA databanks, Illinois child sex offenders were the only offenders mandated to provide blood samples for DNA analysis upon their conviction (730 ILCS 5/5-4-3). As of 1998, however, DNA collection had been expanded to include convictions for sex offenses against adults and non-sexual offenses against minors. By January 1999, convicted robbers, burglars, and persons convicted of possessing burglary tools were also required to provide blood samples for the DNA databank based on the belief that these offenders often go on to become sex offenders. It is the responsibility of law enforcement to code, catalog, and file the specimens of blood collected by corrections personnel.

To date, sex offender legislation continues to be passed. As of January 1998, registered child sex offenders are prohibited from knowingly being present within 500 feet of a school zone or school bus stop unless accompanying their own children. In that case, they must obtain permission to be within the school zone, bus stop zone, or on the school bus from the school board or superintendent, and they must inform the principal

where and when they will be present (720 ILCS 5/11-9.3). As of January 2000, it is unlawful for registered child sex offenders to knowingly be present in any public park while persons under the age of 18 are on the grounds unless the offender is a parent or guardian of a child present (720 ILCS 5/11-9.4). Violation of either of these laws is a class 4 felony in Illinois, as well as a violation of the conditions of the offenders' probation or parole. As of this writing, law enforcement agents are in the process of devising a way to recognize and apprehend registered sex offenders in prohibited public areas.

The continuing passage of sex offender legislation in Illinois seems to coincide with increases in media attention to sex offenders and offending and to the passage of legislation in other states and at the federal level. However, I could find no media accounts discussing the prohibition of child sex offenders from public parks and school zones in other states. This legislation may then reflect public officials' personal perceptions of a continuing sex offender problem. Public officials in Illinois have been quite active in enacting and implementing sex offender legislation. The views of public officials are germane to the social construction of the sex offender because they play a direct role in the passage of sex offender legislation, which, in turn, influences and is influenced by media accounts of the sex offender problem.

DATA AND METHODOLOGY

Given their importance in the problem construction process, I interviewed Illinois legislators to investigate their perceptions of sex offenders and offending. Other decision-makers from the Department of Human Services, Division of Mental Health, and the Attorney General's office also were interviewed, because civil commitment

hearings cannot proceed without the involvement of these agencies. Their perceptions of sex offenders in relation to civil commitment legislation play an important role in its implementation. Also, these policy makers were appointed to their positions by elected officials and have been charged with carrying out their policies, so they are, at least, vicariously aware of public perceptions and demands.

I obtained a list of all 177 Illinois state representatives and senators and randomly drew a sample of thirty-five names, from which twenty-five state legislators were interviewed. I drew the sample of names larger than the number to be interviewed, so if a legislator refused, I could proceed to the next name on my list without compromising the randomization of the sample. Of the thirty-one legislators contacted, I had a total of six refusals. Of the twenty-five legislators interviewed, twenty-one were state representatives and four were state senators; fourteen were republicans and eleven were democrats; seven were women and eighteen were men. Three of the seven women in the sample were African American, as were five of the eighteen men.

To find respondents from the Department of Human Services and the Attorney General's office, I obtained a listing of employees and randomly drew a sample of ten names from each agency. Again, the number of names sampled was larger than the number of interviews conducted in order to ensure randomization in the case of refusals. Ten respondents refused my request for interviews. Four employees from the Department of Human Services, Division of Mental Health, and six from the Attorney General's office were interviewed. Of the six employees from the Attorney General's office, four were attorneys and two were clerks, one was African American, and two were females. In contrast, three of the four employees interviewed from the Division of

Mental Health were females, all were white, and one was an attorney, one was a clerk, and two were psychologists. This total of thirty-five interviews proved to be sufficient for my purposes. The responses began getting repetitive, which suggested that I had saturated the topics specified in my research (Strauss, 1987). Moreover, a sample of this size is considered suitable for the type of exploratory research I conducted. Previous studies have used samples of smaller size with considerable success (Humphreys, 1975).

The interviews were structured, and the information was recorded on a standardized coding form (see Appendix D). Questions were open-ended and designed to uncover public officials' definitions and perceptions of sex offenders and offending, on what information sources those perceptions and definitions are based, the public's influence in the production of sex offender legislation, and the extent to which that influence was relayed by the news media. Additional evidence concerning public officials' perceptions of the etiology of sex offending and the persistence of the behavior was obtained through further probing. Probing questions were limited, however, due to the amount of time respondents provided for my interviews. Agency personnel would only agree to be interviewed during the course of their workday or on their lunch break, so interviews lasted only twenty minutes on average. Many of the legislators, however, were contacted during the summer legislative break, so these interviews typically lasted longer, and I was able to obtain more information. The thirty-five interviews took place between July 1999 and January 2000.

Despite the fact that the legislators were generally willing to participate in my research, the information I received during the beginning of the interviews was rather limited. My interviews often were viewed more as a political opportunity than research,

and I received answers to my questions that could be likened to “sound bytes” offered in a news interview. Once I reminded the respondents that their identities would remain anonymous, their responses became more candid. As the interviews progressed and my initial questions were asked again, I began to notice less hesitation before responding, and respondents’ language became less formal.

The agency personnel were less willing than legislators to consent to interview, and usually offered confidentiality and time constraints as reasons for their refusals. As with my interviews of the legislators, at first I was given the department’s “official” stance on the sex offender problem and their efforts to address public concerns, but after additional prompting and assurances of anonymity, more detailed and individualized information was obtained.

Given the highly politicized nature of sex offending, even the respondents who agreed to be interviewed were reluctant to “go on record” with personal views of sex-offender legislation and the sex-offender problem. When asked if I could tape record the interviews, only two respondents agreed. Some respondents asked to see my handwritten notes to ensure that names and affiliations were left absent and remarks were recorded correctly. A limitation of these data is the lack of formal intercoder reliability techniques, which were precluded by the absence of tape recordings. However, after I deciphered my shorthand for them, the respondents who asked to review my hand-written recordings before the interview concluded were in agreement with the information I recorded. This informal procedure affords some measure of reliability.

One further caveat deserves mention. In the following analysis, the direct quotes of respondents are not attributed to any specific individual. Only position or affiliation,

such as legislator or attorney general's office, serves as an identifier for the respondents' views. Again, people were hesitant about disclosing their personal beliefs about sex offending, especially if they felt these beliefs did not conform to public or agency expectations. Often, I had to assure respondents of their anonymity several times to get them to agree to interview and again re-assure them several times throughout the interview to receive candid information. However, I would not have been able to conduct this research without assuring respondents that their identities would not be revealed.

FINDINGS

The extensive enactment of sex offender legislation in Illinois throughout the 1990s can serve as evidence of public officials' belief in a growing sex offender problem.

This belief is confirmed in the following remarks:

[Sex offending] seems to be out of control. School teachers, bus drivers, police officers having sex with kids. I don't ever remember hearing about this kind of crap before. It's getting worse out there. You hear about this kind of thing all the time now (Legislator).

It's [sex offending] a very real problem today. Look at the amount of cases we've heard about in the last few years. I know because I am seeing more and more of these guys and those are only the ones we've caught. God only knows what is really going on out there today but I am sure that it is more than we know about (Mental Health professional).

Of course it's [sex offending] a problem. You can't turn on your TV without hearing about some pervert trying something on some kid. If even one child is hurt, it is a problem out of control, but there seems to be more and more of it going on all the time (Legislator).

Virtually all respondents offer sentiments suggesting their belief in a growing sex-offender problem. The following results pertain to respondents' views about those responsible for this problem, the people the problem affects, and the efficacy of legislative solutions. The data are grouped into perceptions of the offenders and crimes

to be targeted by sex offender legislation, the people sex offender legislation is intended to protect, the perceived effectiveness of the legislation, and the sources on which these perceptions are based.

TARGETED OFFENDERS

When asked to define a sex offender, all respondents refer to offenders as men. One legislator explains, “[a sex offender] is a pretty sick guy.” Another refers to sex offenders as “very sick men.” A mental health professional states, “He is a man with a problem. A man who has to use sex to gain power and control.” Although this finding is no revelation, respondents’ lack of reference to other demographic traits of sex offenders is of more interest.

Beyond gender, respondents initially made no references to offenders’ other demographic traits such as age, social status, or race. In order to ensure this was not due to political correctness, I probed further with additional questions. I found that respondents’ were reluctant to assign particular attributes to sex offenders because they perceive offenders as looking like virtually any man on the street. One employee at the Attorney General’s office states:

They [sex offenders] can look like anybody. They can be any color, have any job, and be any age. I don’t think any particular traits are associated with sex offenders other than I notice many of the ones I see are white. Some make really good money, have good jobs, but others are bums, vagrants.

This sentiment is echoed in other remarks:

You can’t recognize these guys. They can be your neighbors, minister, whatever. They can be anybody. Listen to the news. Black, white, young, old, it doesn’t matter. Hell, even look at the Kennedys. Money doesn’t matter (Legislator).

Often the ones I see are older, but I believe that is simply because of when they are caught. I’m sure they start younger. I work with clients [sex offenders] of all economic backgrounds and races that have problems (Mental health professional).

You can't predict who these guys are. Just look for the sick ones. They come in all shapes and sizes (Legislator).

Only one respondent gave me specific demographic details in his/her definition of the sex offender: "He is white, male, and between 27 and 50. Usually he's in his thirties or forties" (Attorney General's office employee). Most believe that sex offenders look like any average males they may encounter.

Respondents' descriptions of sex offenders often contained implications regarding the cause of the behavior. Four of the thirty-five respondents believe that sex offending is a result of the wide spread availability of pornographic materials. One legislator states:

Where do you think they get these ideas? Men don't just sit at home and say 'I think I want to go get some.' They look at naked girls and women in movies and magazines and that gets them worked up. [So we would not have sex offenders if we eliminate these movies and things?] I can't say that, but it would help. There'd be a lot less of them.

Another legislator explained, "These men sit at home and watch women get beat up and raped and kids forced into sex on some movie or in some magazine, and it gives them ideas they probably wouldn't get otherwise." Etiological explanations such as these suggest that the larger culture, in some way, plays a role in the behavior of sex offenders. More frequently, however, respondents' believe the cause of sex offending is more individual in nature.

Several respondents (23%) suggest that sex offending is some type of illness caused by biological defects in individuals. These beliefs are seen in the following remarks:

"[A sex offender] is a very sick man. He has some warped drive that the rest of us don't have. It must be some kind of thing you're born with. Some chemical or something (Legislator).

Sick bastards, especially those having sex with kids. You know the little ones 5, 6, 7, years old. Who can do that? I can't think of how anyone could be turned on by that. There has to be something wrong with them and I don't mean in the brain. They obviously were born with a sex drive that enjoys that kind of thing (Legislator).

Some say they were previously abused, but I don't believe that. I don't think abuse tells you it's okay to have sex with kids. I have read there is a connection with testosterone. That seems more likely, but I really don't know what causes them to do what they do. They're just sick (Attorney General's office employee).

These respondents attribute sex offending to a biological need whereas others see this need as more psychological in origin.

The majority of respondents (66%) suggest that psychological abnormalities account for the behavior of sex offenders. These abnormalities come in a variety of types. One legislator explains, "Those sickos [sex offenders] are screwed up in the head. They just don't think right. It's like they have no conscience." An employee at the Attorney General's office states, "These guys usually have no remorse. They don't even see what they did as wrong. They don't have the morals the rest of us do. They have no conscience."

The lack of conscience is not the only psychological ailment respondents perceive in sex offenders. Another is an exaggerated need for power and control. One mental health professional explains, "Many sex offenders have been previously abused as children. This has given them an overwhelming need for power and control. It's a sickness with them." A legislator states:

They [sex offenders] just need to dominate, and as sick as they are, they have a knack for finding the most helpless. Sex with women and kids gives them a feeling of control. I'm sure even without a sex organ they would find a way to abuse, dominate, and control. It's not just sex, its power.

Another legislator explains, “They seem to have a deep need for control. After all, forcing yourself on ones less powerful is the ultimate control. It gets no more personal.”

The last popular type of psychological abnormality discussed by respondents can best be summarized as “they don’t know any different” (Legislator). Some respondents suggest that sex offending is a form of learned behavior resulting from past sexual abuse.

One mental health professional:

You almost always see past sexual abuse in their childhood. In some cases, it’s all he has ever known. If your parents are supposed to teach you right from wrong and they are sneaking into your room at night, maybe that’s all you learn. You don’t grow up knowing how to have a real relationship.

A legislator explains, “You hear about these guys in the news that have been abused almost since birth. That would screw anybody up. It’d teach you that it’s not only okay, but maybe that it’s expected.”

Other than the few respondents who believe access to pornography causes sex offending, most describe sex offenders as “sick,” which results from either biological flaws or, more often, psychological abnormalities. Given that a “sickness” often can be cured, it seemed natural to ask respondents to discuss this possibility. Surprisingly, none believed that a cure was possible, but their comments allude to another perceived aspect of sex offenders—the persistence in their behavior.

The large majority of respondents perceive sex offenders as compulsive in their behavior; they will never voluntarily stop offending. One legislator explains, “Unless they’re locked up, these perverts will never stop. They just get better at hiding what they do.” Other respondents share this perception of sex offenders:

There is no cure for this [sex offending]. I know there are some men who get out [of prison] and aren’t caught raping or molesting again, but that does not mean they don’t do it. We see all the ones that get caught over and over again here, and

that is all I have to go on. It doesn't seem like anything we try will stop them (Attorney General's office employee).

No matter how many times we send them away, the minute they get out [of prison], they are looking to do the same thing. And you know they get counseling and therapy in there. It's not working. Unless they're put away for good, they will just keep hurting more and more people (Legislator).

It's highly unlikely that they'll ever stop. We've tried many programs and nothing seems to work. They just get out [of prison] and do the same thing over, and over, and over again (Legislator).

Although the majority of respondents (78%) believe that sex offenders will always possess the propensity to offend, others are more optimistic. All the mental health professionals interviewed suggest that sex offenders can be helped. One states, "A sex offender will always have the impulse to offend, but with help they can control it. I have counseled many of these guys, and they all want to get better. Lots of them do." Another explains, "Like the rest of us, sex offenders can learn to control their behavior. They just will always have to watch for the signs that got them here to begin with." A legislator shares these views and states:

I doubt if they can ever be 'cured', but they can learn to live among us. With the right kind of help, they can live in normal communities. But they need the help. That's for sure.

Some respondents believe that sex offenders can be taught to control their behavior. However, most think that little can be done to dissuade them from re-offending, and all suggest that sex offenders will always possess the propensity to commit sex crimes.

From public officials' comments, I could discern the offender who is to be targeted by sex offender legislation. He is a "sick" male who is afflicted with some biological or psychological irregularity that causes him to be unusually persistent in his offending. Unless some intervention occurs, he will never stop his behavior.

TARGETED CRIMES

Questions about respondents' definitions of sex offenders often led to remarks about sex crimes. These remarks reveal the types of crimes public officials have in mind when passing sex offender legislation. Thirteen respondents discussed the need to target the viewing, manufacturing, and sale of child pornography. For example, one legislator states:

The real perverts are the ones that like to look at pictures of kids. That's how it starts. Then they're out there looking for kids to fondle or worse. If you can catch 'em doing that, you can get to them before they cause real harm.

Another legislator explains, "We have got to start finding these guys before they rape and kill. Not after. Checking the Internet for people making or looking at porn with kids in it is a good place to start." Clearly, these public officials' believe that viewing child pornography is an indicator of future violent sex offending. Another crime that is perceived to predict more violent behavior is child molestation.

Eleven of the thirty-five respondents mentioned the need to target child molestation as a way of preventing more violent sexual acts. A mental health professional explains:

Often we see men start with touching, feeling, and groping. Eventually, some men want more and you get rape. We see this a lot with incest in families. First the touching and then it gets worse. If we can find them while in the molestation stage, we may be able to address it before it gets worse.

A legislator states, "For awhile, I could not pick up a paper without reading about some kid being molested by their minister, priest, teacher, or someone. You wonder what would have happened if they hadn't of gotten caught." Another states, "These perverts probably start out as kids touching and grabbing their friends. By the time they grow up, that is not good enough anymore. If we find this sooner, fewer people would be raped and

killed.” As with child pornography, public officials perceive molestation as a precursory offense to more violent sexual offending. It is this more violent type of offense—rape—that virtually all respondents ultimately mean to curb by their legislative responses.

The crime of rape was mentioned in every interview I conducted. The following remarks highlight public officials’ thoughts and concerns:

You hear about these guys raping and killing kids all the time now. We have to do something. It’s gotta stop (Legislator).

The nightly news is constantly covering a story of a missing kid that was found raped and murdered. It is getting worse when your kids can’t even stand in their own yards and be safe (Legislator).

I don’t know if there are more men today raping women and kids as there ever was, but there are definitely more stories about it. People seem more willing to talk about rape. You can read a rape story daily (Attorney General’s office employee).

Who knows why men rape women. It’s really sad they feel they can only have a woman that way. It’s got to end though. Women can’t feel safe anywhere anymore. You see men walking down the street in 2’s or alone at night. When was the last time you saw women doing that? They don’t feel safe (Legislator).

By far, the majority of public officials have rape prevention in mind when passing sex offender legislation. However, these comments reveal concern for another crime as well—homicide.

On several occasions, public officials spoke of rape and murder as if they were one term. For example:

I can’t go anywhere without someone asking me about some story they heard on the news. ‘Did you hear about that little girl who was raped and killed... What are you doing about that?’ You know, they hear something about some child who has been raped and killed, and then boom, I have another bill to vote on, and I’m sure not going to vote no (Legislator).

People are scared. You send your kid off to school and now they are raped and killed in the parking lot before you know it (Legislator).

There has always been a problem with sex offenders and their behavior, but is it an epidemic? No. For centuries men have raped and killed women. It's just that now it ends up on the front page of the paper, day, after day, after day. The media seeks these stories out (Mental Health professional).

Respondents often uttered the phrase "raped and killed" in a single breath. This suggests that public officials have homicide prevention in mind when passing sex offender legislation. However, it also suggests that public officials perceive rape as a precursory crime to homicide, or at the very least, that rape and homicide are intricately intertwined.

Public officials discuss several offenses in conjunction with sex crimes. However, child pornography and molestation are typically discussed as predictors of more violent sexual behavior. Ultimately, rape is the crime that public officials have in mind when enacting current sex offender legislation, which is also viewed as homicide prevention given many policy makers' belief that rape often occurs in conjunction with, or results in, murder.

DESIGNATED VICTIMS

When discussing the sex offender problem, public officials' remarks often disclose their perceptions about the typical victims of sex crimes. To no surprise, women and children are most frequently mentioned. Fifteen of the thirty-five respondents (43%) refer to women when discussing their thoughts on sex offenders and crimes. For example, when asked to define a sex offender, an employee at the Attorney General's office states, "A rapist who victimizes women and children." Other respondents state:

They [sex offenders] can learn how to control behavior. They can learn that they don't have to force women. That they can have relationships with women that go beyond the sexual. Sex is only just one part of it (Mental Health professional).

If I was a woman, I'd feel more scared today. More women are being attacked all the time. Or maybe they just talk about it more now. We've done a lot to make women feel more comfortable bringing charges and going to court (Legislator).

You can read about a rape every day. About some woman or some kid being abused or raped. It's hard to say if its [sex offending] getting worse, but the papers like to build it up (Legislator).

Although many public officials acknowledge the sexual victimization of women, child victimization is more frequently discussed.

All thirty-five respondents mentioned children when referring to sex offenders or sex crimes. Some references to child victims are part of public officials' perceptions of the etiology of sex offending. One legislator explains, "I can't even imagine what would make a man want to have sex with kids. It's just sick." Another states, "Perverts is all they are. I know men look at young girls, but now you're talking about kids, toddlers. It has to be some chemical or something. Nothing would ever tell you that is right." Lastly, an employee at the Attorney General's office explains, "To some degree, I can understand a need to control women, but the ones who mess with kids, it's got to be more than that. There is something seriously wrong with these guys."

Public officials also mention child victims in relation to their perceptions of a growing sex offender problem. A mental health professional states, "I have more sex offenders on my case load now than when I started and the victims seem to be getting younger and younger. Some aren't even out of diapers." Other respondents share this view:

Pedophilia, when did that happen? I'd never heard about it before and then one day I hear about these men trying to have sex with kids, four- and five year-olds. Now you hear about it all the time (Legislator).

We have more cases of child sexual assault and abuse than I can ever remember. Kids just five, six, and seven years old. I don't even know how that's possible (Attorney General's office employee).

An increasing number of our kids are being sexually abused. Nightly I hear about some six or eight year old that has been sexually assaulted and killed. If we can't protect these kids, who can we protect (Legislator)?

Child victimization is not only mentioned in public officials' remarks on the sex offender problem, but also when they discuss sex offender legislation. When asked if current sex offender legislation will help control the sex offender problem, most public officials (77%) made some reference to protecting children. With respect to sex offender registration, one legislator states, "It will allow us to better protect our kids. At least now people will know if a pervert lives in their neighborhood." Another explains, "It [registration] at least makes people feel like they are doing something to protect their kids." These sentiments are also present in the following remarks about civil commitment legislation:

These men shouldn't be out on the street until they no longer pose a danger to children. This way they get the help they need (Mental health professional).

It's a way to keep them away from kids until they can leave them alone. Obviously prison didn't teach them that. They go in for molesting kids and come out doing the same thing. At least now we can keep them until we know they can be trusted (Legislator).

Judges don't sentence these guys to prison long enough for them to get help. Now we have time to figure out if they're still a danger to our kids before we send them out. Before they can hurt another kid (Legislator).

These guys usually have long records of abusing kids. They need to be evaluated to find out why and kept until they are no longer abusers (Attorney General's office employee).

Although some public officials discuss the victimization of adult women, clearly they have children uppermost in mind when discussing sex offender legislation. Moreover, public officials' remarks suggest it is specifically the pre-adolescent child that legislation is intended to protect.

THE EFFECTIVENESS OF LEGISLATIVE SOLUTIONS

The above comments seem to suggest that policy makers perceive current legislation as effective in protecting pre-adolescent children from future sexual attack. This is somewhat misleading, however. Few officials express complete satisfaction with the present state of sex-offender legislation. Some believe that the current laws have gone too far and others think they have not gone far enough.

Only four of the thirty-five respondents appear confident in the current sex offender laws to suppress sex offending. As one legislator explains:

We have given the police a tool, a good tool, to find these guys and get them off the street. And we gave them a tool to keep them off even after they served their time. How much more can we do?

More frequently, public officials perceive that current laws do not go far enough to protect Illinois youth. A mental health professional states:

We only get these guys after they do something. We have taken no steps to prevent sex crimes before they occur. We need to identify problems earlier. And we need programs to deal with their problems before they get out of control.

Most respondents (62%) share this belief in the need for earlier intervention. When asked what they would change about the current sex offender laws, some respondents highlight the need for early identification and intervention:

They [current laws] don't address 1st time offenders. I would like to see a program to teach parents and teachers how to id potential offenders while they're still young so they can get the help they need (Legislator).

We need to get these perverts off the street before they have a chance to be around kids. Right now, we can only deal with them after some kid is found raped and dead (Legislator).

We need to deal with juvenile offenders more harshly before they grow up to rape and kill. They shouldn't be getting community service or probation. They need to be sent away until they get the help they need (Legislator).

Public officials suggest other limitations of the current laws beyond their ability to identify potential offenders. One legislator states:

We need 'sex offender' to be stamped on driver's licenses. That way cops would know right off who they are, and every time they showed their license, people would see. It takes too long to look through the registry for every guy. That would be a faster way to recognize offenders. Every time they get stopped, apply for a license, write a check, or anything, you'd instantly know who they are.

Another suggests:

They'll [sex offenders] never stop. That's proven every time we let one out and they commit another crime. Civil commitment only keeps them in long enough to fool a doctor that they are better. I would like to see castration or execution. Then we would know they can't do it again.

Generally, the majority of public officials express dissatisfaction with the effectiveness of current sex offender laws because they do not promote instantaneous recognition of offenders, they allow for the eventual release of offenders, or they do not intervene earlier in the sex offender's career. A much smaller percentage of respondents (26%), however, are dissatisfied with the current laws because they are too intrusive in the life of the sex offender. An employee at the Attorney General's office explains:

The office supports these laws and fully intends to uphold them. Personally though, I can't hardly see how registration is constitutional. It seems like double jeopardy to me. They have done their time. You can't tell me having everyone in town know you committed rape is not some form of punishment.

In regard to civil commitment, another employee states:

They [sex offenders] can be sentenced to life, why let them out and commit them? It's just feel-good legislation. Makes people look good, but it causes a hell of a lot of work.

Beyond the constitutionality and work intensive procedures of the current laws, there are other criticisms as well. A mental health professional explains, "Registration can do more harm than good. It drives these guys under ground so they never come out

of their house. They can't develop friendships or support networks. They need these to help them make it through the tough times." In relation to registration, a legislator states:

I wouldn't say this in some crowds, but we have documented cases of vigilantism with people going to the wrong house or beating up the wrong guy. That's what I was afraid of. We are supposed to be stopping violence, not promoting it, and what does it promote when you tell everyone where these guys live?

Another explains:

I have no problem with cops knowing where those guys [sex offenders] are, but you are just inviting the public to kill'em when you tell everyone where they live, what they look like.

Fear of vigilantism and isolation prompts some public officials to believe sex offender registration and community notification have gone too far in trying to prevent future acts of offending. The number of policy makers with these views, however, pales in comparison to the number who express satisfaction with current legislation or think that it has not gone far enough.

One aspect of the current legislation with which all respondents seem satisfied is its ability to respond to public cries for action. Virtually all respondents perceive that the public demands "something be done" about sex offending in Illinois. Some previously mentioned comments by public officials reflect this perception. However, some respondents are more explicit when referring to public fear and demands for attention. One legislator explains, "Every time a story comes out about some kid being molested or something, I get calls all day wanting to know what I am going to do about it." Another states, "There are just too many stories about these perverts and kids. People are scared for their kids. They want some help. At least we look like we are giving them some." In regard to the sex offender problem, an employee at the Attorney General's office

states, “We have more laws than ever before [for sex offending]. Whether any of them help or not, at least it looks like we’re trying....”

Public officials’ perceptions vary with regard to the effectiveness of current legislation to prevent future sex offending. Some respondents explicitly express their dissatisfaction with current sex offender laws, others perceive the laws to be effective at protecting the public, while still others believe that their preventative intentions cannot be fully realized until even more legislation is passed. However, nearly all public officials agree that current sex offender legislation is effective in one regard—it successfully addresses the public’s demands for action.

SOURCES OF INFORMATION

Public officials’ beliefs about sex offenders and sex crimes can be seen in current sex- offender legislation. For instance, perceptions of the unusual persistence of offenders can be seen in registration laws, and perceptions of mental illness as the cause of offending can be seen in civil commitment laws. Given the importance that perceptions seem to play in public officials’ legislative efforts, it was vital to explore the sources they use to inform their perceptions.

When asked, “On what sources do you base your knowledge of the sex offender problem,” respondents offer several sources. Some discuss the internal agency reports they are given from the corrections department and the Illinois State Police. More frequently, respondents cite the U.S. Department of Justice and the FBI as their informants for trends in offending. When I asked if they receive reports from these agencies directly, all respondents state that they receive their information from these agencies through the media.

The media are by far the predominant source of information for public officials. All thirty-five respondents mention that some portion of the information they received is based on news accounts. The legislators rely heavily on the news media for information about crime-related issues. For example:

I read the paper and watch the news everyday. I can't have my constituents calling me about some problem that I know nothing about (Legislator).

I read about some sex offender who's been released and offends again almost daily. So do the people in my district. I've got to stay on top of this. You know, people have to see you're doing something about it (Legislator).

It's part of my job to know what is going on. They [constituents] hear about crime and stuff in the news all the time, so I read the paper daily so I am not taken by surprise when I get a call. Most of us do (Legislator).

Legislators are not the only officials who rely on the media for information. An employee at the Attorney General's office states, "You have to watch the news every day just to find out what new law just passed. For awhile, it seemed like they were passing sex offender laws daily." One Mental Health professional explains, "We all read the paper around here every morning just to see how bad they can make them all [sex offenders] sound. You know all sex offenders don't walk around raping and killing children all day."

Most public officials imply that it is part of their job to stay abreast of current crime-related issues, and the media supply them with this information. However, legislators point to their constituents as another important source of information. Several legislators mention "the public" or "my constituents" in comments about the sex offender problem. One legislator states, "I really didn't think about it (sex offending) much until recently my constituents have been calling. In my district a little girl was molested. Everyone wants to know what I am doing about it." Another explains, "It [sex offending]

is one of the hottest issues today. Constituents see it as a big problem. They are constantly expressing fear for their kids.” Lastly, a legislator states, “Some of my constituents have told me stories. Really sad. You never think things like that [sex offending] can happen in your neighborhood. It really makes it hit home.”

Although respondents suggest that they receive information about sex offending from several sources, all acknowledge that, to some degree, they rely on government reports found in media accounts for their information about the problem. Respondents also suggest that the constituents who pressure their representatives for action very likely rely on the media for much of their information about sex offenders and offending. Directly or indirectly, the media play a vital role in framing the legislative response to sex crimes.

CONCLUSION

Public officials have an important function in the social construction of crime because they enact and implement policies that reaffirm the public’s belief in a growing crime problem (Jenkins, 1998; Kappeler, Blumberg, and Potter, 2000). However, research on the enactment of criminal justice policies suggests that public officials are not the only players involved in the policy-making process (Baumgartner, Jones, and Leech, 1997; Beckett and Sasson, 2000). The public and the media also play an active role in policy making. Staples (1997) suggests that the media’s choice and presentation of issues can influence the public’s perceptions of social problems and increase public fear, which in turn opens the door for legislative responses that policy makers promote to address this fear. Very often, these responses are simply reflections of public officials’ own beliefs about the causes of unwanted human behavior and their desires for its

control. Many of Staples' (1997) observations about the involvement of the public, the role of the media, and policy makers' use of personal perception can be seen in public officials' remarks about the sex offender problem and their enactment of legislation.

To no surprise, virtually all policy makers offer comments suggesting a belief in a growing public concern for sex crimes, and all acknowledge that, to some degree, this public concern influences the enactment and implementation of sex offender legislation. In support of their perceptions of growing public concern, some policy makers offer "constituent" statements as evidence. However, policy makers also mention the increases in media coverage of sex crimes throughout the 1990s as support for their belief in the growth of public concern. Policy makers' remarks suggest that they presume increases in media coverage produce at the very least increases in public awareness and possibly increases in concern. For these officials, the media indirectly influence the enactment of sex offender legislation by affecting the public's perceptions. Other policy makers' remarks, however, suggest that the media's influence is more direct.

The media can play a key role in the enactment of sex offender legislation. Legislators believe that staying abreast of current sex offending incidents and trends is a central responsibility, and they freely admit that the media serve as their major source of information. Agency personnel also rely on the media for information. Not surprisingly, then, public officials' perceptions of the sex offender are similar to the media's portrayals. Virtually all public officials perceive sex offenders as males, just as the majority of news accounts portray sex offenders as male. Public officials admit that their perceptions include very few details about offenders' other demographic traits. They perceive offenders as being of any race, class, or age. This is consistent with media

portrayals of sex offenders because, other than their age, news accounts rarely include the demographic traits of offenders, thereby leaving this information to the readers' imagination. Public officials overwhelmingly indicate that the sex offender is "sick" with either biological or, more often, a psychological defect. Media accounts rarely discuss the etiology of offending, but when causes are offered, biological and, more frequently, psychological abnormalities are mentioned. Despite public officials' designation of the sex offender as "sick," their comments suggest that sex offenders cannot be "cured:" the incurable illness driving the sex offender results in repeated offending over time, and compulsive offending is used as evidence for the incurable illness.

Similarities between media portrayals and public officials' perceptions also can be seen in depictions of sex crimes. Media accounts overwhelmingly portray sex crimes as rape. Less frequently, molestations and non-physical sex crimes such as pornography are discussed. The interview results show that rape is the crime policy makers most often have in mind when considering sex offending. Some officials mention other crimes such as child pornography and molestation, but often these crimes are discussed as precursory offenses. Their prevention could stop the escalation of behavior into more violent sexual attacks. News accounts in Illinois throughout the 1990s increasingly reported on sex crimes involving homicide. Public officials often use the term "raped and killed" as if it were one word. This suggests that they see rape as a predictor of homicide, and that sex-offender legislation is intended to prevent murder as well as rape and other sex crimes.

The people whom sex offender legislation is intended to protect are similar to the victims portrayed in media accounts of sex crimes. Some public officials mention women as the victims of sex offending, but all refer to the victimization of children when

discussing sex offenders or sex crimes. The interview data indicate that pre-adolescent children are the victims legislators tend to have in mind when enacting sex offender laws. News accounts of sex crimes throughout the 1990s increasingly portray victims as children age 12 or younger.

The convergence between public officials' perceptions and media portrayals of sex offenders, sex crimes, and victims is strikingly similar. It appears that the media have influenced the perceptions of public officials. The process works the other way as well, in so far as reporters and editorial writers rely on public officials as a source. The media-derived perceptions of policy makers seem to shape the content of sex-offender legislation because their perceptions of sex offenders and sex crimes can be seen in the content of the laws they enact.

Laws mandating the registration of and DNA collection from sex offenders are congruent with public officials' perceptions of the repetitive nature of sex offending. The laws gather personal information from offenders to aid in investigations of future sex crimes. These laws then anticipate what public officials believe is inevitable, the re-offending of sex offenders. The perception of the repetitive sex offender is reflected in and further reinforced by the Sexually Violent Persons Commitment Act of 1997. As a restatement of the Sexually Dangerous Persons Act of 1938, this law embodies the enduring notion that sex offenders suffer from some psychological abnormality that not only predisposes them to sex crimes but virtually compels them to re-offend. Commitment to a mental health facility is consistent with public officials' perceptions of sex offending as an illness, and the fact that the length of this commitment is indefinite supports their perceptions that this illness, as yet, does not seem to have a cure. Lastly,

banning sex offenders from public parks and schools reflects public officials' perceptions of children as the most frequent victims of sex crimes. Although policy makers also believe adult women are vulnerable to victimization, to date sex offenders have not been prohibited from areas specifically frequented by women over the age of 18.

The interview results show that policy makers in Illinois perceive the typical sex offender as a "sick" compulsive male, of any social standing, race or age. Helpless pre-adolescent children are perceived as the typical victim, and rape and homicide are viewed as the crimes to which many, if not most, sex offenders are predisposed. These perceptions undoubtedly contributed to policy makers belief in a sex-offender crisis, and they are, most likely, congruent with the general public's view because they bear a strong resemblance to media portrayals of sex offenders, which frame public perceptions. The passage of registration, notification, civil commitment, DNA, public parks, and school zone laws are then likely received as favorable by the public because they reaffirm the public's perceptions of sex offenders and offenses. The amount and content of sex offender legislation confirm the public's perception of a growing sex offender problem and the growing need to protect the nation's youth. This legislation also reflects public officials' intentions to address the public's concern and protect preadolescent children from rape and murder at the hands of sick, persistent offenders.

The result of the passage of sex-offender legislation is an increased burden on law enforcement agencies. They are solely responsible for the creation of sex-offender DNA databases and registries, the maintenance of this information, community notification, and the apprehension of offenders who violate public park, school zone, and registration laws. As of July 2000, Illinois enforcement personnel maintained and updated the

registration information and alerted the public to the addresses of more than 14,000 sex offenders (www.state.il.us/isphpage). Less directly, enforcement agencies are also involved in civil commitment procedures by maintaining and providing criminal history information about offenders to corrections and prosecutorial staff. These duties are performed by police personnel in addition to the enforcement of sex offense and other laws already in the statutes and the peacekeeping, community service, and deterrence functions the public currently demands. Moreover, the implementation and enforcement of these laws require computer equipment and technology that increase the financial burden police agencies currently face. Given the costs and personnel time associated with sex-offender legislation, it is important to determine if the intent of these laws has been realized.

Viewed with appropriate caution, analysis of official statistics can help to determine the effect of sex offender laws on the behavior of sex offenders as measured by trends in arrests. In the next chapter, I analyze criminal histories of offenders in Illinois to assess their congruence with media portrayals and public officials' perceptions of sex offenders and sex crimes. These analyses also highlight the degree to which current sex offender laws target the population of offenders, victims, and crimes that the public and policy makers wish to address.

CHAPTER 4.

SEX OFFENDERS AND OFFENDING IN ARREST DATA: A COMPARISON WITH OTHER CHARGE TYPES

Increased media attention to sex crimes, coupled with the way offenders and offenses are portrayed, provide the frame in which policy responses to sex offending are formed. This frame directly affects policy makers' perceptions of the problem and indirectly affects policy enactment by influencing public perception and demands for legislative action. Ironically, however, the media rely on policy makers as a source of information, so policy makers themselves play a role in creating the media frame to which they feel the need to respond. Policy makers have responded to their own, and their constituents', perceptions of a growing and serious sex offender problem by passing numerous laws and regulations. It falls to police agencies to implement and enforce these new laws in addition to enforcing the sex-offender statutes already in place, which increases the workload and responsibility of law enforcement agencies. The sex offender policies recently enacted, as well as the burden placed on law enforcement, typically are the result of public officials' perceptions and a media frame built on information about individual incidents of sex offending. Rarely do public officials or the media consider sex offending data in its aggregate form.

In this chapter, I compare the criminal history information for sex offenders to that for persons arrested for other crimes. My research questions are: What is the trend in arrests for sex offending in comparison to that for other offenses? What are the demographic traits of arrested sex offenders? Are sex offenders more persistent in their behavior than other offenders? What are the circumstances involved in a sex offense (i.e., other crimes committed)? Is a sex offense more frequently a precursory crime to

homicide than are other types of offenses? Is the official picture of sex offenders and offending congruent with the media's frame and policy makers' perceptions? Answers to these questions highlight the similarities, or differences, between popular understandings and the portrait of the sex offender problem derived from the information produced by law enforcement agencies.

I begin the chapter with a review of recent literature on the offending patterns of sex offenders. I then discuss the data and methodology I use to examine criminal history information, which leads to a discussion of my research findings. I conclude the chapter with a summary of my key results and a discussion of their implications for the social construction of the sex offender.

OFFENDING PATTERNS OF SEX OFFENDERS

Several researchers have investigated, both retrospectively and prospectively, sex offending patterns among those offenders hospitalized, incarcerated, or under treatment for sex crimes (for reviews see Furby et al., 1989, Becker and Hunter, 1992, and Hanson and Bussiere, 1998). Furby et al. (1989) reviewed forty-nine published sex offender recidivism studies and found that reported levels of re-offending among treated and untreated sex offenders ranged from 3.8% to 55.6%. The authors' results were consistent with Quinsey's (1984:101) findings, and they agreed with his conclusion: "The differences in recidivism across these studies is truly remarkable; clearly by selectively contemplating the various studies, one can conclude anything one wants" (27). More recently, Hanson and Bussiere (1998) conducted a meta-analysis of sixty-one studies examining re-offending patterns among sex offenders. They found that, on average, the sex offense recidivism rate was 13.4% during an average follow-up time of 4 to 5 years.

They concluded, "The present findings contradict the popular view that sexual offenders inevitably re-offend. Only a minority of the total sample (13.4% of 23,393) were known to have committed a new sexual offense..." (357). Despite methodological difficulties, differences in sample size, and variability in follow-up lengths, most studies report elevated levels of re-offending among sexual offenders.

Of course, sex offenders are not the only criminal category to exhibit the propensity to recidivate. Re-offending has been documented among several types of offenders. Ethnographic researchers have found that robbers, burglars, and thieves continue to offend both prior to and after arrest and conviction for their crimes (Shover, 1996; Wright and Decker, 1994, 1997). Donziger (1996: 75) found that in 1992 17.9% of state inmates incarcerated for a violent crime had committed a prior violent offense. He also notes that 30% of treated and released drug offenders in the District of Columbia committed another crime. This percentage is lower than the 65% of untreated drug offenders who went on to re-offend after their release (1996: 203).

Re-offending is well documented among most categories of criminal offenders. However, few studies compare the offending patterns of sex offenders to those for other groups. LaLumiere and Quinsey (1994) performed a meta-analysis of sixteen studies including 415 rapists and 192 non-sexual offenders to determine how well rapists could be discriminated from non-sexual offenders. They found that rapists, as a group, responded more to brutal and graphic rape stimuli than non-sexual offenders. Horley and Quinsey (1994) examined 57 incarcerated child molesters, 50 incarcerated non-sexually violent offenders, and 30 non-incarcerated men to discern any differences in their self-image and perception of others. They found significant differences between child

molesters and non-molesters in regard to their self-image and their ideal selves, women, and spouses. Although these findings suggest differences in the motivation for offending between sexual and non-sexual offenders, they do not directly compare recidivism rates for the two groups.

I found only one study that compared the re-offending patterns of sexual and non-sexual offenders. Sipe et al. (1998) examined the adult arrest records of a group of adjudicated sexual and non-sexual juvenile offenders. They found that juvenile sex offenders were significantly more likely than non-sexual offenders to be arrested for sex crimes as adults. However, only a small percentage of both groups had an adult arrest for a sex crime (9.7% for sexual and 3.0% for non-sexual offenders). These authors also found that approximately 12% of juvenile non-sexual offenders were arrested as adults for other violent offenses and 32.6% for property crimes. These percentages were twice those found for juvenile sex offenders arrested as adults for other violent and property offenses (5.6% and 16.1%, respectively). Although these findings shed light on the differences in recidivism between sexual and non-sexual offenders, the research included only juveniles. Whether the re-offending patterns of youths are consistent with the patterns found among adult sexual and non-sexual offenders remains unknown.

Most of the research concerning sex-offender recidivism is based on evaluations of the effectiveness of treatment programs. Researchers typically compare the re-arrest percentages for criminal offending of treated and untreated sex offenders. Few studies compare the level of sex offending recidivism to the recidivism found among other criminal offenders for their crimes, and rarely do researchers examine the propensity for sex offending among those not currently classified as sex offenders (e.g., convicted

burglars or robbers re-arrested for sex crimes). Seldom do these studies assess the degree to which sex offending precedes or occurs in conjunction with more violent and deadly behavior. Finally, few researchers place sex offending in a social or political context by comparing sex offenders' recidivism rates to media portrayals and public officials' perceptions.

Given the emphasis the media place on the re-offending patterns of sex offenders, and the influence of this attention on the content and passage of legislation, it is important to examine the recidivism rates of sex offenders and compare them to those found for other groups. It is also important to compare popular conceptions about the demographic traits and future violent behaviors of sex offenders to those arrested for non-sexual crimes.

DATA AND METHODOLOGY

For the official picture of sex offenders and offenses, I used criminal history information for 1990 to 1997 compiled by the Illinois State Police (ISP). The Illinois State Police serves as a central repository for information about arrests made in Illinois. All cities, counties, and municipalities, as well as universities, colleges, conservation, and railroad law enforcement agencies, send their detailed arrest data to the ISP so it may be forwarded on to the Federal Bureau of Investigation and used in its yearly Uniform Crime Report (UCR). These data then provide a reliable and comprehensive overview of all arrests made in the state over time.

Arrest rather than conviction data are preferred for this analysis for two reasons. Arrest data avoid downward bias resulting from plea bargains and charge reductions. Due to the mandatory registration of sex offenders upon conviction, it is likely that many

offenders plead to non-sexual offenses in order to avoid future surveillance and stigma. In such cases, arrest charges more closely resemble the crime committed than the charge for which offenders plead guilty or are convicted. A second immediate benefit of Illinois arrest data is that for each arrest, all charges are recorded. In situations where offenders are convicted of raping and killing their victims, conviction data often only reflect the "most serious" crime, in this case the homicide. Arrest data allow me to capture the sexual nature of criminal behavior occurring in conjunction with other violent or non-violent offending.

Although there are advantages to using arrest data, there are also limitations. Arrest data allow for the inclusion of false positives, or people falsely accused of crimes. Information on crimes "cleared" by police would provide insight into the extent of false accusations. However, the Illinois State Police does not receive clearance information. The extent of the false positive problem might also be estimated by determining the fraction of charges that did not result in convictions, but the Illinois State Police does not routinely receive information regarding arrestees' cases that are adjudicated or result in conviction. As an alternative, I divided the number of arrestees listed in the UCR (1996) for sexual assault, robbery, non-sexual assault, burglary, and larceny into the number of those convicted for these crimes in state courts as listed in the Bureau of Justice Statistics Sourcebook (1996) to estimate the extent to which arrests do not result in convictions nationwide. These findings indicate that, nationally, the majority of persons arrested in all crime types were not convicted for their charges. The percent of sex offenders in the United States convicted for sexual assault (23.3%) is strikingly similar to the percentages found for robbery (27.4%) and burglary (25.5%). The sexual assault percentage is

somewhat higher than that found for non-sexual assault (13.3%). To the degree that the lack of criminal conviction represents a false accusation and Illinois resembles the nation as a whole, these data suggest that the fraction of persons falsely arrested for sex crimes would be roughly similar to that for other crime types.

Another limitation of official statistics is that, like media accounts and personal perceptions, they are socially constructed. They necessarily are limited to those persons who come to official attention. They also are susceptible to reporting bias and sometimes more accurately reflect police procedures than actual criminal occurrences. For investigations of sex-offending recidivism, some scholars suggest that the use of arrest data is particularly problematic because many sexual assaults are not reported to police (Bachman, 1998; Koss, 1996; Wood, Grossman, and Fichtner, 2000). However, the National Crime Victimization Survey (NCVS) (1995) indicates that sex crimes are reported to the police less frequently than some crimes but more frequently than others. There are also important group differences in the fraction of sex crimes reported.

The NCVS (1995) indicates that 32% of victims of rape and sexual assault ages 12 and older reported their incidents to police. This percentage was lower than reports of victimizations for robbery (60.6%), burglary (50.3%), and auto theft (74.4%), but was the same or higher than the rate for simple assault (31.8%) and larceny (26.3%). When reports of rape/sexual assault are examined by race, the NCVS (1995) found that 52.1% of black victims reported their sexual assaults to police as compared to only 28.4% of whites. The percentage of reports for sexual victimization by blacks was greater than the percentage for non-sexual assault (45.5%) and comparable to their reporting of attempted robbery (54.2%). Age differences in reporting sex crimes to the police are pronounced.

The NCVS found a greater proportion of victims ages 12-to-19 reported their sexual victimizations to police (42%) than their incidents of aggravated (40.2%) and simple non-sexual assault (24.4%). The reporting of sexual victimization for younger persons was higher than for persons 20-34 (26.7%) and 35-49 years of age (27.7%). Black victims and younger persons reported sexual attacks to the police in comparable proportions to their reports for non-sexual victimizations. These findings suggest that the under-reporting of sex crimes is highly uneven across different categories of victims and, therefore, the arrest data offer a somewhat more accurate picture of underlying victimization and offending patterns for some groups than others. That should be kept in mind when interpreting the findings in this and the next chapter.

The under-reporting of criminal victimization to the police is a problem in recidivism research for all crime types. Not one of the eight index offenses listed in the UCR exhibited greater than 75% reporting to police (NCVS, 1995). However, arrest statistics are the only systematic data source available for the study of sex offenders who are not in custody or in treatment programs, they permit detailed comparison with other categories of offenders and crimes, they are a critical output measure of legislative activity, and they afford a measure of recidivism through comparisons of re-arrest probabilities within and across offenses types.

The Illinois criminal history database includes the arrests of adults 17 years or older and is comprised of approximately 953,000 arrestees involved in 2,299,000 arrest events culminating in approximately 2,908,000 charges from 1990 to 1997. The race, gender, and age of arrestees are included in these data, thus allowing for demographic comparisons between the various offense groups and to media portrayals and policy

makers' perceptions. Also, all charges occurring in conjunction with an arrest are included, which allows me to characterize arrestees as a specific "type" of offender and permits an examination of the "clustering" of criminal behaviors during a single arrest event or future escalation in offense seriousness.

To conduct these analyses, the first order of business was to reduce the number for specific arrest charges to a manageable number of offense types. I collapsed the 10,688 Illinois statutes used to enact charges into twenty-four general offense categories resembling those found in Part I and II of the Uniform Crime Report (UCR).¹ These categories were created broadly, and include attempts and all levels of aggravation, in order to examine the between-group differences in demographic traits and re-arrests. Because my classification of offenses is intentionally broad, the categories are not an exact match with those found in the UCR. However, these categories generally represent those crimes found in most classifications of offenses.

Once arrest charges were classified into general categories, I then had to characterize arrestees as particular types of offenders. This could be accomplished in several ways. Using 1990 as the base year, I considered classifying arrestees as a specific "type" based on their first arrest charge of the year. However, if an arrestee was charged with a burglary in January and a homicide in March, this categorization would label the arrestee as a burglar and under-represent serious violent felonies in the analysis. I also considered classifying arrestees by their most frequent charge in 1990, but again if an arrestee's larceny charges outnumbered sex offense charges for the year, violent or sexual

¹ The twenty-four general offense categories are: homicide, sex offenses, robbery, non-sexual assault, burglary, larceny, kidnapping, arson, forgery, fraud, property damage, weapons violations, public order offenses, drug/alcohol violations, abuse/neglect, driving under the influence, stalking, environmental offenses, business offenses, sporting/hunting violations, custody violations, status offenses, traffic/vehicle violations, and other offenses not elsewhere classified.

offenses would be lost. Ultimately, I characterized arrestees as a particular “type” based on their most serious charge for 1990 so violent and sexual felonies were not under-represented in the analysis.

To determine the most serious charge, I created a hierarchy of offense types that resembles the offense seriousness scale recommended by Sellin and Wolfgang (1964). The hierarchy is based on the seriousness of the overall crime category, not necessarily the seriousness of the individual offense. Offense types were classified in terms of Class I offenses based on bodily injury, property loss, or property damage, with bodily injury being the most serious. Offense categories that did not include the elements needed for a Class I offense were then characterized as Class II offenses in order of seriousness based on the factors of intimidation; threat of property loss; primary, secondary, tertiary, and mutual victimization; and no victimization. For crimes such as stalking that did not exist in 1964, I used my own discretion when applying Sellin’s and Wolfgang’s (1964) characterization of offenses. Table 1 includes the twenty-four offense categories ranked from most to least serious, the number of charges in the dataset for each type, and their percent of total arrest charges.

Although most categories are self-explanatory, some need further elaboration. The sex offense category specifically includes all crimes for which Illinois offenders must register as a sex offender: manufacturing, distributing, or possessing child pornography; indecent solicitation of a child; sexual exploitation of a child; soliciting, patronizing, or pimping juvenile prostitutes; criminal sexual assault and abuse of both children and adults; and ritual abuse of a child. Statutes included in the weapons violation category are only those crimes in which the firearm was not used, such as

possession of an illegal firearm or improper sales. Crimes that include the discharge of a weapon fall within the assault, sexual assault, or homicide categories depending on the nature of the offense or harm committed. Crimes that occur while directly under police or correctional custody, such as resisting arrest, contraband and attempted escape, are included in the custody violations category. The status offense category includes statutes prohibiting the sale to or possession of alcohol by minors 18 to 21 years-old. Finally, the "other" category includes crimes not elsewhere classified, such as election violations and bribery.

Table 1. Hierarchy of Offense Categories and Number and Percent of Charges 1990-1997

Offense Category	Number Of Charges	Percent Of Total	Offense Category	Number Of Charges	Percent Of Total
Homicide	34,340	1.20%	Weapons Violations	121,212	4.20%
Sex Offense	34,668	1.20%	Stalking	5,972	0.20%
Robbery	33,784	1.20%	Public Order Offenses	185,043	6.40%
Assault	660,291	22.70%	Drugs/Alcohol Viol.	445,060	15.30%
Kidnapping	7,191	0.20%	Driving Under Influence	1,475	0.10%
Abuse/Neglect	18,994	0.70%	Environmental Offenses	573	0.00%
Arson	3,386	0.10%	Business Offenses	62,333	2.10%
Burglary	124,568	4.30%	Sporting/Hunting Viol.	609	0.00%
Larceny	479,153	16.50%	Custody Violations	45,197	1.60%
Forgery	29,543	1.00%	Traffic/Vehicle Viol.	55,566	1.90%
Fraud	9,548	0.30%	Status Offenses	393	0.00%
Prop. Damage	339,734	11.70%	Other	209,742	7.20%
			Total	2,908,375	100.00%

Not all crime categories listed in the hierarchy are included in the following analysis. For several reasons, the analysis is limited to the categories of homicide, sex offense, robbery, assault, burglary, larceny, kidnapping, property damage, public order

offenses, and stalking. First, Illinois Public Act 91-0528 currently proposes expanding the DNA database to include collection for several of these offenses. This legislation is premised on the notion that offenders such as burglars, robbers, and kidnappers have high percentages of re-arrest for sex crimes. Stalking is included because it is the only other crime category for which females are the majority of victims. The inclusion of the property damage, burglary, larceny, and public order categories permits comparisons of re-offending between violent and property crime types. Lastly, the homicide category is included because it represents the only offense judged to be more serious than sex crimes in most offense seriousness scales.

I calculated the age, gender, and race distribution in each of these charge categories. I use analysis of variance techniques on the criminal history information to compare the recidivism rates between categories of offenders for any offense, for the same offense, and for a sex offense over various time intervals. Re-arrest serves as my measure for re-offending, which is one of the most common measures found for recidivism in sex offending research (Prentky et al., 1995; Prentky, Knight, and Lee, 1997; Rice, Quinsey, and Harris, 1991; Quinsey, Khanna, and Malcolm, 1998). I also perform analysis of variance on these data to evaluate differences between groups in the escalation of their behavior to homicide.

The use of re-arrest as a measure for recidivism presents one last hurdle to overcome. The time arrestees spend in custody affects their opportunities to re-offend. To control for arrestees' "time off the street," I obtained Illinois Department of Corrections (IDOC) data from 1990-1997 (N=161,296). These data include inmates' state identification (SID) number and all the dates of inmates' entrance into IDOC

facilities and exit for reasons of completed time served, parole, escape, and work release. A distinct SID number is given to all individuals arrested for a crime in Illinois, and this number is then associated with the person throughout system processing for the current offense and any future contact with a criminal justice agency. The SID number allowed me to determine whether the 1990 arrestees had been sentenced to a state correctional facility and the time served for those who had been incarcerated. I first calculated the percentage of arrestees incarcerated for each crime category in the analysis. I then removed from the analysis the arrestees who were not remanded to custody and calculated the average amount of time served by inmates by subtracting the date of admission from the date of exit. Although these data do not allow me to control for arrestees' time spent in local jails, the IDOC data offer a reasonable basis for estimating arrestees' opportunities to re-offend during the analysis period.

We have seen some common themes in media accounts and the interviews with policy makers regarding sex offending trends, offenders' demographic traits, re-offending patterns, and the circumstances involved with sex crimes. The arrest data allow me to examine the trends in sex offense charges over time and compare the demographic traits of arrested sex offenders to those for other groups to determine if sex offenders "look" distinctly different from other types of offenders. These results permit comparisons of the demographic traits of arrestees to those found in media accounts and my interviews with policy makers. The data also permit me to determine if sex offenders re-offend at a higher rate than other types of offenders. Finally, I examine the extent to which sex offenders are arrested for other offenses in conjunction with sex crimes and if sex offenders are re-arrested for homicide in greater proportions than other groups.

RESULTS

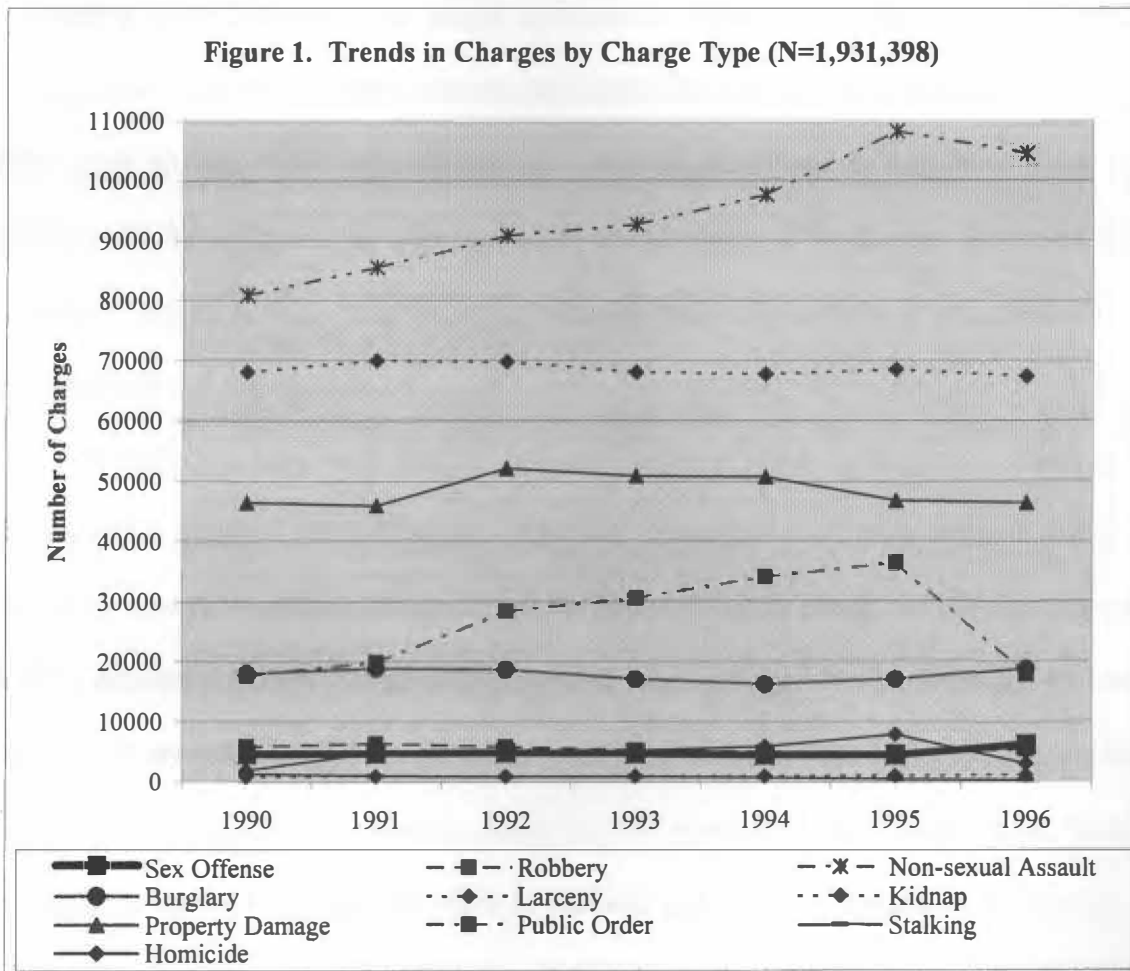
PICTURE OF THE SEX OFFENDING PROBLEM

Although much legislation has been enacted to address the sex offender problem, Table 1 indicates that sex crimes represent only a small proportion (1.2%) of the criminal charges in Illinois from 1990-1997, and only a slightly greater proportion (1.8%) of the charge categories forming the basis of the recidivism analysis (in bold). Non-sexual assault (34.3%), larceny (24.9%), and property damage (17.6%) comprise approximately three-quarters of the offenses used in the recidivism study. Only the categories of kidnapping and stalking are less prevalent than sex offense charges. To the degree that sex offense charges reflect incidents of sex offending, sex offending appears to be a rare criminal behavior in Illinois.

Regardless of the degree to which sex offending occurs more or less frequently than other types of crimes, public officials are concerned with a presumed increase in sex offending over time. Increases in media attention to sex crimes undoubtedly play a role in these perceptions. Figure 1 depicts the trends in selected arrest charges by offense type from 1990 through 1996.

Sex offense charges remained relatively stable from 1990 to 1995 and then increased from 4,524 in 1995 to 6,580 in 1996. In 1995, mandatory registration was expanded to include all persons convicted of sexual assault regardless of the victim's age, and 1996 was the year community notification of registry information was enacted. Charges for homicide, robbery, larceny, burglary, and property damage remained stable from 1990 to 1997. Non-sexual assault charges increased during this period, and public order offense charges increased from 1991 to 1995 and subsequently declined. Charge

data do not show the dramatic increases in sex offending portrayed in the media or by public officials, but charge data may be misleading when examining trends in offending because they reflect police procedure in addition to criminal behavior. One way to gauge the accuracy of arrest trends as a measure of trends in criminal offending is to compare reports of sex offenses to the police with arrests for sex offending.



When reports of sex offending to police are examined, sex crimes in Illinois appear to be on the decline. Information for crimes reported to the police is only available for 1994 through 1997, but over this period, there was a 14% drop in the number of criminal sexual assaults reported to police from 7,610 to 6,578

(www.state.il.us/isphpage). A decline also occurred in the number of reports to police for robbery (-29%), non-sexual assault (-14%), and burglary (-15%) over the same time period. Reports of larceny to police remained relatively constant from 1994 to 1997.

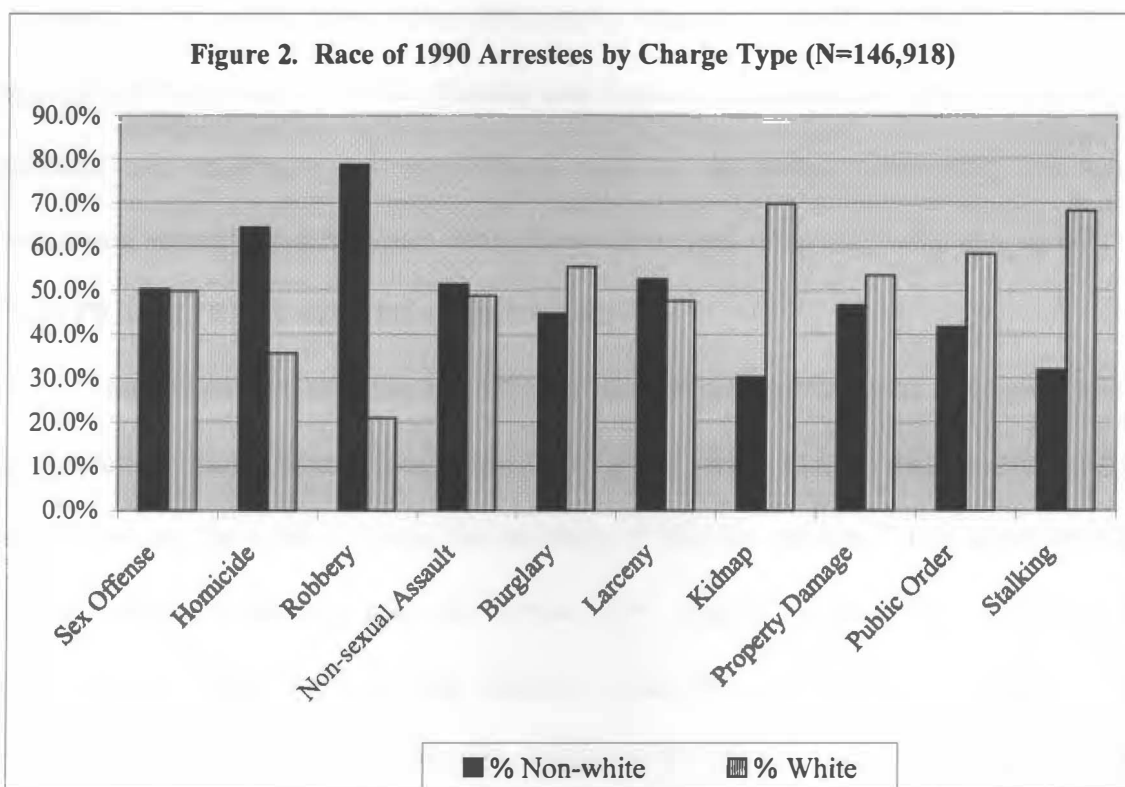
Despite the increase in media coverage of sex crimes and public officials' belief in a growing sex offending problem, neither charge data nor reports to police indicate an increase in sex offending to the extent portrayed or believed. Charges of sex offending did increase from 1995 to 1996, but reports of sex offending to police declined every year from 1994 through 1997. The increase in arrests for sex offending may have given the media and public officials the impression that sex offending is on the rise. However, this should be seen as more a change in police behavior than in the actions of sex offenders.

PORTRAIT OF OFFENDERS

Media accounts and public officials seldom offer information about the demographic traits of sex offenders. However, when provided, they suggest that sex offenders resemble most middle-aged men encountered on the street. Arrest data provide a more detailed picture of sex offenders' gender, race, and age. Not surprisingly, the vast majority of arrestees in 1990 for all crime types were males (87%). Ninety-seven percent of those persons whose most serious charge in 1990 was a sex offense were males, which is similar to the 94.4% of robbers, 96% of stalkers, and 93.5% of burglars who were also male. There was a greater representation of females in the categories of larceny (33.2%) and public order offenses (29.1%) than in any other offense classification.

With respect to the race of sex offenders, Figure 2 depicts the race of 1990 arrestees by crime type. About 71% of the Illinois adult population is estimated to be white (www.census.gov). Roughly one-half of those whose most serious charge in 1990

was a sex offense were non-white (50.2%). Non-whites were the majority of 1990 arrestees charged with homicide (64.3%), robbery (78.9%), non-sexual assault (51.3%), and larceny (52.5%). In contrast, white persons were the majority of arrestees whose most serious charge in 1990 was burglary (55.3%), kidnapping (69.7%), property damage (53.4%), a public order offense (58.3%), and stalking (68.1%). Sex offenders were as likely to be non-white as white.



The last demographic trait to be examined is the age of arrestees. The mean age for those persons whose most serious charge in 1990 was a sex offense was 31.1 years. This age was comparable to the mean age for arrestees charged with non-sexual assault (30), public order crimes (31.4), larceny (29.6), and kidnapping (29.8). Arrested sex offenders in 1990, on average, were older than robbers (24.9), burglars (25.4), those

charged with property damage (27.1), and murder (27), but they were generally younger than stalkers (34.6).

Arrest data indicate that the typical arrested sex offender is male, which is the case for the overwhelming majority of all arrestees in 1990, and is similar in age, or slightly older, than other types of arrestees. Sex offenders are as likely to be white as nonwhite, but this relatively equal distribution was also found for other offense categories. These data suggest that arrested sex offenders are not noticeably different in appearance from other criminal offenders and support public officials' beliefs that a sex offender can be almost any middle-aged man on the street. However, this same conclusion generally can be drawn about many other types of arrested offenders as well.

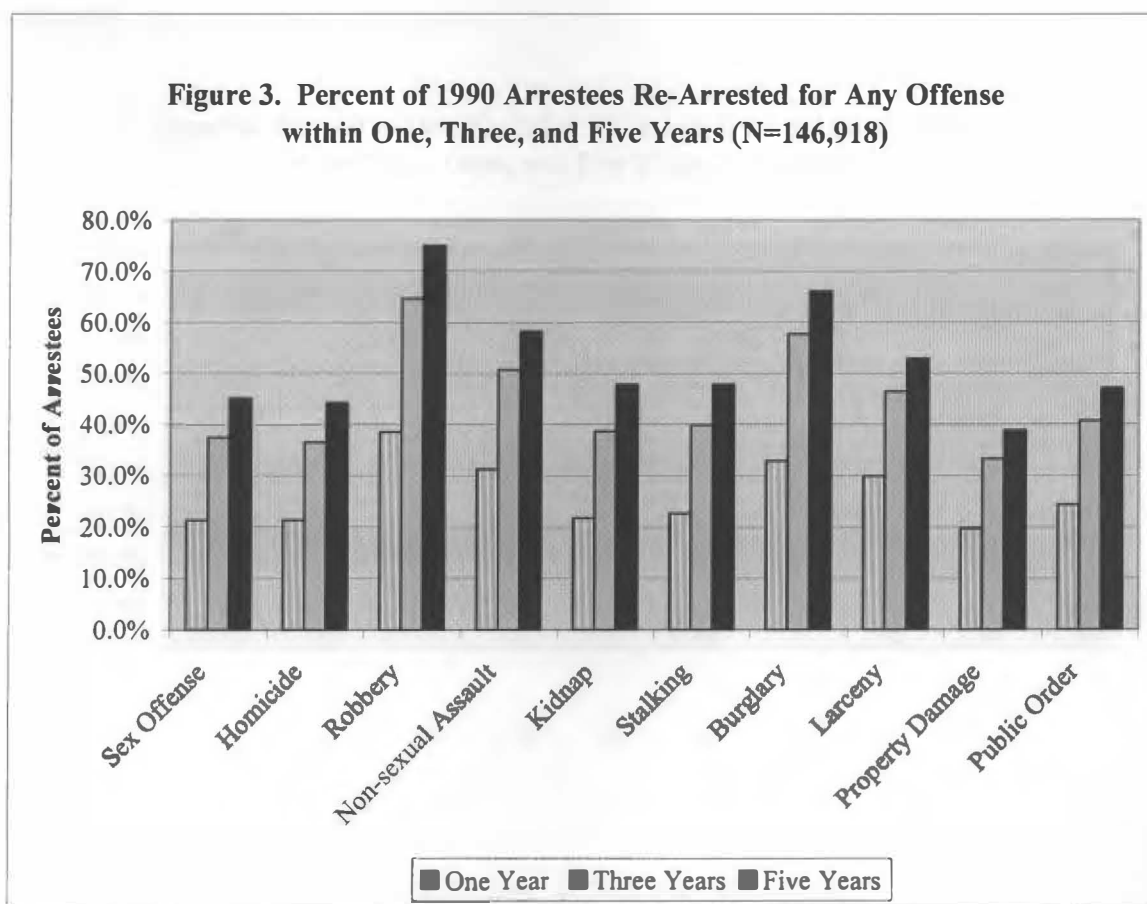
THE PERSISTENCE OF SEX OFFENDERS

One characteristic of the sex offender that the media and public officials suggest is distinctly different from other criminal groups is their unusually high persistence in their behavior. In order to assess the accuracy of this assumption, I first examined the overall patterns of recidivism for all offense types. Figure 3 depicts the percentages of 1990 arrestees re-arrested for any offense within one, three, and five years. The differences in the percentages between categories for all time intervals are statistically significant, which is a predictable result given the size of the sample.

Those arrestees whose most serious offense charge was robbery in 1990 had the highest probability of re-arrest (74.9%) within five years followed by arrestees charged with burglary (66%), non-sexual assault (58%), and larceny (52.9%). Persons in the sex offense category had re-arrest percentages of 21.3%, 37.4%, and 45.1% for any offense within one, three, and five years, respectively. These rates are lower than those found for

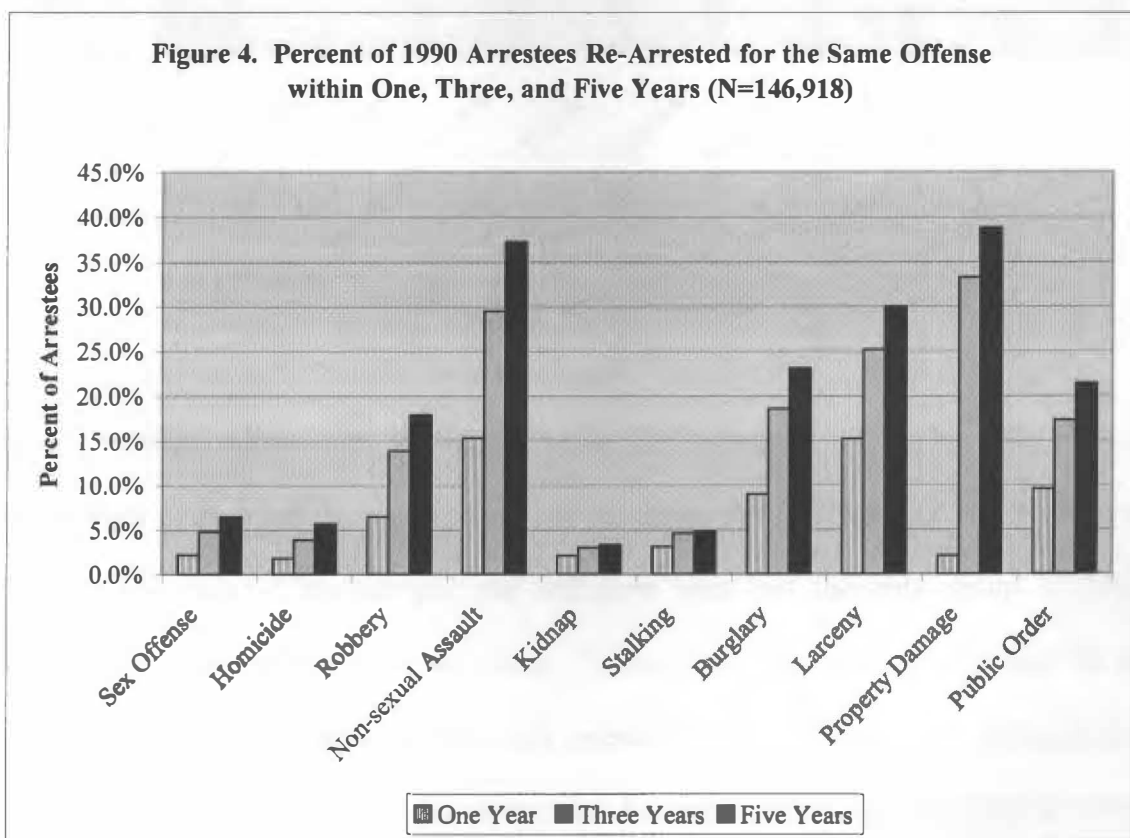
all other crime categories except homicide (44.2% within five years) and property damage (38.8%).

Sex offenders do not appear to commit future offenses, in general, at a higher rate than other offenders. However, they may be more likely to commit sex crimes than other offenders are to repeat their specific offenses. Figure 4 shows the percentage of 1990 arrestees re-arrested for the same offense within one, three, and five years. Again, all group differences are statistically significant.



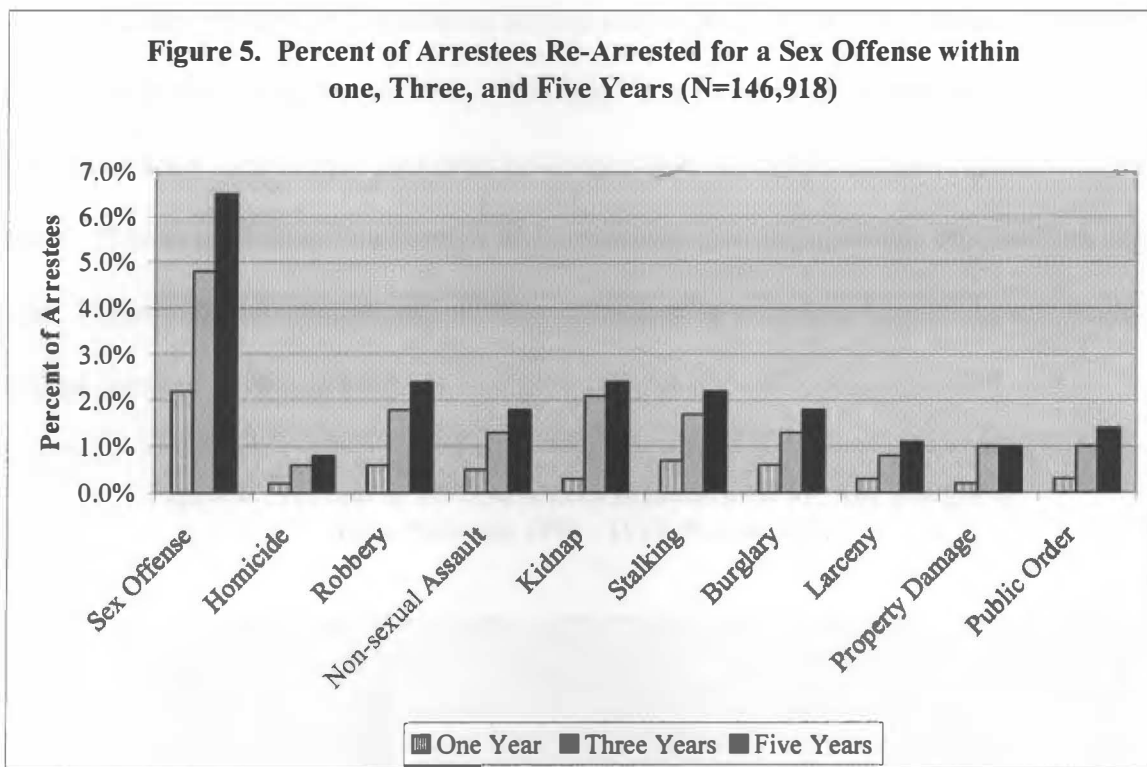
Persons whose most serious charge in 1990 was property damage had the highest percentage of re-arrests for their crimes in five years (38.8%) followed by those in the non-sexual assault category re-arrested for assault (37.2% within five years) and persons

in the larceny category re-arrested for larceny (30%). The sex offender category had a lower offense-specific re-arrest rate in five years (6.5%) than arrestees in most other categories. Robbers were re-arrested for robbery (17.9%), burglars were re-arrested for burglary (23.1%), and those arrested for public-order offenses (21.4%) were re-arrested for public-order crimes in greater proportions than sex offenders were re-arrested for sex crimes. Homicide (5.7%), kidnapping (2.8%) and stalking (5%) were the only categories with lower offense-specific re-arrest rates within five years than sex offending, and those differences are very small.



Given the belief in a growing sex offender problem and the finding that only 6.5% of sex offenders were re-arrested for a sex crime, one must wonder if those currently classified as sex offenders are the only types of offenders committing sex

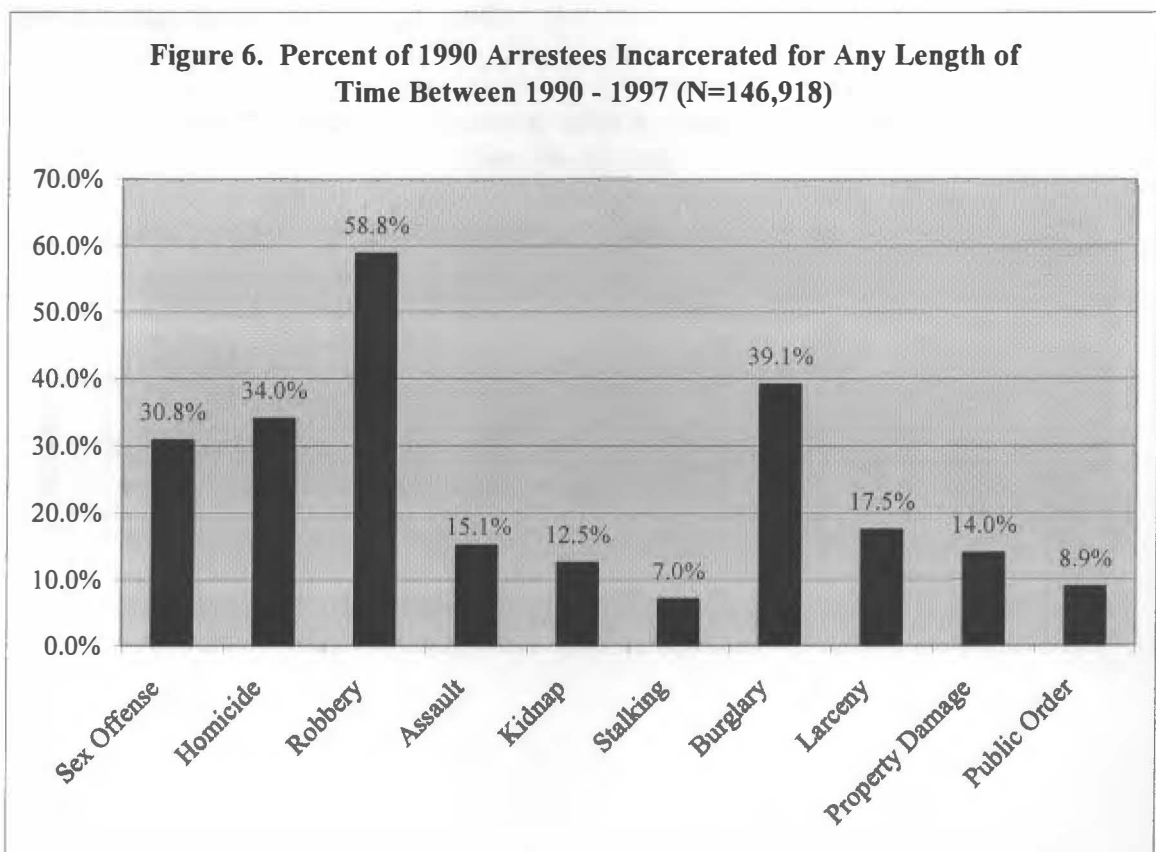
crimes. To answer this question, I examine the percentage of 1990 arrestees re-arrested for any sex crime within one, three, and five years. Figure 5 depicts these results.



Arrestees whose most serious charge in 1990 was a sex offense have the highest percentages of re-arrest for a sex crime in one, three, and five years (2.2%, 4.8%, and 6.5%, respectively). Interestingly, sex offenders were not the only group of 1990 arrestees to be re-arrested for a sex crime. Within five years, between 1% and 3% of persons in all other crime categories were arrested for sex offenses. So, although sex offenders were more likely to be re-arrested for sex crimes than arrestees in other categories, 93% were not re-arrested for a sex crime within five years. In addition, concerns that certain types of offenders, such as burglars, have a high probability of committing a sex crime—and therefore should be subject to DNA collection—are not

supported by these results. Again, the differences in the percentages between offense categories for one, three, and five years are statistically significant.

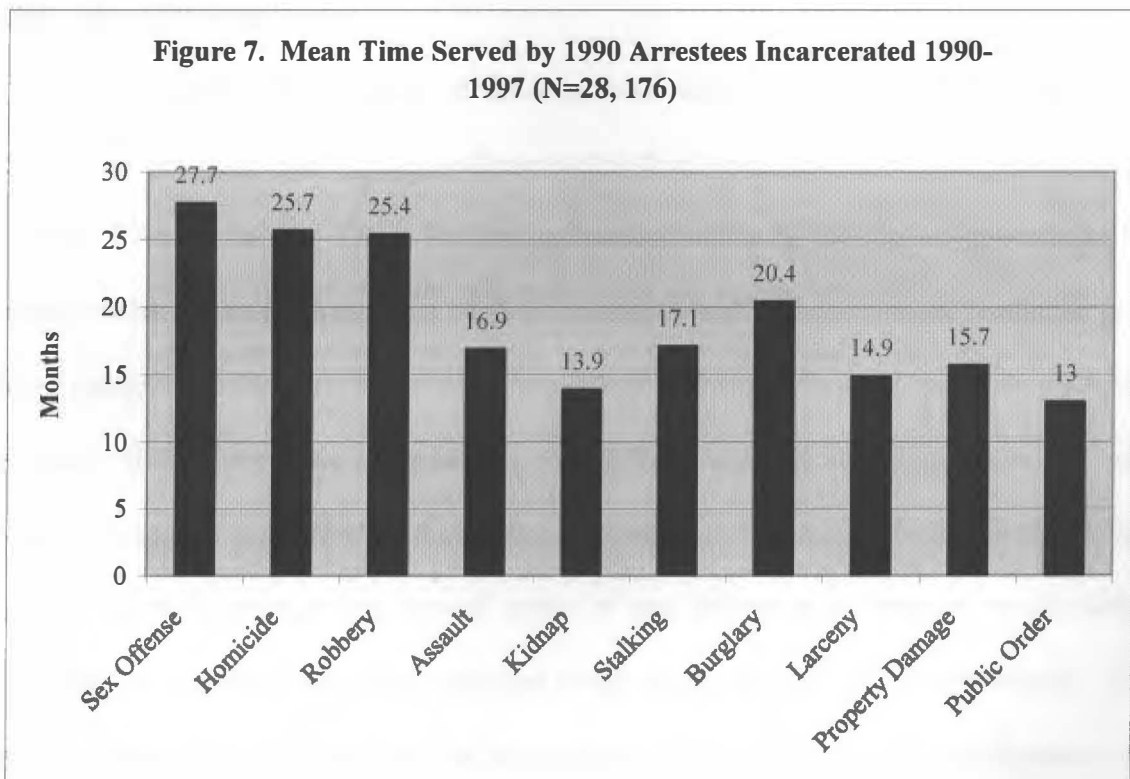
Offense-specific re-arrest rates for sex crimes and for the other crime categories are relatively low, none above 37%. This may be a function of opportunity. Arrestees may have been incarcerated and thus no longer able to commit a new offense on the street. However, Illinois Department of Corrections data indicate that this was not the case. Figure 6 depicts the percent of 1990 arrestees who were incarcerated for any length of time between 1990 and 1997.



Except for persons arrested for robbery (58.8%), the majority of all other types of arrestees spent no time in correctional custody. Only 30.8% of persons charged with a sex crime were incarcerated for some time during the period of the analysis, leaving

almost 70% of offenders on the street with the opportunity to re-offend. In addition, approximately 85% of those arrested in 1990 for non-sexual assault, 87% of persons arrested for kidnapping, and 82% of persons arrested for larceny had ample opportunity to re-offend. Surprisingly, compared with sex offenders, a greater proportion of people arrested for burglary were incarcerated in state correctional facilities during the period.

Even if most sex offenders were not incarcerated over the eight-year period, those who were may have spent more time in prison than persons sentenced for other crimes. Figure 7 presents the mean number of months spent in a state correctional facility by 1990 arrestees from 1990 through 1997.



Incarcerated sex offenders did spend more time, on average, in correctional facilities than other types of arrestees (27.7 months). However, this mean time served remains well within the window of the analysis. Those in the homicide and robbery

categories, on average, spent two months fewer in custody than sex offenders (25.7 and 25.4, respectively), but recall that these are broad categorizations of offenses types that include attempts and all levels of aggravation. With respect to homicide, the inclusion of attempts may be responsible for the appearance of shorter mean time served than found for the sex offense category. On average, persons in the other categories spent between one and two years in prison. The average time spent in custody for all those arrested and incarcerated for these offenses indicates that most had ample time to re-offend during the analysis. Even so, it is possible that the difference in re-arrest rates between sex offenders and others is due to the somewhat longer time spent in prison by the 31% of them who were incarcerated.

In summary, the majority of those persons arrested on a sex offense charge in 1990 were not re-arrested for any offense within five years, and over 90% were not re-arrested for a sex crime. These findings are not a function of the lack of opportunity to recidivate because a large majority of 1990 arrested sex offenders were not remanded to a state correctional facility. Even those who were taken into custody were, on average, released within three years and available to re-offend, which is surprising given the “get tough” stance for sex offenders that emerged throughout the late 1980s and early 1990s. In light of their greater time served, some of the difference in rates of re-offending between sex offenders and other arrestees could be due to diminished opportunity. On balance, however, the arrest data do not support the assumption that sex offenders re-offend in dramatically higher proportions than other criminal offenders or that they are unusually persistent in their behavior.

CIRCUMSTANCES OF SEX CRIMES

The media's increasing coverage of sexually motivated homicides, coupled with public officials' use of the phrase "raped and killed" as if it were one crime, imply that sex crimes and murder are somehow intertwined. The causal order in this implication is not clear, so I investigated both the degree to which other offenses are committed in conjunction with sex crimes and the probability that sex offenders commit future acts of murder. The "clustering" of criminal behaviors is displayed in Table 2, which depicts the percentages of arrests on a given charge that include charges for other offenses. Multiple charges for the same offense are eliminated from the analysis.

Table 2. Type of Arrest 1990-1997 by the Type of Other Offenses Charged Simultaneously (N=85,234)

	Ass.	Burg.	Kidnap	Larc.	Prop. Dam.	Pub. Or.	Robb.	Sex Off	Stalk	Hom.
Assault		16.3%	39.3%	19.4%	43.3%	31.6%	30.2%	32.8%	48.1%	22.3%
Burglary	4.4%		8.2%	14.1%	8.5%	2.0%	9.5%	10.9%	4.2%	9.1%
Kidnap	1.5%	1.2%		0.0%	0.4%	0.3%	3.0%	12.3%	1.6%	0.8%
Larceny	9.5%	25.9%	3.6%		11.5%	3.6%	12.2%	4.4%	2.7%	3.2%
Prop Dam	38.7%	26.9%	9.5%	21.0%		33.9%	6.2%	5.7%	26.9%	7.1%
Pub Order	11.3%	2.7%	3.1%	2.6%	13.5%		1.2%	3.6%	3.6%	2.6%
Robbery	2.1%	2.5%	5.3%	1.7%	0.4%	0.2%		5.5%	0.0%	18.4%
Sex Off.	1.2%	1.5%	11.4%	0.3%	0.2%	0.3%	2.8%		0.7%	0.6%
Stalking	1.2%	0.3%	0.9%	0.1%	0.7%	0.2%	0.0%	0.5%		0.0%
Homicide	0.9%	0.8%	1.9%	0.3%	0.1%	0.5%	4.5%	1.9%	0.0%	
N	26331	7078	1026	12937	23567	9381	1830	952	642	1805

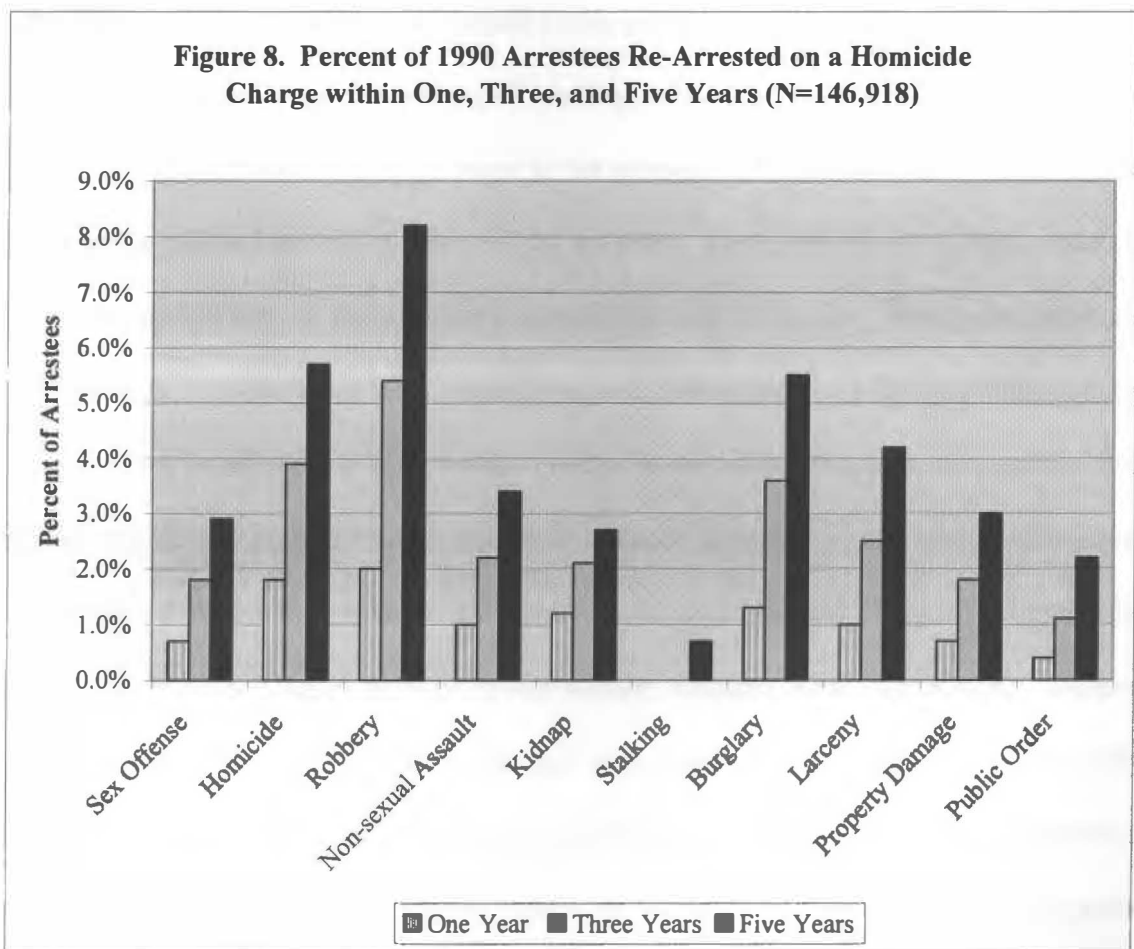
Only four percent of all the arrest events from 1990 to 1997 had multiple charges that included different types of offenses. For arrest events that included a sex offense charge, non-sexual assault was the most prevalent other type of crime to be charged in conjunction with the sex offense (32.8%). Non-sexual assault was also the most

frequently charged other offense for arrest events that included kidnapping, property damage, robbery, homicide, and stalking charges. Approximately 11% of arrests including a sex crime also included charges for burglary, and 12% included charges for kidnapping.

In regard to homicide, arrests including a robbery charge more frequently included a charge for homicide (4.5%) than any other type of selected arrest event. Approximately two percent of arrests that included a sex offense charge also included a charge for homicide. However, due to the way in which simultaneous charge information had to be computed, this proportion is misleading. It includes only those arrest events for which sex offense charges were listed first on the arrest card followed by charges for crimes in the homicide category or cases in which the victim died after the initial sex crime charge was filed and homicide charges were added later as addendum charges to the original arrest event. It omits arrest events in which homicide charges was listed first on the arrest card followed by charges for sex crimes or cases in which sex offense charges were filed later as addendum charges to the homicide, such as when an autopsy reveals evidence of a sex crime after the homicide arrest is made. When these cases were taken into account, there were a total of 29 incidents that included charges for crimes in both the homicide and sex offense categories. In total, 3% of arrests that included a sex offense charge also included a charge for homicide, which is still less than the proportion of robbery arrests that included homicide charges but greater than the percentage for most other categories of arrest events. However, most arrests that included a sex offense charge did not include charges for homicide. Charges for non-sexual assault, kidnapping, burglary, larceny, property damage, public order crimes, and robbery more frequently

accompanied charges for sex crimes than homicide charges. Homicide is a rare event, in connection with sex offenses or other types of crime.

Even if homicide rarely occurs in conjunction with a sex offense, it is possible that, compared with the other categories, a greater proportion of persons in the sex offense category go on to commit future acts of murder. Figure 8 depicts the percentage of 1990 arrestees re-arrested on a homicide charge within one, three, and five years.



Persons whose most serious offense in 1990 was robbery had a higher probability of re-arrest for homicide (8.2% after five years) than persons in other offense groups. Only 2.9% of arrestees in the sex offense category were re-arrested for a homicide within

five years, which is smaller than the percentages of arrestees in the homicide (5.7%), burglary (5.4%), and larceny (4.2%) categories who were re-arrested for murder within five years. Even persons whose most serious arrest charge in 1990 was property damage or non-sexual assault had higher probabilities of being subsequently arrested for a homicide than sex offenders. The only categories with lower murder arrest rates than the sex offense category were kidnapping, public order offenses, and stalking. Again, although this finding could be due in part to the greater mean time served by incarcerated sex offenders, these differences are much too large to be explained by that factor alone.

Given that most homicides come to the attention of the police, and that homicide is the crime that is most often “cleared” by an arrest, these data should fairly accurately reflect the probability of sex offenders committing acts of murder. Rarely do homicide charges occur in conjunction with a sex crime, and seldom are sex offenders subsequently arrested for a homicide. If sex crimes “cluster” with other behaviors, they more often include non-sexual assaults that do not result in death, kidnapping, and burglary than acts of murder. Robbery arrests more frequently included additional charges for homicide, and a greater proportion of persons in the robbery category were subsequently charged with a murder than sex offenders. To this end, “robbed and killed” more accurately reflects the clustering of criminal behaviors in Illinois than “raped and killed.” However, no crime type appears to precede or occur in conjunction with homicide with great frequency.

CONCLUSION

Media accounts and public officials’ remarks suggest that sex offenders are “sick” men from any race or social status who are compelled by some biological or

psychological abnormality and are attacking the state's women and children in greater numbers than ever before. Unless stopped, these men will continue their sexual attacks, which can often move beyond sexual violence to homicide. Although arrest data cannot be used to assess all of these claims, they do not seem to support most of them.

Sex offending does not appear to be the growing problem that media accounts suggest or public officials perceive. Sex offending represents only a small fraction of both the arrest charges enacted in Illinois and the crimes reported to the police from 1990 through 1996. When examined over time, reports of sexual violence to the police actually declined from 1994 through 1997, which is contrary to the increases in media coverage of sex crimes witnessed during this period and public officials' statements intimating an escalating sex offending problem.

Charges for sex crimes have remained relatively stable from 1990 to 1995, but did increase from 1995 to 1996. However, this should not be seen as an increase in sexual offending but rather an artifact of the sex offender laws. Since 1995, with the mandates of registration for all sex offenders irrespective of their victims' ages and community notification of that information, sex offenders have experienced a greater degree of both formal and informal surveillance than any other category of offender. These and other laws had the expressed purpose of improving law enforcement's abilities to apprehend sex offenders more rapidly and in greater numbers. An increase in sex offense charges is the desired outcome of the new sex offender laws and not, evidently, the result of an increase in sex offending behavior.

The portrait of the sex offender in arrest statistics is fairly consistent with media portrayals and public officials' perceptions. Most arrested sex offenders are male, as

likely to be white as non-white—although, given their smaller population in Illinois, the rate of sex offending among blacks is higher than among whites—and are similar in age (early thirties) to many non-criminal men encountered on the street. However, this description fits most arrested offenders, not simply sex offenders. Sex offenders may “look” like most men we see, but so do persons arrested for public order crimes, non-sexual assault, and larceny. The extent to which arrested sex offenders are from specific social classes, have mental abnormalities, or possess biological deficiencies remains unknown because criminal history information does not contain measures for these attributes. Therefore, the only conclusion to be drawn from arrest data is that the typical arrested sex offender does not look distinctly different from other types of offenders, and most offenders, on the outside, look like the man on the street.

One attribute of the sex offender that can be more accurately assessed with arrest data is the compulsion sex offenders have for their crimes. Media accounts and public officials suggest that sex offenders have a greater propensity to re-offend than other types of offenders. However, arrested sex offenders are re-arrested for any offense in smaller proportions than persons in most other offending categories and do not have higher probabilities of offense-specific re-arrests than other categories of offenders. Sex offenders, not surprisingly, are more likely than others to be re-arrested for a sex crime, but the overwhelming majority of arrested sex offenders were not re-arrested for a sex offense during the analysis period. These findings do not appear to be a function of sex offenders’ diminished opportunity, because the majority of arrested sex offenders were not incarcerated for their crimes, and those who were remanded to state penitentiaries spent, on average, less than three years in custody. Arrest data suggest that recidivism

among sex offenders has been exaggerated in media accounts and by public officials. Most other groups of violent and non-violent offenders have a greater tendency to re-commit their crimes than sex offenders.

Media accounts and public officials also suggest that sex offending often results in the loss of life. Analysis of the arrest data does not support the notion that sex offenders commit homicide with great frequency or more frequently than other criminal offenders. Homicide charges were rarely found in conjunction with arrest events that included a sex offense charge. Charges for murder were more likely to accompany charges for robbery than charges for sex crimes. Although arrest events including a sex offense or a kidnapping charge were more frequently accompanied by a homicide charge than for most other categories of offenses, less than two percent involved a homicide. Nor does sex offenders' behavior escalate to homicide more frequently than other types of offenders' behavior. Persons arrested for non-sexual assault, robbery, burglary, larceny, property damage, and homicide had higher probabilities than sex offenders of re-arrest for homicide within one, three, and five years.

Public officials' remarks suggest that perceptions of an increase in sex offending, high rates of recidivism among sex offenders, and sex offenders' propensity to commit deadly acts of violence influenced the passage and content of sex offender legislation. These perceptions are evident in civil commitment, registration, and community notification laws, which heighten the level of formal and informal surveillance of sex offenders or remove them indefinitely from public domains. Arrest data indicate that persons in the robbery category have higher rates of overall recidivism, re-commit their crimes in higher proportions, and are re-arrested for homicide more frequently than those

in the sex offense category. If the propensity for violent re-offending is a driving factor behind sex offender laws, the findings suggest that robbers would be better candidates for registration and civil commitment than sex offenders.

Media accounts increasingly reported on the incidents of sex crimes against children, and public officials' comments suggest that they have children in mind when passing sex-offender legislation. The examination of sex offenders as an aggregate group in this chapter does not assess the frequency with which sex offense charges are brought against offenders with child victims in comparison to those with adult victims, whether offenders against children re-offend in greater proportions than those with adult victims, or the degree to which homicide occurs in conjunction with charges for child molestation or child sexual assault in comparison to charges for raping adults. Moreover, the broad categorization of sex offenders in this analysis does not permit examining whether both the existing and recently enacted sex-offender statutes have been applied uniformly to different types of sex offenders. In sum, the examination of arrested sex offenders in this chapter sheds light on whether the perceptions underlying sex offender laws are congruent with the official picture of sex offenders and offending in Illinois, but not on whether the basic intent of sex offender legislation is being realized. To do that, it is necessary to determine if the legislation has been effective at removing offenders against children from the streets.

In the next chapter, I examine the within-group differences among sex offenders with regard to their demographic traits, propensities to re-offend, and escalation to more serious crimes. I also examine trends in charges for various types of sex crimes. This analysis allows me to determine if media portrayals and policy makers' perceptions of

sex offenders, specifically the focus on the victimization of children, are congruent with the picture from arrest statistics. In this way, I hope to show whether the intended population of sex offenders is being targeted by the legislative response.

CHAPTER 5.

SEX OFFENDERS AND OFFENSES IN ARREST DATA: A COMPARISON OF SEX OFFENSE TYPES

Although policy makers express concern for the sexual victimization of adults, their comments suggest that children are the focus of sex offender legislation. This focus was prompted by an increase in media accounts of sex crimes against youth during the 1990s, which led policy makers to perceive a growing threat of child sexual victimization. The previous analysis could not determine if sex offending against youth has increased over the last decade because it employed a broad categorization of offenses that did not differentiate between sex crimes against children and adults. Furthermore, it could not determine the extent to which policy makers' intentions of removing child victimizers from the streets are being realized.

In this chapter, I examine the criminal history information for different types of sex offenders. My research questions are: What is the trend in arrests for different types of sex crimes? What are the demographic traits of different types of sex offenders? Are some types of sex offenders more persistent in their behavior than others? What are the circumstances involved in different types of sex crimes (i.e., other crimes committed)? Are some categories of sex offenses more frequently precursory crimes to homicide than others? Are child molestation or child pornography charges predictive of more violent sexual assaults? Is the official picture of child sex offenders and offending obtained through arrest history information congruent with the media's frame and policy makers' perceptions? Answers to these questions highlight the similarities, or differences, between the media's portrayals and policy makers' understanding of child sexual

victimization, on the one hand, and the information produced by law enforcement agencies, on the other.

The chapter begins with a review of recent literature on the offending patterns of different types of sex offenders. I then discuss the data and methodology I use to examine criminal history information, which leads to a discussion of my research findings. I conclude the chapter with a summary of my key results and how these relate to the social construction of the sex offender.

OFFENDING PATTERNS OF DIFFERENT TYPES OF SEX OFFENDERS

Much research has been conducted on the offending patterns of sex offenders, but often studies treat sexual criminals as an homogenous class of offenders who exhibit similar traits and behaviors (Prentky and Knight, 1991). Soothill and Gibbens (1978) note that most research aggregates sex offenders into a single category for study. Researchers rarely take into account the differences in recidivism rates that exist within the larger sex offender group. Scholars have begun to respond to this criticism by comparing the re-offending patterns of various categories of sex offenders (Marques et al., 1994; Quinsey, Rice, and Harris, 1995; Romero and Williams, 1983). Their findings suggest, "there is some evidence that recidivism rates may be different for different types of [sex] offenders" (Furby et al., 1989:27).

Several researchers have noted variability in the rates of re-offending for sex offenders with adult, as opposed to child, victims. Most find that rapists, or offenders with adult victims, recidivate at a higher rate than child molesters (Marques et al., 1994; Quinsey, Rice, and Harris, 1995; Quinsey, Khanna, and Malcolm, 1998). For example, Marques et al. (1994) studied recidivism among treated and untreated child molesters,

whose victims were 15 years or younger, and rapists, whose victims were 16 years or older, using re-arrest as their measure for a new offense. They found that a greater proportion of rapists were re-arrested for other violent (22.7%) and sexual (9.1%) offenses over a five-year period than child molesters (7.9% for violent and 4% for sexual offenses). In a meta-analysis of 61 sex-offender recidivism studies, Hanson and Bussiere (1998) also found that a greater proportion of rapists were re-arrested for a new offense (46.2%) and for another violent offense (22.1%) than child molesters (36.9% for a new offense, 9.9% for violent crimes).

Differences in sex offenders' recidivism rates have also been found with regard to the relationship they have with their victims, the victims' gender, and the type of sex crime committed. In their review of sex offender recidivism research, Becker and Quinsey (1993) found that "extrafamilial child molesters are more likely to recidivate than strictly intrafamilial child molesters" (170). These authors also found that child molesters with male victims were more likely to repeat their crimes than molesters with female victims. Romero and Williams (1983) conducted a ten-year study of the recidivism of 231 convicted sex offenders on probation. They found that exhibitionists had significantly higher rates of re-arrest for another offense than other sex offender types, such as pedophiles and rapists. Although these findings suggests that sex offenders' rates of re-offending may vary depending on the characteristics of the victim or the type of sex crime they commit, not all scholars concur with these results.

Some researchers have found little or no significant variability in sex offenders' re-offending rates when offenders are disaggregated by the age of their victims or the sex offense type. Romero and Williams (1983) did find that a significantly higher proportion

of exhibitionists were re-arrested for a new non-sexual offense, but they found no significant differences in the commission of subsequent sex crimes between sex-offender subgroups. Over a two-to-five year period, Hagan and Cho (1996) examined re-offending among 100 adolescent child molesters and youth who raped adults. They found that the difference between the 10% of rapists and 8% of child molesters who were re-convicted for new sex crimes was not statistically significant. Also, they noted that the groups' reconviction rates did not significantly differ for non-sexual offenses.

Research findings are mixed with regard to differences in recidivism rates across subcategories of sex offenders. These contradictory results are typically the products of research that employ samples of *convicted* sex offenders. Recidivism rates for offenders who have not yet received some type of criminal justice or mental health intervention (e.g., treatment, probation, or incarceration) rarely have been examined. Seldom have researchers investigated trends in different types of sex offending over time or assessed the extent to which different types of sex crimes precede, or occur in conjunction with, more violent behavior. Lastly, few researchers have examined popular conceptions of different types of sex offenders and compared them to arrest histories of sex offender subgroups.

Given the media's increasing attention to the sexual victimization of children, it is important to examine the offending trends and recidivism rates for sex offenders with child victims and to compare them with those for persons who victimize adults. Moreover, because policy makers suggest that sex offender legislation is specifically intended to protect children from sex crimes, it is also important to determine how efficiently the sex offender laws are targeting child victimizers.

DATA AND METHODOLOGY

For the following analysis, I used criminal history information from 1990 to 1997 collected by the Illinois State Police (ISP). In the previous chapter, I discussed the reliability, advantages, and limitations of these data. However, a comparison of sex offending trends and recidivism rates for subcategories of sex offenses presents additional concerns.

In chapter 4, I used national arrest and conviction data as a way of estimating the extent to which people are falsely arrested for sex crimes as compared to those falsely arrested for other charges. National arrest and conviction data were used because the Illinois State Police does not routinely receive conviction information. However, for this analysis, the extent to which false positives may vary for the different types of sex-offense charges cannot be estimated. The national data available from the Bureau of Justice Statistics and the FBI do not differentiate sex crimes by the age of the victims. The number of arrests and convictions for criminal sexual assaults against both children and adults is presented as a single total, so there is no way to calculate the proportion of victimizers of children that is falsely accused and compare it to that found for offenders with adult victims. The following results should be interpreted with this in mind.

Another limitation of these arrest data, discussed at length in the previous chapter, is reporting bias. The data are limited to those crimes that have come to the attention of police. In this analysis, the reporting bias is further confounded by the variability observed in reporting rates of sexual assault by the age of the victims. Recall that a greater proportion of sexual assault victims 12-19 years old (42%) reported their victimizations to police than victims 20-34 (26.7%) and 35-49 (27.7%) years of age

(NCVS, 1995). This would suggest that the reporting bias is greater for sex crimes against adults (persons older than 19) than for sex offenses against adolescents (12-19 years old). Offenders with adolescent victims (e.g., molesters and hebephiles) are more likely to be represented in arrest data than offenders who victimize adults, and arrest patterns for sex crimes against youths will more accurately reflect actual occurrences of the behavior than the patterns observed for crimes against adults. Because I use the age of the victim as a basis for classifying offenses as specific "types," differences in reporting by victim age groups will be reflected in my results.

In addition, the NCVS does not offer any information on the reporting rate for sex crimes against children under the age of 12, so the degree to which a reporting bias exists for crimes against youth 11 and younger is not known. However, school teachers, doctors, police officers, and Division of Children and Family Services caseworkers are currently mandated by law in Illinois to report suspicions of sexual misconduct against children to the police, so it seems likely that the reporting rate of sexual assaults against children younger than 12-years-old is comparable to that for persons 12-to-19.

Although false positives and reporting bias plague arrest data, they are the only systematic data source that permits a comparison of offending trends over time for different types of sex crimes before plea bargaining and charge reductions mask the original elements of the offense. In addition, arrest data are not restricted to offenders who have been convicted, imprisoned, or subject to some other intervention. Finally, they provide an output measure of legislative activity by sex offense type, which is needed to determine if policy makers' intentions of addressing sex crimes against children are being realized.

The Illinois criminal history database includes roughly 17,000 sex offense arrestees from 1990 to 1997 who were involved in approximately 26,000 arrests culminating in 34,668 sex offense charges. There were 264 statutes used to enact sex offense charges in the dataset, and recall that violations of these statutes are all crimes for which offenders have to register as sex offenders with local law enforcement agencies. The sheer number of sex offense statutes reflects our social preoccupation with sex crimes; the number of statutes in the other seven index offense categories pales in comparison. Only 79 statutes comprise the homicide category described in the previous chapter, 145 comprise non-sexual assault, 32 are included in the burglary category, and only 13 statutes are included in robbery. The only category of index offenses that includes more statutes than sex crimes is larceny (355). Moreover, the number of sex-offense statutes suggests that the distinctions being made in criminal sexual behavior greatly exceed not only what one might expect based on the treatment of the other crimes against persons, but also goes beyond any intuitively plausible categorization of acts. For example, ten separate statutes criminalize the mere possession of pornographic materials that include persons under 18 years-old, but courts have not yet definitively decided what material constitutes pornography, and it is legal to possess and view such material if the persons depicted are 18 or older. There is an aggravated sexual-assault statute that criminalizes forced penetration of any victim, regardless of age or circumstance, yet there are also separate sexual assault statutes for victims 12 years and younger, between the ages of 13 and 18, over 65 years-old, possessing mental handicaps, confined in correctional facilities, and institutionalized in nursing homes or adult day care centers.

Here we have as good an example as any of the selective and minute parsing of behavior that occurs in the social construction process.

The first task in the analysis was to classify offense charges as specific types of sex crimes, which was made relatively easy given the way the Illinois criminal statutes are written. For example, statute 720 ILCS 5/12-13 states, "...commits an act of sexual penetration with a victim who was at least 13 years of age but under 18 years of age." The predatory criminal sexual assault of a child statute states, "...the accused was 17 years of age or older and commits an act of sexual penetration with a victim who is under 13 years of age" (720 ILCS 5/12-14.1). Finally, criminal sexual abuse of a child is defined as "an act of sexual conduct...with a victim less than 18 years of age." Sexual conduct is later defined as, "intentional or knowing touching or fondling, either directly or through clothing, by the accused of the sex organs, anus, or breasts of the victim" (720 ILCS 5/12-12). To classify sex offenses as particular types, I collapsed the 264 sex offense statutes into 7 general categories of sex crimes based on victim age and the nature of the offense. The categories include attempts and all levels of aggravation. The seven sex offense categories, the number of charges for each, and their percent of the total charges are shown in Table 1.

Table 1. Sex Offense Categories and Percent of Charges, 1990-1997

	N	Percent
Child Pornography	121	0.3%
Child Molestation	379	1.1%
Pedophilia (12 and younger)	5579	16.1%
Hebophilia (13 to 18)	4236	12.2%
Rape (18 and older)	21870	63.1%
Registration Violations	1544	4.5%
Other	939	2.7%
Total	34668	100.0%

The child pornography category includes statutes prohibiting the possession, manufacture, sale, or distribution of pornography that includes persons who are under the age of 18. The child molestation category is comprised of statutes prohibiting the touching or fondling of victims less than 18 years-old. Pedophilia is typically defined as a sexual preference for pre-pubescent youth, so this category includes statutes barring the sexual penetration of victims 12 years-old or younger. In contrast, hebophilia is a sexual preference for post-pubescent adolescents. Statutes regarding the sexual penetration of youth 13 to 18 years-old are included in this category. If statutes prohibited the sexual penetration of victims by use of force, but no age range was offered for victims, I assumed that they were applied to adult victims 18 years or older, and they were used to comprise the rape category. To verify my assumption, I spoke with three law enforcement officers from three different county police agencies and one officer at the Illinois State Police's training academy. They explained that the "general" criminal sexual assault statutes that have no age range for victims are used to charge suspects in cases where victims clearly appear over 17 years-old, or identify themselves as such, and the elements of the crime have been met. In other cases involving victims under 18, these officers stated that the appropriate child sexual assault statutes are used. Lastly, the "other" category includes statutes regarding the pimping and soliciting of juvenile prostitutes (persons under 18 years-old), permitting and watching child sexual abuse, luring a child less than 13 years of age over the Internet, and ritual abuse of a child.

The next step in the analysis was to characterize arrestees as specific types of sex offenders. The age of offenders' victims or the degree of physical contact involved in the

offense were not included in the arrest database, so for classification I had to rely on the statute under which arrestees were charged. This brings another concern to light, that of charge errors.

Charge errors were less of a concern in the previous analysis because the sex offense category was broadly drawn. It did not matter for classification purposes whether offenders were charged with a sex crime against a child, teen, or adult, so long as they were charged with a sex offense rather than a non-sexual crime. In the present analysis, the age of the victim or the degree of physical contact involved is the basis for classification. If, for example, an offender sexually penetrated an 11 year-old, but the arresting officer charged the offender under a statute that offered no age range for victims, the offender would mistakenly appear as a rapist in this analysis rather than a pedophile. My conversations with law enforcement officers suggest that they have few difficulties applying the appropriate statute befitting the age of the victim and the elements of the crime when charging criminal suspects. Moreover, the criminal penalties for sex crimes against youth, especially pre-teens, are more harsh than those for sex offenses against adults. It then seems likely that arresting officers would charge offenders under the appropriate child sex-offense statutes whenever possible, if for no other reason than to ensure a conviction on a lesser charge in the case of plea bargaining. However, my discussions with a small number of police officers cannot rule out the possibility of charge errors in arrest data. Research findings that depict differences in the offending patterns between categories of sex offenders must be interpreted with this possibility in mind.

To characterize arrestees as specific types of sex offenders, I first considered classification based on the most frequent charge, using 1990 as the base year. After examining the data, however, I found that multiple charges in 1990 tended to be of the same type. I also considered classifying arrestees based on their most serious charge in 1990, but a hierarchy that ranked sex offenses by seriousness would need to be created and validated. It might be argued that the sexual penetration of a child is a more serious offense than the sexual assault of a teen or adult, but what about child molestation? Is the harm done to a child always to be treated as more serious than the harm done to an adolescent or adult? The sentences carried by the various offenses could provide a basis for ranking the seriousness of sex crimes, and the penalties for sex crimes against minors are generally more harsh than those for crimes against adults. Again, however, is the molestation of a child a more serious crime than the rape of an adult? I am not aware of widely accepted standards for making such determinations, and so I characterized sex offense arrestees as a specific "type" based on their first sex offense charge in 1990.

I calculated the mean age, gender, and race of arrestees in each of the sex offense categories. I use analysis of variance techniques to compare the recidivism rates between categories of sex offenders for any offense, for the same offense, and for any sex offense for one, three-, and five-years. I also explore differences between groups in the escalation of their behavior. Again, re-arrest serves as my measure for re-offending.

The last concern for researchers investigating recidivism and escalation in behavior is the opportunity offenders have to re-offend. As noted in chapter 4, some types of offenders may have greater opportunities to re-offend than others because they are incarcerated less often or spend less time in custody. To address this concern, I again

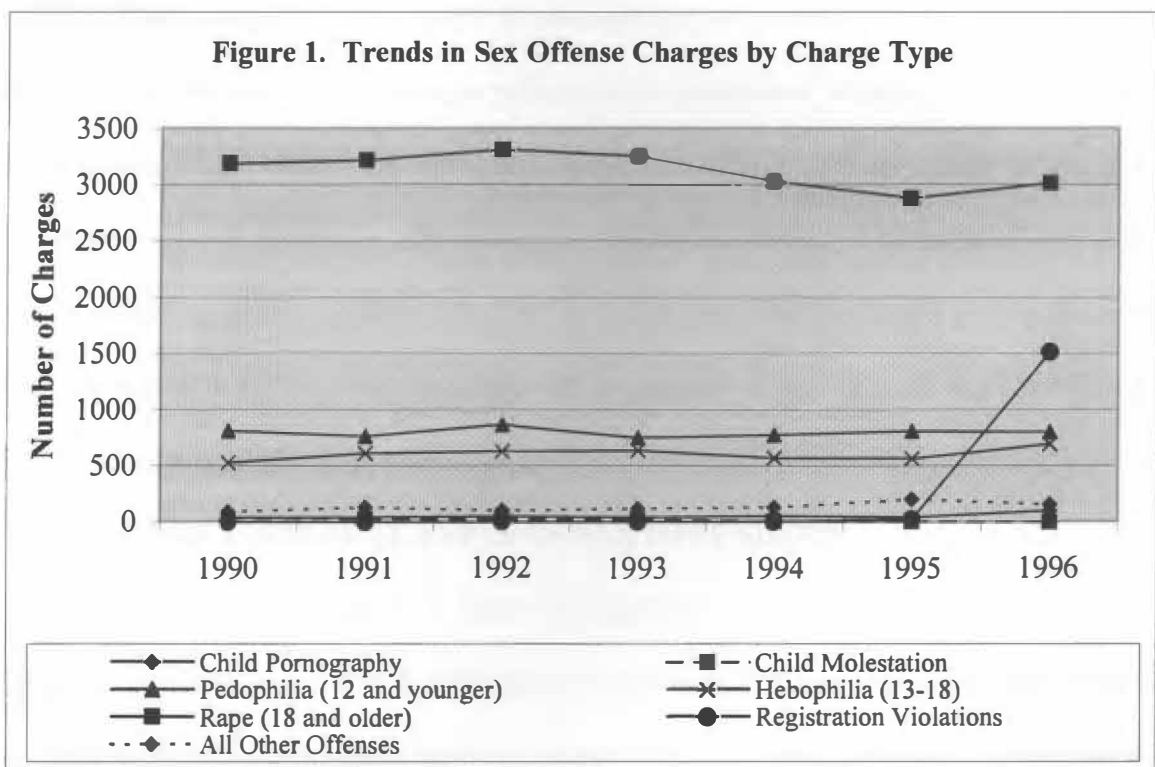
used Illinois Department of Corrections data to calculate the percentage of arrestees incarcerated and the average time served for each sex-offense type. Recall that these data include state identification numbers (SID) for each inmate incarcerated in a state facility from 1990 to 1997 and inmates' entrance and exit dates, so I could match the SID numbers for the 1990 sex-offense arrestees to the SID numbers of inmates. These data offer no information for time served in city or county jails, and they cannot account for the inmates who leave the state after their release, but they do offer a history of incarceration for the 1990 sex offense arrestees during the analysis period and provide some insight into arrestees' diminished opportunities to re-offend.

Policy makers' concern for sex crimes against children was an important factor in the passage of sex-offender legislation. Arrest data allow me to examine trends in sex offending against children over time and compare them to those for other types of sex crimes. These data permit comparisons of the demographic traits of different types of sex offenders to determine if child victimizers "look" any different from those who victimize adults. A comparison of re-arrest probabilities for sex offenders with child, teen, and adult victims permits me to determine if child victimizers are more persistent in their behavior than other types of sex offenders and if their behavior escalates to more violent or deadly acts. Lastly, because law enforcement data, like media accounts and policy makers' views, emerge from and reinforce the social construction, the results permit comparisons between three different conceptions of actors and events, a task for the following and final chapter.

RESULTS

PICTURE OF DIFFERENT TYPES OF SEX OFFENDING

Although the media and policy makers focus much of their attention on child sexual victimization, Table 1 indicates that the majority of charges for sex crimes in Illinois from 1990 to 1997 involved adult victims (63.1%). When charges for all sex crimes against minors (18 years or younger) are aggregated, sex offenses against children represent about one-third of all sex-offense charges in the state. Perhaps, however, it is not the frequency of child sexual victimization that prompted policy makers' concern, but a perceived increase in sex offending against youth. Figure 1 depicts trends in charges from 1990 through 1996 for different types of sex crimes.



Charges for crimes against children (child pornography, child molestation, pedophilia, and hebophilia) all remained constant from 1990 through 1996. Charges for raping an adult 18 years or older declined slightly from 1992 through 1996. The most notable change in sex-offense arrests occurred in the increase of charges for registration

violations from 25 in 1995, the year that sex-offender registration was extended to all sex offenders irrespective of victim age, to 1,512 in 1996. Prior to 1995, only persons with victims under 18 years-old were required to register with law enforcement agencies.

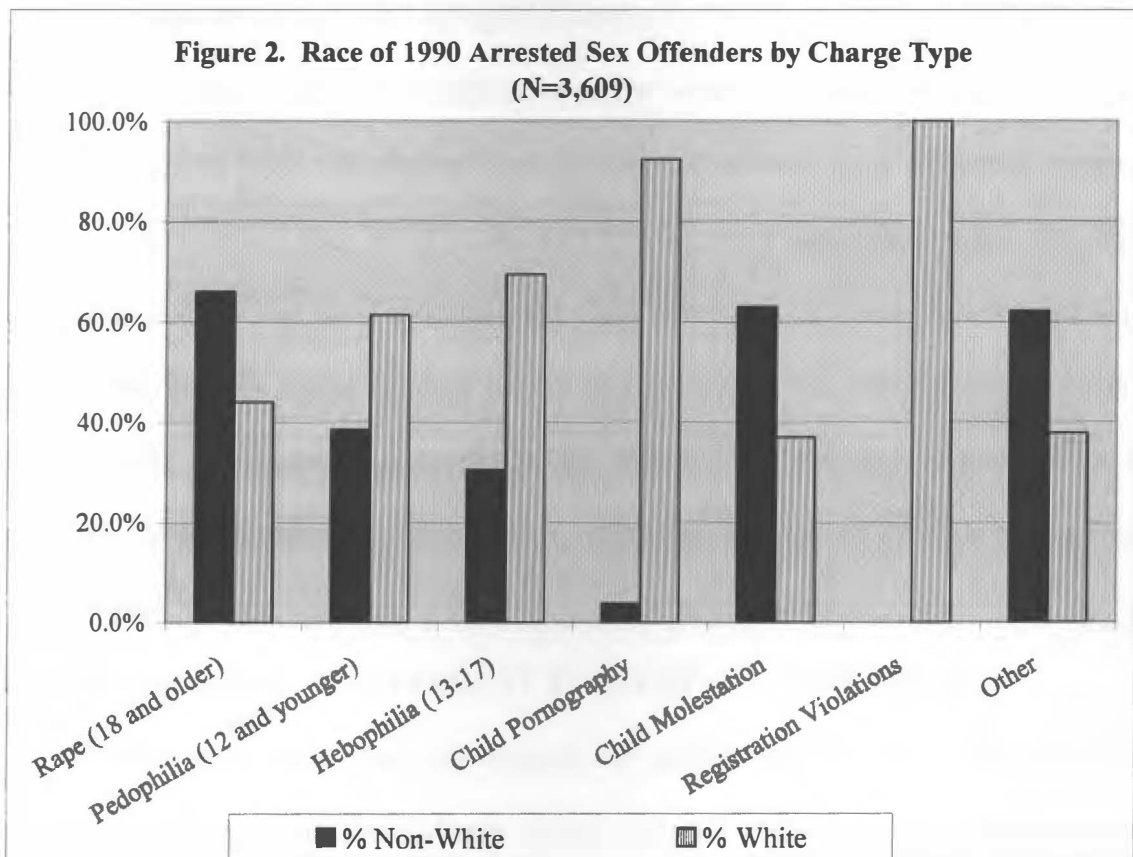
Arrests for sex crimes against children remained stationary during the 1990s, but it is possible that reports of child sexual victimization increased. Although ISP has some information on reports of sex crimes against children 16 years or younger, not all agencies in the state provide this information, and those that do only provide the data sporadically. Therefore, unlike in the previous chapter, it is not possible to systematically examine changes over time in reports of child sexual victimization to police. However, to the degree that sex-offense charges reflect actual incidents of offending, it appears that sex crimes against children are relatively rare in comparison to those against adults and that child sexual victimization did not increase during the 1990s. The attention lavished on sex offending against children over this period, by both the media and policy makers, does not appear to reflect, or to have affected, the number of sex- offense charges enacted for offenders with child victims.

PORTRAIT OF DIFFERENT TYPES OF SEX OFFENDERS

In the previous chapter, I found that arrested sex offenders, as a group, look similar to arrestees charged with other types of non-sexual offenses, and that arrestees of all types tend to resemble many men we encounter on the street. It remains to be seen if sex offenders who victimize children “look” distinctly different from those who offend against adults. As expected, the overwhelming majority of arrestees in the rape, pedophilia, and hebophilia categories were males (98%). Males also comprised the majority of persons in the child pornography (84.6%) and “other” categories (77%). In

contrast, a slight majority of the persons in the child molestation category were females (55.6%). Given that women typically spend more time with children than men, and that molestation involves “touching or fondling”—a less physically violent offense than other types—it is perhaps not surprising that women would be in the majority in this category. However, this finding differs rather dramatically from policy makers’ image of sex offenders: they envision those who victimize children as men.

Rarely is the race of sex offenders mentioned by policy makers or in media accounts, but arrest data permit an examination of this characteristic. Figure 2 depicts the race of 1990 arrestees by the type of sex offense charged.



Non-whites were the majority in the rape (66%), child molestation (63%), and other (62%) categories, and recall that non-whites comprise less than 30% of Illinois’ adult

population. Whites were the majority in the pedophilia and hebophilia categories, and they comprise almost all of the arrestees in the child pornography group (92%). There was only one person whose first offense in 1990 was a registration violation, and this individual was a 40-year-old white male.

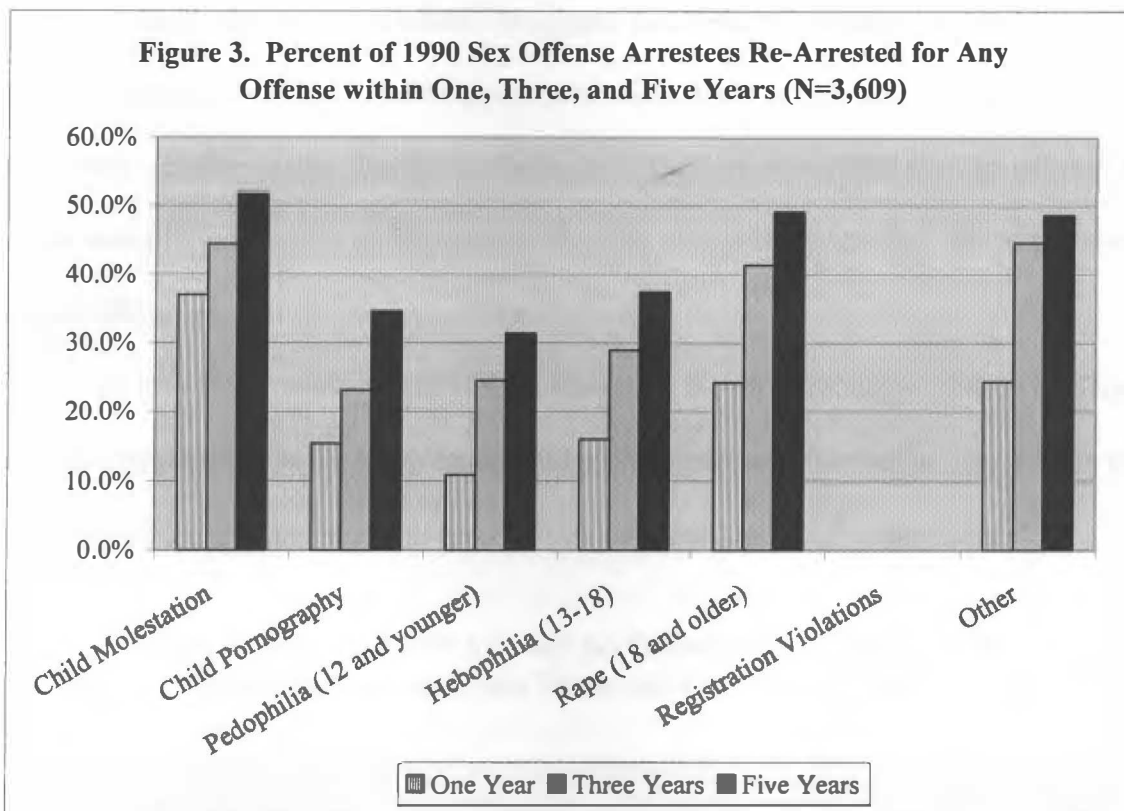
The last demographic trait of offenders that can be examined with arrest data is age. On average, persons arrested for child pornography were slightly older (39) than persons arrested for child molestation (34), pedophilia (34), and hebophilia (32). Arrestees in the other category averaged 33 years of age. Rape arrestees were the youngest group of sex offenders, on average, at 30.5 years.

Arrested pedophiles and hebophiles tended to be male, in their mid-thirties, and white, whereas the majority of persons arrested for victimizing adults were males, in their early thirties, and black. Moreover, black females (48%) were more frequently arrested for child molestation than white women (7.4%) or black and white males (44.4%). These data suggest that child victimizers do look somewhat different than persons who rape adults, both by virtue of their gender and their race, but the differences do not comport with the image promulgated by the media or held by policy makers. It is reasonable to assume that reporters, editors, legislators, and agency officials do not have black women in mind when they ponder the "typical" child molester.

THE PERSISTENCE OF DIFFERENT TYPES OF SEX OFFENDERS

Arrest data permit an examination of another trait of sex offenders, the compulsion they have for their crimes. In the previous chapter, I did not find that sex offenders are unusually persistent in their offending, but it is possible that some types of sex offenders have greater propensities to re-offend than others. Figure 3 depicts the re-

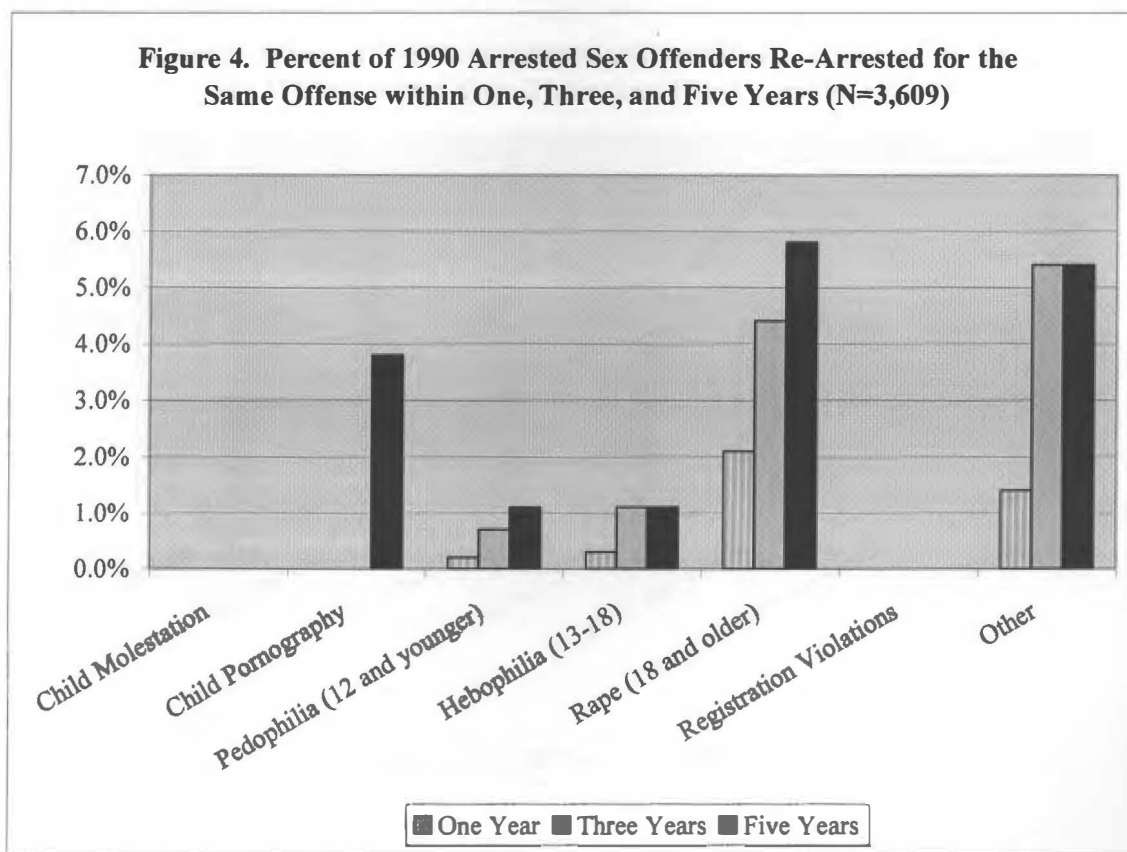
arrest probabilities for any offense within one, three, and five years. The differences between categories are statistically significant.



Slightly over one-half of the persons whose first charge in 1990 was for child molestation were re-arrested for any offense within five years (51.9%). Those in the rape (49.1%) and “other” (48.6%) categories were re-arrested for any offense within five years in greater percentages than arrestees in the hebophilia (37.4%) and child pornography (34.6%) categories. Persons in the pedophilia category were re-arrested for another offense within five years less frequently than those in any other group (31.4%). The one person whose first offense in 1990 was a registration violation had no re-arrests for any offenses within five years. As discussed in chapter 4, sex offenders, as a group, had lower recidivism rates for any offense than persons in most other categories of offenses,

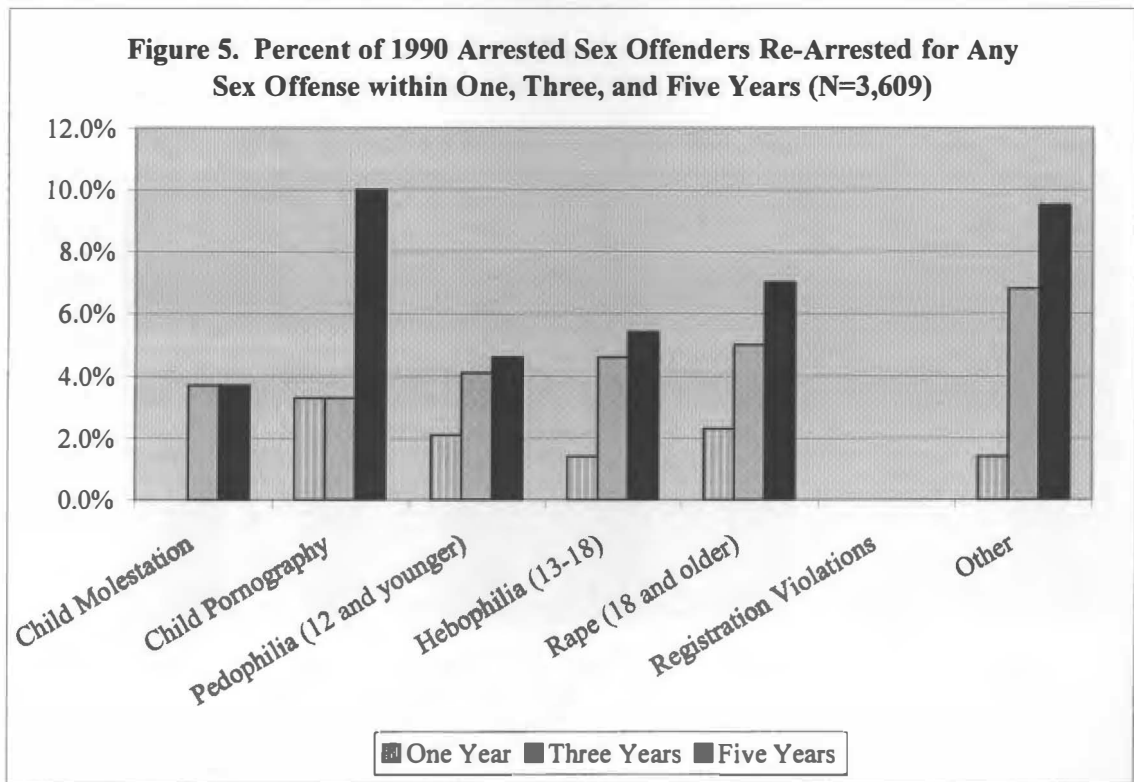
including burglary, robbery, larceny, and non-sexual assault. Of the persons in the sex offense category, those who sexually penetrate children and teens had lower recidivism rates than those who victimize adults. It appears that pedophiles and hebophiles have less of a propensity to recidivate than persons in most other sexual and non-sexual crime categories. However, the degree to which sex offenders re-commit non-sexual crimes seems less of a concern to policy makers than the degree to which they repeat the same sexual offense.

To investigate sexual recidivism, I compared the proportions of 1990 sex offense arrestees re-arrested for the same crime within one, three, and five years. The results are depicted in Figure 4, and again all group differences are statistically significant.



Few sex-offense arrestees, of any type, were re-arrested for the same crime. Arrestees in the rape category were more likely to be re-arrested for another rape within five years (5.8%) than persons with child victims were to be re-arrested for their crimes. No one in the child molestation category was re-arrested for another child molestation, and only about 1% of those in the pedophilia and hebophilia categories were re-arrested for these offenses within five years.

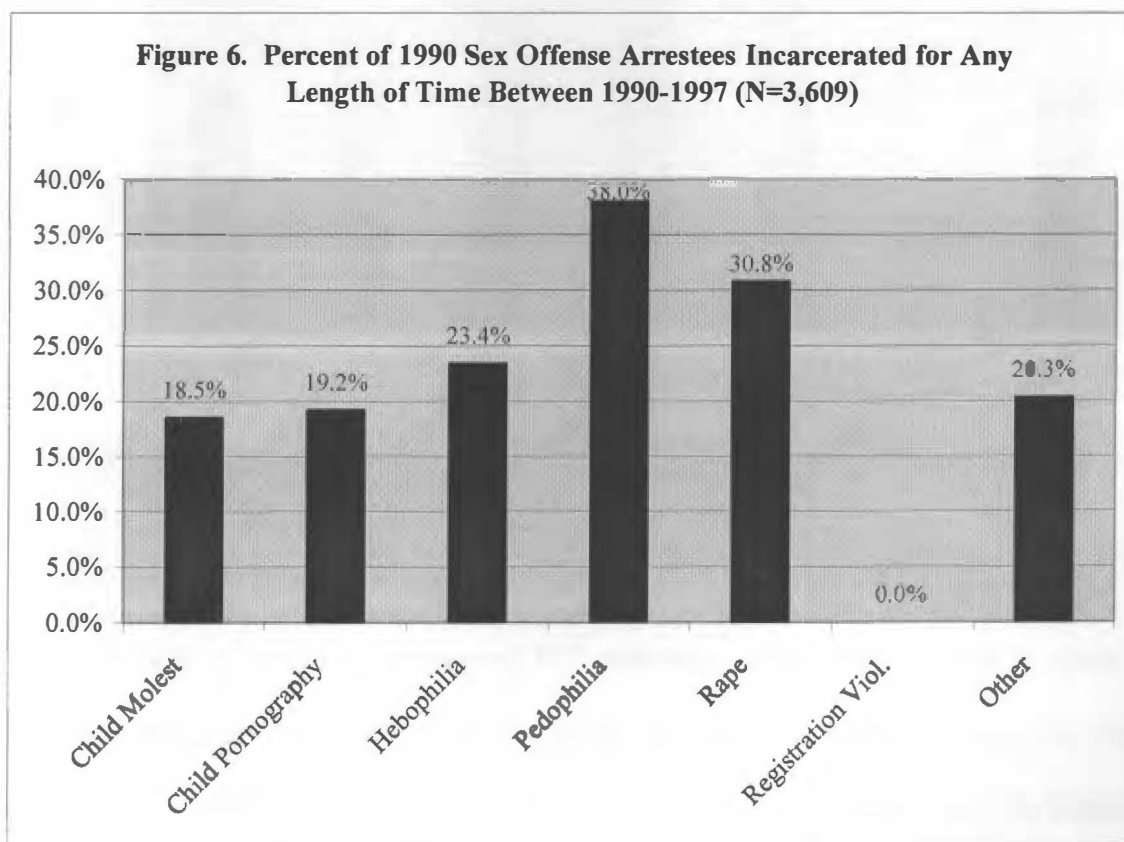
These results do not seem to support media portrayals and policy makers' perceptions of the persistent sex offender, but it is possible that sex offenders do not necessarily repeat the same sex crime. Figure 5 depicts the percent of sex offense arrestees re-arrested for any sex offense within one, three, and five years.



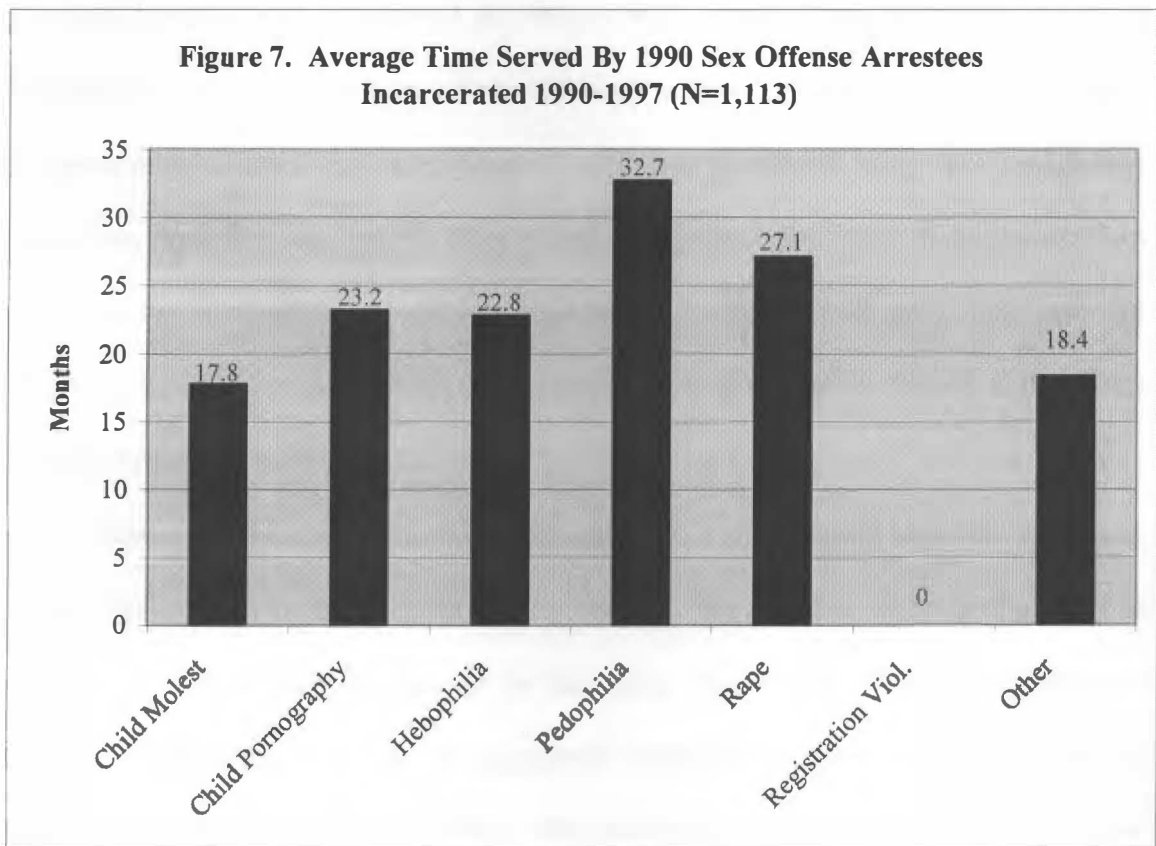
No category of sex offenses had greater than a 10% re-arrest rate for a sex crime. Child pornographers (10%) and those in the “other” category (juvenile pimping and

soliciting, Internet violations, and permitting child sexual abuse) were re-arrested for any sex offense within five years more frequently than rapists, hebophiles, and pedophiles. However, the differences in re-arrest rates between all of the categories in the analysis are not statistically significant, which is consistent with previous research findings from Romero and Williams (1983) and Hagan and Cho (1996).

The small proportions of sex offenders who have been re-arrested for sex crimes may be a function of diminished opportunity. Some types of sex offenders may have been incarcerated in greater proportions than others and, therefore, had a diminished opportunity to re-offend. Figure 6 shows the percent of 1990 sex offense arrestees incarcerated for any length of time between 1990 and 1997.



Child molesters (18.5%) and child pornographers (19.2%) were incarcerated at lower rates than all other types of sex offenders. Pedophiles in 1990 (38%) were incarcerated in state correctional facilities at a higher rate than rapists (30.8%), hebophiles (23.4%) and persons in the other category (20.3%). Pedophiles were not only incarcerated in greater numbers, but on average they also served longer sentences. Figure 7 depicts the average time served by the 1990 sex-offense arrestees from 1990 to 1997.



Pedophiles served an average of 32.7 months in state prisons, which is about 6 months longer than the average term served by rapists and 9 months longer than that served by hebophiles. The average sentence served by child pornographers was slightly under two years. Child molesters and persons in the other category served shorter sentences than inmates incarcerated for other types of sex crimes. Policy makers mention

pedophiles when discussing sex-offender legislation more frequently than any other category of sex offender. It is understandable that those who rape children under 13 years-old serve longer sentences and are incarcerated at a higher rate than offenders who rape teens or adults. However, most sex offenders were not incarcerated for their crimes, and even when confined, they served on average less than 3 years in prison. This finding suggests that the low rates of recidivism for 1990 arrestees are not simply a function of diminished opportunity. Most had the chance to re-offend during the analysis period. Pedophiles are the only category of sex offenders whose opportunity to re-offend might be appreciably affected by imprisonment, and their recidivism rates are consistently lower than those for most of the other charge categories. But even if their recidivism rates were two or three times higher than the levels observed in this study, their behavior would not fit with the image of the "compulsive" child sex offender formed in the media and held by policy makers.

Persons in the child molestation category had a significantly higher re-arrest rate for any offense than arrestees in the other categories, but arrestees who raped adults had significantly higher rates of re-arrest for the same offense than those who victimized children. Moreover, there are no significant differences between the proportions of arrestees re-arrested for any sex offense. Sex offenders who rape children do not appear to repeat their offenses in greater proportion than persons who rape adults. A higher probability of incarceration may explain part of this difference. However, the most important thing to note is that most sex offenders were not re-arrested for a sex crime, regardless of the type.

CIRCUMSTANCES INVOLVED IN DIFFERENT TYPES OF SEX CRIMES

Policy makers believe that sex offending often escalates to more violent behavior or, at the very least, that sex offenses “cluster” with other types of violent crimes. Some propose that crimes such as child molestation or child pornography are predicate offenses to pedophilia, hebophilia, or rape. Others maintain that crimes such as pedophilia or rape often precede, or occur in conjunction with, homicide. To investigate these beliefs, I begin by examining the proportion of persons arrested for child molestation and child pornography re-arrested for pedophilia, hebophilia, or rape within one, three, and five years.

There were 27 people whose first sex offense in 1990 was child molestation, and of these, none was re-arrested for pedophilia or hebophilia (the rape of a child or teen, respectively). Only one arrestee with child molestation charges was re-arrested within five years for raping an adult (3.7%). Of the 26 arrestees whose first charge in 1990 was for child pornography, none was re-arrested within five years on pedophilia, hebophilia, or rape charges. An arrest for child molestation or child pornography does not appear to be predictive of future charges for raping children, teens, or adults at least within the five-year window of opportunity employed here. Recall that this finding is not simply the result of arrestees’ diminished opportunities to re-offend because offenders in both of these categories were incarcerated in smaller proportions and served shorter sentences, on average, than offenders in most other groups.

Although the behavior of child molesters and pornographers does not seem to escalate, it is possible these offenders’ acts occur in conjunction with more violent sexual assaults. Table 2 depicts the percentage of arrests that included a sex offense charge by

the other types of sexual and non-sexual offenses charged during the arrest event. Multiple charges for the same offense have been eliminated from the analysis.

Table 2. 1990 Sex Offense Arrest Charges by Type of Charge Enacted Simultaneously (N=1245)

	Child Molest	Child Porn	Hebophile	Pedophile	Rape	Reg Viol	Other
Sex Offenses							
Child Molest		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Child Porn	0.0%		1.4%	1.3%	0.6%	0.0%	0.0%
Hebophile	0.0%	15.4%		25.5%	5.3%	0.0%	0.0%
Pedophile	0.0%	15.4%	27.9%		4.5%	0.0%	11.1%
Rape	0.0%	46.1%	34.3%	26.1%		0.0%	16.7%
Reg. Viol.	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%
Other	0.0%	0.0%	0.0%	2.6%	0.6%	0.0%	
Non-Sex Off.							
Assault	28.6%	15.4%	15.0%	13.1%	29.5%	0.0%	11.1%
Burglary	0.0%	0.0%	2.9%	6.5%	9.9%	0.0%	2.7%
Kidnapping	0.0%	7.7%	1.4%	0.0%	11.8%	0.0%	2.7%
Larceny	42.9%	0.0%	1.4%	0.0%	3.9%	0.0%	2.7%
Prop Damage	0.0%	0.0%	5.0%	1.9%	4.7%	0.0%	5.5%
Public Order	14.3%	0.0%	0.7%	2.6%	2.2%	0.0%	22.2%
Robbery	0.0%	0.0%	0.0%	0.0%	5.8%	0.0%	0.0%
Stalking	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	2.7%
Homicide	0.0%	0.0%	0.0%	1.3%	1.8%	0.0%	0.0%
N	7	13	140	153	896	0	36

Child molestation charges did not “cluster” with any other type of sex offense, but 46% of child pornography charges were accompanied by charges for rape, and 15% occurred in conjunction with charges for pedophilia and hebophilia. Of the arrests that included pedophilia charges, about one-quarter also included charges for raping teens and adults. Arrests for hebophilia were accompanied by charges for rape (34.3%) and pedophilia, but arrests for rape rarely included charges for other sex crimes. Lastly,

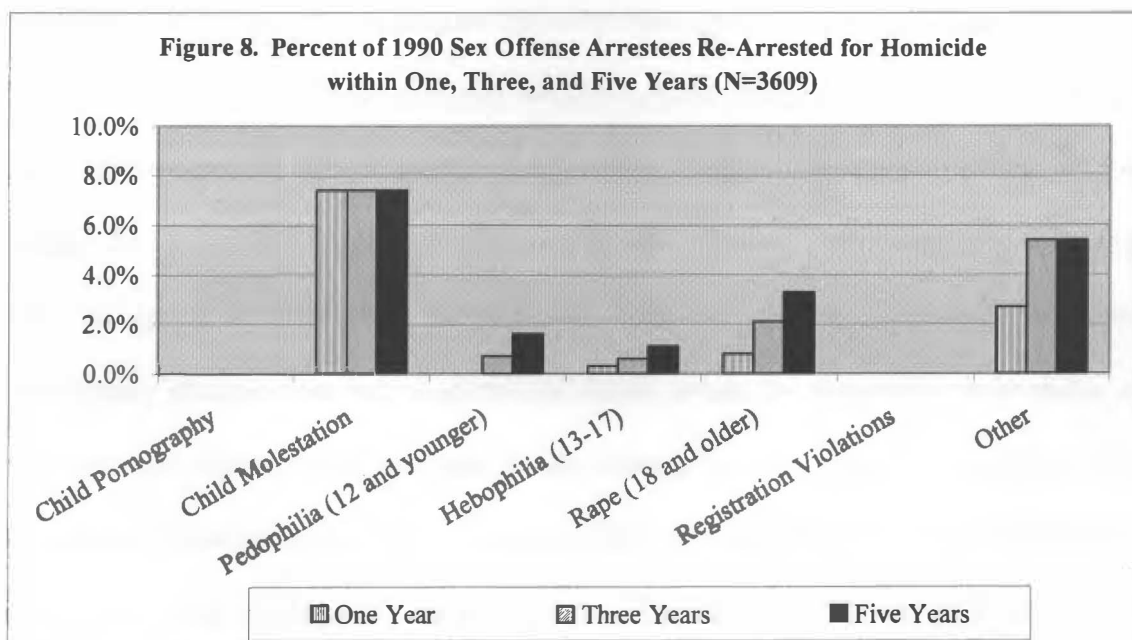
charges for other sex offenses, such as juvenile pimping and soliciting, permitting child sexual abuse, or Internet victimization, were accompanied by pedophilia and rape charges more frequently than by other sex crimes. Child molestation charges do not appear to either precede, or occur in conjunction with, more violent sexual assaults. Child pornography charges also did not precede charges for sexual assault, but almost half did occur in conjunction with charges for more violent behavior. Contrary to intuition, however, the violence was perpetrated against adults, not children, and it seems reasonable to assume that child pornography is more likely to come to the attention of police when accompanied by more violent sexual behavior.

When discussing sex offending, policy makers often uttered the phrase “raped and killed” as if it were one term. It was as though some believed that sex offending inevitably culminates in murder. For these policy makers, sex offender laws, such as registration and civil commitment, were intended to help save lives, especially those of children. To assess this belief, it was necessary to examine the proportion of sex offense charges that included a charge for murder. Table 2 indicates that no homicide charges were enacted in conjunction with arrests for child molestation, child pornography, or hebophilia. One percent of pedophilia charges were accompanied by a homicide charge, and less than 2% of arrests for rape included charges for murder.

As discussed in chapter 4, the percentages for sex offenses that involved homicide charges are misleading. They take into account only those events in which pedophilia and rape charges were filed before the homicide charge. Cases in which homicide charges were listed first on the arrest card followed by sex offense charges, or cases where a sex offense was discovered and charged after a suspect was arrested, are not

reflected in Table 2. When these cases were examined, I found no arrest events in which homicide charges preceded charges for child molestation, pornography, hebophilia, pedophilia, registration violations, or other sex crimes. Therefore, there remains only two arrest events (1.3%) that included charges for both pedophilia and homicide. I found a total of 27 incidents (3%) that included charges for raping an adult and homicide. Of all the sex crimes that involved charges for other sexual and non-sexual crimes, 2.3% included both sex offense and homicide charges, and when homicide charges were filed, they more frequently accompanied charges for sex crimes against adults than against children. Charges for non-sexual assault more frequently accompanied molestation, pornography, pedophilia, hebophilia, and rape than charges for homicide.

Although few sex crimes involve acts of homicide, it is possible that some types of sex offenses predict a future arrest for murder. Figure 8 depicts the percent of 1990 sex offense arrestees re-arrested for a homicide within one, three, and five years. Recall that the homicide category is broad and includes attempts and all levels of aggravation.



A greater proportion of arrestees for child molestation were re-arrested for homicide within one year than other categories of offenders (7.4%). However, this percentage is based on 2 of 27 people re-arrested for crimes in the homicide category. After one year, no other child molestation arrestees were re-arrested on a homicide charge. Approximately 5% of arrestees in the “other” category were re-arrested for homicide within three years, after which no other persons were arrested. Persons whose first charge in 1990 was for raping an adult were re-arrested on homicide charges at a higher rate than persons in the pedophilia or hebophilia categories. In sum, persons arrested for raping adults had higher rates of re-arrest for homicide than those who sexually penetrate children and teens, but few sex offense arrestees were re-arrested on a homicide charge regardless of their classification.

Sex offenses charges seldom “cluster” with other sexual or non-sexual crimes. Only about one-quarter of arrests that involved a sex offense charge in 1990 had additional charges for other crimes. When clustering did occur, crimes of sexual penetration tended to occur in conjunction with other types of sexual penetration charges, the exception being child pornography, which included charges for rape almost half the time. For non-sexual crimes, assault charges more frequently accompanied sex offense charges than homicide for all subcategories of sex offenses. Moreover, sex offending does not appear to escalate to more violent behavior. Child molestation and child pornography charges were not predictive of future arrests for pedophilia, hebophilia, or rape, and sex crimes rarely preceded future charges for homicide. Perceptions of a relationship between molestation and pedophilia or hebophilia, as well as between pedophilia or hebophilia and homicide, appear to be exaggerated. Persons who sexually

penetrate children or teens do not appear to kill with great frequency. Neither do those who victimize adults.

CONCLUSION

Many of the current sex-offender laws were intended to address policy makers' belief in a growth in child sexual victimization over the last decade. However, law enforcement data do not depict sex offending against children to be the growing problem that the media portray or policy makers perceive. Nor do arrest data suggest that sex-offender laws have targeted child victimizers in quite the way policy makers intended.

The media and policy makers appear to have exaggerated the extent of sexual violence against children. Only about one-third of the charges for sex crimes in Illinois from 1990 to 1997 were for victimizing persons under the age of 18. Moreover, charges for sex crimes against children remained stationary from 1990 through 1996. These results suggest that there was not a growing child sexual victimization problem during the 1990s, at least as manifested in arrest data, and there is little reason to believe that the police became *less* vigilant in enforcing child sex-offense statutes over the period. A greater concern for policy makers might be that, despite the amount of legislation and funding allocated to sex offending against children over the last decade, the number of incidents of sex crimes against youth did not decline.

Images promulgated by the media and public officials imply that sex offenders resemble most men seen on the street. These portrayals are fairly consistent with the demographic traits of persons arrested for sexually penetrating children, who were more likely to be middle-aged, male, and white. However, persons arrested for sexual penetrating adults tended to be black. Moreover, a slight majority of persons arrested for

molesting, touching, and fondling children were female. Given that non-whites only comprise about 30% of the adult population in Illinois, arrested rapists would not be representative of most men on the street, nor would arrested child molesters who were as likely to be women as men. Although the portrayals and perceptions are, to some degree, in agreement with the picture of the sex offender in arrest data, both the media and public officials fail to recognize and convey the variability that exists in the demographic characteristics of sex offenders.

One trait of arrested sex offenders that is not consistent with policy makers' perceptions and media portrayals is the persistence of offenders in committing their crimes. No arrested sex offenders of any type had greater than a 6% re-arrest rate within five years for the same offense, and most sex offenders were not re-arrested for any sex crime. Moreover, sex offenders with child victims had lower rates of re-arrest for any sex crime than those who victimize adults, the only exception being child pornographers. Sex offenders with child victims, especially pedophiles, were incarcerated for their crimes in greater proportions and served longer average sentences than offenders who victimize adults, so it is likely that some child sex offenders had fewer opportunities to re-offend. However, most sex offenders arrested for victimizing children were not incarcerated for their crimes, so a lack of opportunity alone cannot account for the low rates of re-arrest. These results re-affirm those from chapter 4, which reveal that sex offenders, as a group, do not re-commit their crimes with great frequency. They suggest further that child sex offenders are less likely to repeat their offenses than non-sexual offenders and those who sexually victimize adults.

Lastly, the media's and policy makers' assumptions of the escalation of sex offending to more violent behavior are not supported by arrest data. No arrested child pornographers were re-arrested for pedophilia, hebophilia, or rape within five years. Only one child molestation arrestee was re-arrested on a charge involving sexual penetration within five years, and that was for the rape of an adult. Rarely was any type of sex offender re-arrested on a homicide charge. Less than two percent of persons arrested for pedophilia and hebophilia were re-arrested for homicide within five years, and this is less than the three percent of rapists re-arrested for murder. Persons who sexually victimize children do not seem to go on to commit homicide in greater proportions than offenders who victimize adults. The behavior of most sex offenders, regardless of type, does not seem to escalate to murder.

Convicted sex offenders with child victims have been required to register with law enforcement agencies since 1986. This requirement was meant to increase the level of formal and informal surveillance child sex offenders receive and to aid law enforcement in identifying and apprehending offenders. Yet, years after the implementation of the registration law, no increase or decline in charges for sexually victimizing children was observed. The stability in child sex offense charges would suggest that registration has done little to increase law enforcement's ability to target child sex offenders during the 1990s. Moreover, the majority of arrest charges for sex crimes in Illinois were for offenses against adults. Since 1995, when registration was expanded to include sex offenders with adult victims, law enforcement agencies have most likely spent more time maintaining and updating registry information for offenders who victimize adults than for those who offend against children.

Even when law enforcement actions target sex offenders who victimize children, Illinois Department of Corrections data indicate that policy makers' intentions of removing child victimizers from the street are still not being fully realized. The majority of persons arrested for sexually victimizing children were not incarcerated for their crimes, and when confined, they served, on average, less than three years in prison. Given the attention devoted to child sexual victimization, it is likely that policy makers had greater than three years in mind for the confinement of people who violate children. A partial exception is pedophiles who were incarcerated at a higher rate and were confined for longer periods of time than other sex offenders, but even they only served an average of about three years in prison.

To some degree, policy makers relied on the media to provide them with information on sex offenders and offending. This information heightened officials' concern for child sexual victimization and formed the basis for their legislative responses to the problem. Yet policy makers had to rely on the efforts of police agencies, courts, and corrections to realize their legislative goals. The implementation and enforcement of sex-offender policies require the deployment of scarce resources by these government agencies to target the specific category of sex offenders that presents the greatest concern. However, efficiency and effectiveness are diminished when resources must be spread across a wide spectrum of offenses and offenders, beyond the child victimizers who were the primary targets of the policy response. It is not then surprising to find that policy makers' intentions of increasing the apprehension and confinement of child sex offenders have not been fully realized. In 1995, registration requirements were extended to sex offenders with adult victims, and to non-sexual offenders such as murderers and

kidnappers. This extension further stretches the resources of police, courts, and corrections and detracts from their abilities to concentrate on the child victimizers policy makers have in mind.

In the final chapter, I explore more fully the intersection of media portrayals, policy makers' perceptions, and arrest data in the social construction of the sex offender problem in Illinois. I discuss in greater detail the implications of my research for the justifications for, and intent of, sex offender legislation. Lastly, I bring to light the possible effects the social construction of the sex offender problem has on both the lives of law-abiding citizens and those officially labeled as sex offenders.

CHAPTER 6.

DECONSTRUCTING THE SEX OFFENDER

Sex offending has occurred throughout history, yet in the last decade we have invested an unprecedented amount of time and resources in addressing this behavior. Since 1990, sex offenders in twenty-one states have become “eligible” for civil commitment in mental health facilities after their release from prison; in all fifty states, they have been made to register their addresses with law enforcement agencies, and they have had their residences and behaviors disclosed to the public. Some states have introduced chemical castration and re-introduced execution as possible punishments for sex crimes. In Illinois, convicted sex offenders are now prohibited from public parks and school zones. The enactment of these laws demanded hours of debate among legislators, and their enforcement requires considerable time and effort from law enforcement, court, and corrections personnel. Given the manpower and financial commitments involved in these laws, it is important to determine if they are the result of a growing objective threat of sex offending, or if they are the products of a socially constructed panic.

In this dissertation, I have examined the contemporary sex offender problem within a social constructionist framework. Unlike cultural constructionists who would explain *why* sex offending, as opposed to another type of behavior, has become the object of public preoccupation, I examined *how* sex offenders and offending came to be perceived as a serious and growing problem in the 1990s worthy of significant public attention and policy response. My major research questions were: How are sex offenders and offending defined? What organizations and individuals are responsible for these definitions? How do these definitions enter into and influence the passage and content of

legislation? Are sex offending arrest statistics congruent with the prevailing perceptions of sex offenders and offending? To answer these questions, I conducted a content analysis of media accounts to examine the information the public has been given about sex offenders and offending. I interviewed policy makers to ascertain their perceptions of the sex offender problem and investigate the public's and media's influence in the passage of sex offender laws. Finally, I used criminal history information to examine law enforcement's portrayal of sex offenders and offending and compare these results to media depictions and policy makers' perceptions. The information provided by these sources helped me to describe the process by which sex offending was constructed as a social problem and together the effects this construction has had on those charged with managing the behavior.

In this chapter, I review my key findings and discuss the way in which this investigation furthers social problems research. I then explore the possible effects the social construction of the sex offender may have on the lives of law-abiding citizens, those officially labeled as sex offenders, and on sex offender legislation itself. I end the chapter with a discussion of the limitations of my investigation, which is followed by my final thoughts regarding the utility of this research.

REVIEW OF KEY FINDINGS

During the 1990s, media accounts of sex crimes against youths increased while coverage of attacks against adults simultaneously declined. Moreover, media accounts often portrayed sex offenders as repeat offenders, including those who had already experienced criminal justice intervention. The increase in reports of sex crimes against minors, coupled with inferences about sex offenders' compulsion for their crimes and the

criminal justice system's inability to manage this behavior, undoubtedly heightened public concern with sex offending. However, information that was omitted from media accounts may be just as responsible for promoting public concern as the information that was included.

Over the last decade, the media generally provided little information about sex offenders' and victims' demographic traits, the etiology of the behavior, the times and places at which sex crimes occur, and the relationship offenders have with their victims. The absence of this information allowed the public to generalize the risk of sexual victimization to people of any race or social class and from any neighborhood. The public was prompted to imagine offenders as middle-aged men, who may or may not be known to their victims, and who may attack persons in either public or private spaces at any time during the day or night. Given the limited information from which people could assess realistically their risk of victimization, it would have been difficult for them *not* to become more concerned about sex offending. Both the information included in, and omitted from, media accounts provided a frame of sex offenders and offending that promoted a heightened concern with sex crimes, particularly against children.

Policy makers, both as members and authoritative representatives of the public, were not immune to this media frame. They readily acknowledged their reliance on the media for information about sex offenders and offending, and their perceptions were quite consistent with media depictions. Policy makers perceived a growing sexual victimization problem, especially against children, brought about by repeat offenders. Most suggested that sex offenders possess a psychological or biological defect that can never be cured, and many policy makers believed that sex offenders' behavior often

escalates to more violent sexual assault or homicide. These perceptions influenced both the enactment and content of sex offender legislation. However, public officials' conceptions alone were not responsible for their responses. To no surprise, virtually all the policy makers believed that public concern for sex crimes is growing, and all acknowledged that the popular mood influenced their support for sex-offender laws. Many questioned the efficacy of the laws at preventing future sex crimes, but all policy makers believed that the legislation was necessary to show their concern for people's increasing fear of victimization.

Although the media portrayed, and policy makers perceived, an increase in sex offending during the 1990s, arrest data indicate that sex offending against children did not increase over this period, and sex crimes against adults actually declined. Also, the media and policy makers conceive of sex offenders as middle-aged men of any race. However, arrest data indicate that black females were more frequently arrested for child molestation than white women or black and white males, and that most of those arrested for sexually penetrating children were white, whereas the majority of persons arrested for raping adults were black. Both the media and policy makers missed the variability in the race and gender of sex offenders encountered by law enforcement officials.

Criminal history information reveals that sex offenders do not repeat their crimes to the degree the media imply and policy makers assume. From 1990 through 1996, sex offenders had lower rates of re-arrest for any offense and for the same offense than most other types of offenders. Sex offenders were more likely to be re-arrested for a sex offense than other offenders such as burglars, robbers, murderers, or thieves. However, the overwhelming majority of sex offenders were not re-arrested for another sex crime.

Furthermore, sex offenders who victimized adults had higher rates of re-arrest for any offense than those who victimized children or teens, and persons who raped adults were re-arrested for the same offense at a greater rate than those who sexually penetrated minors. Finally, seldom did any offenders' behavior escalate to homicide, regardless of their type, and sex offenders had lower re-arrest rates for murder than persons in most other offense categories. Arrestees who sexually penetrated minors had lower rates of re-arrest for homicide than offenders who had raped adults.

Policy makers' perceptions of sex offenders and offending were consistent with the way in which the media portrayed these actors and events but contradicted the information gathered by law enforcement agencies. In this sense, the media and policy makers offered exaggerated images of the risk of sexual victimization, particularly against children, and the persistence and escalation in sex crimes. These findings do not deny the reality or harm of sex offending. They show simply that law enforcement information of the sort compiled in this study had little influence on the social processes by which sex offending was converted into a public problem meriting significant legislative response.

IMPLICATIONS FOR SOCIAL PROBLEMS RESEARCH

This study adds to a growing body of literature suggesting that social conditions are not deemed as problems simply because of the harm they produce but are constructed as problems based on the perceptions and interests of influential and responsible parties. In the case of sex offenders, the construction process began with popular conceptions, articulated through media depictions and used to influence policy makers' reactions. Their reactions led to the passage of the statutes that law enforcement officers use to

enact arrest charges. Arrest information, itself a product of the social construction of sex offending, was then disclosed to the public in media accounts and could be used by citizens to reaffirm or reformulate their conceptions. However, the law enforcement information found in media reports was typically situated within the context of single incidents of offending. When arrest data are examined in their aggregate form, the resulting picture of sex offenders and offending is not consistent with the media's frame and policy makers' beliefs.

The depiction of this process highlights the differences between varying perceptions of the same condition, and the constructed nature of social problems, but it also illustrates that this construction is not the linear process that much prior research suggests. Constructionist examinations of social problems typically seek to determine the definitions of actors and events that are responsible for depicting them as problems and whose interests are served by defining them in this way (Becker, 1963; Cohen, 1972; Ben-Yehuda, 1990). Once answers to these questions are uncovered, the research is often discontinued, thereby depicting the process as linear in nature.

Hacking (1999) believes that the construction of social problems is cyclical. He suggests that actors and behaviors that are classified as social problems should be seen as "interactive kinds" because they interact with other actors and events. This interaction causes "looping effects" within the process of constructing social problems. Actors and behaviors become classified as problems. This classification then affects the institutions charged with managing the problem people and behaviors. The actions of institutions affect public perceptions of the problem and possibly actors' images of themselves and their behavior. My investigation highlights the "looping effects" inherent in the

construction process. I demonstrate that the media definitions of sex offending as a growing problem contributed to policy initiatives, which in turn influenced the practices of law enforcement, court, and corrections personnel. These practices then looped back to influence subsequent media depictions and popular perceptions of sex offenders and offending. Conceivably, media images and government agencies' reactions may even have influenced the self-images and behaviors of offenders. My depiction of looping effects contributes to social problems research by demonstrating the need to examine all aspects of the construction process. Investigations that simply uncover the way in which conditions become classified as problems overlook the effects the classification has on the condition and the institutions responsible for its suppression.

Finally, this study serves as a reminder of the importance of studying the underlying perspectives of social problems and their solutions. I have provided three different sets of perceptions of sex offenders and offending in Illinois. Some similarities were found, but generally the information that was used to help formulate the perceptions from which the current sex offender laws were developed was inconsistent with the outputs of the government agencies charged with monitoring and controlling offenders. The result of these inconsistencies has been an exaggerated fear of sex crimes among the public, beyond the level that law enforcement information would justify.

FEAR OF CRIME

To the degree that the public accepts media and policy makers' representations of sex offenders and offending, and has limited access to official arrest and incarceration information, people's fear of sex crimes is likely to grow. Fear of crime could lower rates of sex offending by causing people to take preventative measures, thereby reducing

victim availability. Conversely, fear of crime has been found to reduce people's social interactions, which can promote an environment conducive to offending (Bursik and Grasmick, 1993).

In their classic formulation, Cohen and Felson (1979) suggest that the convergence of motivated offenders, suitable targets, and the absence of capable guardians in space and time is the cause of criminal offending. The fear of sex crimes can affect target availability. For instance, fear of sexual victimization may encourage parents to restrict their children's outdoor activities and teach them to avoid strangers. To the extent that sex offenders are strangers to their victims and attacks occur outside the home, these preventative behaviors could reduce the number of suitable targets for sex offenders. All else equal, the rate of sex offending should drop.

On the other hand, the fear of crime can lower the number of capable guardians within communities and damage relationships among neighborhood residents, increasing the likelihood of offending. Fear can cause people to speak less to strangers, remain in their homes, and reduce their social interactions. This decrease in interaction could diminish the guardianship residents exert over neighborhood activities and public spaces, which may encourage sex offending and other criminal behaviors. Moreover, some scholars suggest that much of the variance in crime rates across neighborhoods can be explained by the level of cohesion among community members (Lee, 2000; Sampson and Groves, 1988; Sampson, Raudenbush, and Earls, 1997). Cohesion among residents enables them to control the behavior of community members and strangers within the neighborhood. As people shut themselves in their homes and remain strangers to their

neighbors, they have no communication with fellow residents thus discouraging the relationships needed to exert control over people and behaviors in the community.

In sum, fear of sex crimes may reduce the suitable targets from which offenders can draw. However, over the long term, it also can reduce the guardianship exerted over public spaces, preclude cohesion among neighborhood residents, and ultimately provide an environment in which people have the opportunity to offend. If people understand that their concern for sex offending rests in part on media depictions and policy makers' beliefs, their fear may be reduced. Greater understanding and less fear of sex offending might alter social interaction, which could bring about a decline in the behavior. The variable effects of fear on social interaction, supervision levels, and routine activities in a community should be a priority in future research on sex offending.

The fear of sex offending not only has implications for levels of sex offending, but also for policy responses. Staples (1997) has explored the reasons behind the growing levels of formal and informal surveillance in American society. He suggests that fear of crime is one of the factors upon which the current "culture of surveillance" is based (130). My research supports this supposition. The findings suggest that increasing concern for sex offending drove people to pressure policy makers for solutions. This pressure culminated in the enactment of over-reaching and faulty legislation based more on the media's presentation of the problem than on the behavior of offenders as documented in law enforcement records. Policy makers themselves maintained that sex-offender laws were as much an effort to symbolically affirm people's fear of sexual victimization as an attempt to deter the behavior. If the public's fear of sex offending can be moderated, less pressure may be placed on policy makers. They may then have the

time to formulate sound solutions to the sex-offender problem rather than costly and sweeping knee-jerk reactions to the public's emotions and demands.

INDIVIDUALISTIC EXPLANATIONS AND SOLUTIONS FOR SEX OFFENDING

Elevated fear of sex crimes is not the only result of the media's formulation of the sex offender problem. Media portrayals also encourage policy makers to seek solely individual explanations for the behavior, causing them to ignore or downplay social factors that may promote sex offending and other deviant acts.

The media seldom discussed the etiology of sex offending, but when causes were mentioned, I found that psychological or biological deficiencies were preferred over other explanatory factors. Policy makers' comments, as well as their passage of sexual predator laws requiring the civil commitment of offenders to mental institutions, suggest that they have embraced the media's portrayal of a psychological etiology. Moreover, the passage of chemical castration legislation in some states illustrates policy makers' acceptance of biological causes for sex offending. However, rarely is any human social behavior strictly psychological or biological in nature.

The emphasis placed on individual explanations precludes legislators from looking for other possible causes of sex offending, thereby turning our attention away from larger social conditions that may contribute to the behavior (Kappeler, Blumberg, and Potter, 2000:307). For example, some policy makers and media accounts hold that childhood abuse may bring about the psychological abnormality responsible for sex offending. Yet the social factors that may encourage child abuse, such as access to education or economic deprivation (Melton and Barry, 1994; Sedlak and Broadhurst, 1996), have been marginalized in public discussions of sex offending. Solutions for sex

offending that speak only to psychological or biological aspects of the problem are likely to be successful if the related “disorders” are found to be the dominant causes of sex offending and if they are *modifiable*. However, to date, scholars cannot agree on the extent to which these conditions affect sex offending, and researchers have yet to develop treatment modalities that prevent re-offending (Besharov and Vachhs, 1992; MacReady, 1996; Rice, Harris, and Quinsey, 1990; Porter et al., 2000). If policy makers are made aware that media accounts have directed them toward only individual based-solutions to a problem that is not growing, they may begin to take a look at the larger social conditions that encourage sex offending. More holistic remedies can be proposed that address the broader range of influences on sex offending, which could increase the likelihood of controlling the behavior.

Policy makers’ acceptance of individualistic explanations for offending has also led them to enact legislation that places the burden of controlling the sex offender problem on law enforcement agencies. The creation and maintenance of registry information demands time and resources from local police agencies to update information as offenders move about the community. Police personnel also must evaluate arrest histories daily to determine compliance with registration laws and answer inquiries from offenders about changes in registration requirements or requests to be expunged from the registry. The notification of registry information requires police employees to update the sex-offender registration website continually so citizens can be alerted to the names, faces, addresses, and crimes of sex offenders, and police officers are just now beginning to review what resources are needed to detect and apprehend registered sex offenders in public parks and school zones. The tasks required by sex-offender laws have placed

additional burdens on police agencies beyond the community service and crime fighting tasks they are already expected to perform. One has to wonder what community needs are not being met or what other crimes are allowed to flourish while officers spend increasing amounts of time trying to monitor the whereabouts of sex offenders, one of the smallest segments of the offender population.

Not only do sex-offender laws draw on the resources of law enforcement agencies, they also require many tax dollars to implement and enforce. In 1999, the Illinois State Police received approximately \$500,000 from the legislature to maintain the sex-offender registration database and place this information on the World Wide Web. Although that may sound like a large sum, it does not fully cover the costs of the computer mainframe, software, servers and printers, personnel salaries, training, and research needed to support registration and community notification laws. In addition, the Illinois Department of Corrections requested \$115,000 to supplement the costs of the photography and computer equipment, development fees, and personnel salaries needed to take the photographs of sex offenders that are posted on the registration website. The maintenance of the sex-offender DNA databank, to be used by police officers to help clear crimes, also requires a sizeable financial commitment. In 1999, \$950,000 of public funds was allocated to the ISP Forensic Division to maintain the DNA databank, take blood samples from both sexual and non-sexual offenders, and perform the scientific tests necessary to match evidence left at a crime scene to samples they possess. Despite the sum received to carry out these duties, the Forensic Division continues to run six months behind in matching crime scene evidence to database information. Moreover, as

additional offenders and behaviors are included in registration, notification, and DNA laws, additional tax dollars will be required to fund these policies.¹

Policy makers' beliefs in individualistic explanations led to their enactment of individual-based solutions for sex offending. These solutions have imposed significant costs on tax-paying citizens and law enforcement agencies and possibly diverted police agents from other assigned tasks. This does not mean that the current sex offender laws are unnecessary. To the extent that these laws prevent harm to victims, their costs are naturally justified. However, I have found that these laws are based on misconceptions of trends in sex offending, particularly against children, offenders' propensities to re-offend, and escalation in their behavior. The costs of enforcing these laws appear disproportionate to the risks that people face. Before additional sex-offender laws are proposed, policy makers should weigh the costs of implementing and enforcing them against the actual risk of sexual victimization and recidivism rates of sex offenders rather than uninformed public demands and selective and distorting media portrayals.

EFFECTS OF THE MEDIA FRAME ON SEX OFFENDERS

The media frame that promotes individualistic explanations and solutions for sex offending not only affects the lives of law-abiding citizens, but even more directly the lives of sex offenders. Sexual-predator and registration laws keep sex offenders in mental health facilities and place them under formal surveillance well after their judicially prescribed punishment has been served. Convicted sex offenders in Illinois have been prohibited from public parks and school zones after their release from prison

¹ The information regarding the financial costs of populating and maintaining Illinois' DNA databank was obtained from Public Act 91-0019 found at www.legis.state.il.us. All other information was obtained through personal communication with personnel of the ISP Sex Offender Registration Unit and Forensic Division.

despite the fact that corrections and mental health professionals no longer believe them to be a danger to society. On May 14th, 1999, the Missouri legislature passed a bill that allows the incapacitation of previously convicted sex offenders in mental health facilities for a “sexually violent predator” evaluation for up to ten years after their release from prison (*St. Louis Post Dispatch*, 5/16/99: 1A). Although, to date, attorneys have failed to convince the U.S. Supreme Court that these types of laws violate the double jeopardy clause of the 5th amendment, their constitutionality remains open to question (Dripps, 1997; Brooks, 1996). Many legal analysts believe that offenders are being punished twice for the same crime.

In addition, defense attorneys have asserted that the way in which sex offenders have been singled-out under the recent laws violates their rights under the 14th amendment’s equal protection clause. Sex offenders are the only category of offenders subject to mandatory civil commitment after their release from prison. They are also currently the only type of offenders subject to prohibition from public spaces and “predator” evaluations after they have been punished for their crimes. Differential treatment of criminal offenders is typically based on the elements of the crime—murderers traditionally have been given harsher sentences than burglars, robbers, or thieves—but even convicted and released murderers have not, as a category, been mandated for civil commitment or prohibited from public domains in states with these laws. Just as we would not accept laws that require civil commitment for only black offenders, or prohibit only female offenders from public parks and school zones, some attorneys believe we should not accept laws that discriminate against people based solely

on their offense type. The critics suggest that, at the very least, sex offenders should not be treated more harshly than people who have served time for murder.²

Current sex offender legislation not only affects the lives of offenders; it affects their families. Sex offenders, their families, and their neighbors have been victimized as a result of sex-offender registration and community notification laws. The *New York Times* (7/1/98: A17) reported that the home of a neighbor of a paroled rapist was the target of vigilante gunfire by outraged New Jersey citizens. In California, a paroled sex offender, Michael Patton, was found hanged from a tree five days after the police went door to door to alert neighbors of his release and residence (*New York Times*, 1/9/98: A13). The sister of a convicted sex offender was the victim of an arson attack against her home after her brother was placed on Kansas' sex offender registry—even though he did not reside with her (*Kansas City Star*, 2/4/98). The address listed in the directory was incorrect. Such stories have been reported across the country where sex offender registration and community notification laws have been enacted. In these cases, people have suffered harm at the hands of fellow citizens, yet they have already been punished for their crimes or are guilty of nothing more than living near or sharing a genetic link with offenders.

The burden placed on sex offenders' families by community notification laws may be best explained by a convicted sex offender. Edwards, who is currently incarcerated for a sex crime, and Hensley (2001) explain that offenders' children are often traumatized by the release of registry information. They face taunts from their peers once their parent's identities become known, which can isolate them from the

² Information regarding challenges to sex offender laws on the basis of the 14th amendment's equal protection clause was obtained through personal communication with two public defense attorneys in St. Louis, Missouri who are currently attempting to make such a claim.

educational and personal experiences they need to become productive adults. This isolation becomes even worse if the children were the victims of their parents' crimes, because notification informs the community of their status as victims once the identity of their parents is released. These authors suggest that to avoid public ridicule and further harm, children and family members may be less inclined to report sex offenses to police since they know that, upon conviction, their family member's name will be released to the public. Notification laws may then actually perpetuate the victimization they are intended to prevent.

Beyond the price paid by the children and families of sex offenders, Edwards and Hensley (2001) maintain that notification laws do little to deter sex offending, and may even provoke the behavior. They suggest that the laws simply displace sex offending to a neighborhood where the offender is not known. More importantly, they maintain that notification laws negatively affect an offender's ability to successfully re-integrate into the community. Notification can hamper an offender's chances of finding shelter and employment and establishing supportive adult relationships. It can create stress and isolation for sex offenders and promote feelings of rejection and low self-esteem. To this end, notification laws may exacerbate the emotional "triggers" seen as responsible for the behavior that they are trying to suppress.

It is reasonable to conclude that the way sex offenders and offending have been constructed poses difficulties for law-abiding citizens, sex offenders, and offenders' families beyond the harm associated with the behaviors themselves. Citizens are more fearful of sex crimes, offenders receive harsher, more intrusive, and legally questionable punishments, and offenders' families experience ridicule and, occasionally, violence.

Although few people are likely to care much about the plight of sex offenders under predator, registration, notification, public park, and school zone laws, should their families be made to suffer for their transgressions? This research highlights the need to weigh individual rights against the protection of society in the policy response to sex offenders. It raises the question of what lengths we will go to address a crisis driven by selective and uninformed conceptions. I recognize the need to protect citizens from crime; however, my research suggests that the policy responses to sex offenders require additional investigation and debate. The place to start that inquiry is with the intended consequences of the laws to control the sex offender.

INTENT OF SEX OFFENDER LEGISLATION

Although policy makers wish to protect all citizens from sex crimes, their comments indicate that they had children in mind when passing registration, notification, public park, and school zone laws. These policies were intended to prevent child sexual victimization by increasing the level of surveillance child victimizers receive and facilitating their apprehension before they could offend again. However, arrest data indicate that arrests of child sex offenders remained stationary during the 1990s. This finding suggests that the policy makers' goal of reducing child victimization has not been fully realized.

The failure of current sex offender legislation to lead to the apprehension of an increasing number of child victimizers may be the result of misconception. The laws have been founded on notions of a growing child sexual-victimization problem and the compulsive child sex-offender. As we have seen, both of these assumptions are open to question. In essence, policy makers may have devoted a great many hours, agency

resources, and tax dollars to address a problem that is both smaller and less easily remedied than they assumed. The laws were then at least partially doomed to fail at targeting repeat child sex offenders before they were even enacted because the offenders simply were not there to apprehend.

Perhaps what is more likely, however, is that the efficiency and effectiveness of sex offender legislation are diminished because the laws cast too wide a net. The Illinois Habitual Child Sex Offender Registration Act of 1986 required the registration of only those persons convicted of violent sexual assault or molestation against a minor 17 years or younger. By 1995, registration had been extended to persons convicted of non-violent sex offenses against youth, such as possessing or manufacturing child pornography and Internet stalking of a minor, and violent sexual assaults against adults. Moreover, non-sexual offenders were also required to register if they were convicted of homicide or kidnapping a minor under 18 years-old. The extension of registration requirements to non-sexual offenders was supported by legislators' beliefs that homicide and sex offending are intricately intertwined and that kidnapping is often sexually motivated.

In 1996 the Illinois legislature expanded the sex offender DNA database to include blood specimens from persons convicted of non-sexual homicides. By 1999, convicted robbers, burglars, and persons convicted of possessing burglary tools were added to the list of offenders required to provide blood samples. The expansion of DNA collection was based on legislators' beliefs that robbers and burglars go on to become sex offenders, or at the very least, these crimes often occur in conjunction with sex crimes.

As the sex-offender laws have been extended to offenders with adult victims and non-sexual offenders, policy makers substantially increased the number of people law

enforcement agencies must monitor. For example, under the 1986 statute 3,609 offenders were potentially subject to registration, based on the 1990 arrest data. After the 1995 extension, the number grew to 5,483, an increase of 52%. Moreover, as new sex offender laws have been enacted, police officers have new behaviors to address. It seems reasonable to assume that sex-offender legislation has been less effective at targeting child sex offenders than policy makers had hoped because police agencies have been forced to spread their time and resources across an increasing number of offenders and behaviors. If policy makers wish to reduce the risk of child sexual victimization, they must either limit the application of sex offender laws to offenders with child victims or provide the police, courts, and corrections with the additional resources needed to enforce their expanded expectations. As it stands, this research suggests that sex-offender laws have done little to increase the number of arrests for child sexual victimization, and it is difficult to see how this goal will be more successfully attained in the future.

SHORTCOMINGS OF THE RESEARCH

Although this study brings to light several aspects of the sex offender problem that are rarely examined, there are several important questions it cannot answer. Working within a social constructionist framework, I identified the process involved in constructing sex offending as a social problem in need of legislative response. I examined the prevailing perceptions of sex offenders and offending within three different institutional domains, explored their similarities and differences, and highlighted the way in which they were used to formulate solutions to the problem. Lastly, I explored some of the effects these current definitions have had on the agencies responsible for managing the behavior. What this study does not address, however, is why certain definitions of

sex offending won favor over others, why the public accepts them, or why sex offending rather than other types of crime was deemed the topic of special concern. The answers to these questions need to be explored within a cultural constructionist framework.

Cultural constructionists explore the values, beliefs, and interests within specific societies that promote some definitions of actors and behaviors over others. For example, Garland (2000) believes that the shift from rehabilitative policies to the current punitive punishments for offenders, such as three strikes, notification, and mandatory minimum sentencing laws, results from the way in which people adapt to and are conditioned by the experience of crime.

Since the late 1960s and 1970s, high crime rates have been a social fact for the social group that is instrumental in shaping the political agenda: the professional middle class (Garland, 2000). Middle-class professionals had been historically distanced from crime until the 1960s. By the end of the decade, signs of social disorder and crime, such as vandalism, incivility, drug use, and unsupervised teens, had become more visible in their communities. As signs of disorder were emerging, the professional middle class also was experiencing a changing lifestyle that involved increasing rates of divorce, a rise in two-career families, and lengthening commutes to work. For more and more middle-class people, their time, marriages, and children were rapidly transformed into “things to be managed” and their lifestyles became less secure.

By the end of the 1970s, the media had tapped into, dramatized, and reinforced people’s increasing insecurities about their lives. It provided more news coverage of sensational violent offenses, more television programs depicting the fight against crime, and more reality-based television shows depicting the world as increasingly hazardous.

The effect of high crime rates, changing lifestyles, and media attention culminated in a “collectively raised consciousness of crime” that changed how people think, talk, and teach children about criminal behavior. This new level of consciousness prompted demands for action from politicians, accountability for offenders, and more punitive responses to crime. Garland’s (2000) explanation provides an example of how cultural constructionism can be used to explain why some definitions of actors and events flourish while others fail to draw attention. Although his theory is derived from observations in Great Britain, many of his ideas may be applied to the perception of a sex offender crisis in the United States.

As in Great Britain, high crime rates had become a fact of life in the United States by the end of the 1980s. Violent crime rates began increasing in 1977 and reached a peak in 1981. This peak was followed by a five-year decline, but rates of violence again increased to nearly peak levels from 1986 to 1993 (<http://www.ojp.usdoj.gov/bjs>). Although the increases in crime were concentrated primarily in American cities, people living in the suburbs experienced various signs of disorder within their communities, such as drug use, vandalism, and unsupervised youth. Moreover, the media increasingly brought violent crime into suburban homes with sensationalized crime news and crime-fighting and reality-based television programs.

In conjunction with rising crime rates, Americans also were experiencing changing lifestyles. A mass migration of the working- and middle-classes from American cities to collar communities occurred in the decades following World War II, which lengthened commutes to work and shortened the time spent with family (Wilson, 1987). Divorce rates steadily increased throughout the 1970s to 1986 before beginning a

slight decline (<http://www.cdc.gov/nchs>). American women entered the workforce in record numbers during the 1970s, which often meant leaving older children unsupervised and younger children to be cared for by others. As in Great Britain during the 1980s, rising crime rates, coupled with changing lifestyles, made Americans increasingly insecure about their safety, their marriages, and their ability to raise and protect their children.

Another change in American society by the late 1980s was a steadily decreasing birth rate (<http://www.cdc.gov/nchs>). Because families had fewer children throughout the 1970s and 1980s, parents may have placed a higher value on the children they had. The value placed on children due to decreasing birth rates, accompanied by a change in lifestyles and a heightened collective consciousness about rising crime rates, may explain the renewed attention for sex crimes, particularly against children, that began in the late 1980s and continued through the 1990s. Sex offending against children may underscore Americans' inability to watch over and protect those that are in their direct care and are least able to protect themselves.

A second possible explanation for why sex offending emerged as a growing problem in the 1990s may be found in the classic work, *Wayward Puritans*, by Kai Erikson (1966). Erikson drew upon the ideas of Emile Durkheim to explain the existence of "crime waves" in the Massachusetts Bay colony in the late 1600s, one of which culminated in the Salem witch trials. Erikson notes that prior to the witch trials, "the Puritan colony had marked its location in space by keeping close watch on the wilderness surrounding it on all sides (157)." He believes that the wilderness, and the natives and animals within, had performed a service to the colony by providing people with a

common interest built around fear, anger, and indignation. In essence, the wilderness had been a functional enemy in that it made people more alert to their commonalities by drawing attention to the values they shared, which constituted a “collective conscience” or a bond that held the colony together (Durkheim, 1933 (1984)). The witch trials occurred after “the visible traces of that wilderness had receded out of sight (Erikson, 1966:157). As the colonists conquered the wilderness, they no longer had a common interest, or enemy, that emphasized their common values. Erikson (1966) concluded that the colonists turned inward to create an enemy that would unite them as a society—witches. Deviant behaviors were identified and labeled as witchery, and the trials served to ignite a collective sense of indignation among colonists. Witches were “functional” in the Massachusetts Bay colony. They made a diversifying population aware of their common values and united them in collective anger.

Parallels can be seen in the Salem witch trials of 1692 and the sex offender crisis of the 1990s. Americans think of themselves as a culturally diverse people, divided along ethnic, religious, and political lines. As seen in the Puritan colony, often the presence of external enemies helps Americans recognize their commonalities. For example, during World War I and II, cultural, racial, and ideological differences were set aside, if not eliminated completely, as people worked together to defeat a common enemy and win the war. During the 1980s and 1990s, the United States enjoyed an unusual time of peace. There were few external enemies to create the collective sense of anger or indignation needed to hold American society together. As the Puritans had done in the late 1600s, it is possible that Americans turned inward in the late 1980s to identify an enemy that would make them aware of their shared values and solidify a “collective conscience”

among diverse groups of people. In essence, sex offenders may have become our contemporary witches.

The sex offender crisis may be functional in that it serves to unite various groups of Americans in a sense of anger and indignation and highlights a shared value, the protection and preservation of the innocence of American youths. My interview data offer some evidence to this effect. I found that people of different genders, races, religions, and party affiliations generally hold the same perceptions of sex offenders, offending, and the need for legislation. Currently, I can think of no other social topic that enjoys such perceptual agreement across gender, race, and political party lines.

In sum, although this research describes how sex offending came to be seen as a growing social problem, it cannot explain why sex offending re-emerged as a problem during the 1990s or why sex offending, as opposed to other behaviors, is currently an issue of intense public concern. Constructionist research that explores cultural and structural changes in societies is better suited to this task. The speculations cited above may provide a starting point for such examinations.

In addition to questions that my research cannot answer, it has methodological limitations as well. I have no direct measure of public conceptions of sex offenders and offending; I simply examined the information the public receives through print media. In order to confirm the assumptions I have made about people's acceptance of the current definitions, researchers need to find efficient and effective ways of directly measuring people's beliefs about offenders and their behaviors. Also, this study could not fully assess the efficacy of sex-offender laws at facilitating the apprehension of offenders or deterring the behavior. Sex-offender registration began in Illinois in 1986, yet I used

1990 as the base year for my analysis. The effect of the legislation on police agents' and offenders' behavior within the first four years of its inception is not known. Given the concern policy makers have for sex offending and the time and money invested in these laws, further research is needed to uncover any positive or negative effects the legislation may have on the behavior of offenders and agents of social control.

Another limitation of my analysis is the use of a population of arrestees to investigate the recidivism rates of criminal offenders. I found the rates for sex offenders to be lower than those presented in research that employed institutionalized samples to examine offending patterns. Research based on either category of offenders produces results that are prone to error. Within the population of arrestees are people accused of crimes but not subsequently convicted. It would not be surprising to find that these people are not re-arrested for another offense if they did not commit the first one for which they were charged. On the other hand, samples of institutionalized offenders often represent the "worst of the worst" offenders in a criminal category. Persons institutionalized typically have long criminal histories, have been proven guilty for their crimes, and have not been able to strike a bargain to a lesser offense. It is reasonable to assume that such people would be more likely to commit another crime than those who comprise the population of persons arrested. Researchers need to find other ways to measure recidivism beyond employing arrestee or institutional samples in establishing recidivism rates to evaluate these and other sources of error.

Also, this research shows the need to find better measures for offenders' opportunities to re-offend. My use of Illinois Department of Corrections data did not allow me to control for the time arrestees spent in local jails serving sentences or

awaiting trial. I also had no measure for the probation services arrestees may have been receiving or the parole supervision inmates had after their release, the purpose of which is to reduce the incentives and opportunities people have to re-offend. Future research should introduce more comprehensive controls for the influence that incarceration, probation, and parole supervision exert on opportunities to re-offend.

Finally, my analysis of arrest data should be replicated to confirm my results. This investigation is limited to arrestees in a single state. Replication of my research with arrest data from other states would lend validity to my conclusions by showing that the patterns of sex offending I observed in Illinois are similar to those occurring elsewhere. Also, previous research provided little guidance regarding how to classify arrestees as specific “types” of offenders. A re-analysis of the Illinois arrest data may lend validity to my methods for categorizing arrestees and further increase confidence in my results.

Until additional analyses are undertaken, caution must be exercised in interpreting the results of the current study. However, if subsequent research reproduces my basic findings with different samples of offenders and better measures of opportunity, the implications of those results for policy, media coverage, and public debate regarding sex offenders should be pondered.

FINAL THOUGHTS

During the 1990s, the media presented only a partial picture of sex offenders and offending in Illinois. Media accounts concentrated on single incidents of sex offending, especially committed against children. Rarely did the newspapers include official rates of sexual assault, trends in the behavior, or the frequency with which sex crimes against children occur. This media frame de-contextualized sex offending, which encouraged

perceptions of sex offenders and sex crimes that were exaggerated beyond what law enforcement agencies encountered. The media's frame for the sex offender should be reconstructed to place sex offending within a social context by including information about the social circumstances of incidents, such as the relationship between offenders and victims and the times and places incidents occur. The media's concentration on single incidents of offending needs to be counterbalanced with law enforcement information regarding rates of victimization, rates of arrest for sex crimes, and trends in offending over time, all compared with other crimes. This information would provide the public and policy makers with a more complete picture of sex offending, so they can form more accurate perceptions of actors and events. One might hope that better informed policy decisions would result.

The media alone cannot take the blame for the fragmented information the public and policy makers receive. Criminal justice agents need to become more aggressive at informing the public of their observations. The Illinois State Police posts on a quarterly basis the rates of the eight index offenses reported, and the change in these rates over time, on its Internet website (www.state.il.us/isp). For sex crimes, only the rates of criminal sexual assault are available, but these rates include reports to the police of sexual assaults by all victims irrespective of their age, and arrest data indicate that sexual assaults comprise the bulk of the sex crimes reported in Illinois. The website also includes quarterly totals of the number of index offenses reported that were domestic related, committed against children under age 18, committed against school personnel, or motivated by hate. ISP offers an annual report of this information, including rates of arrest by index offense type and the relationship child victims have with offenders, on its

website as well. Yet no one knows how many citizens are aware of or access this information. The Illinois State Police needs to better advertise the availability of offense and arrest information to the public and remind the media to provide this when reporting incidents of offending.

Also, law enforcement agents statewide need to present sex-offense information in ways that keep it within context. Levels of offending should be presented to the public in rates rather than in absolute number of offenses, so people can better understand their risk of victimization. The percentage of the total amount of crime that sex offending represents, and the proportion of the total amount of sex offending represented by crimes against children, should be reflected in all reports. These simple changes in contextualizing the presentation of information on sex crimes would enable the public and policy makers to develop a more accurate picture of sexual victimization in Illinois. The public could then request, and policy makers could enact, legislative solutions proportionate to the risks they are meant to address.

If nothing else, this research suggests that people need to become better consumers of information. Sex offenses are serious crimes, and children should never have to endure sexual victimization, but as Kappeler, Blumberg, and Potter (1997) suggest, we need to apply critical thinking to the information we are given about these crimes and offenders. Stories we read must be challenged, and policies must be questioned (309). As we read the headlines about offending incidents, we should ask: How often does this behavior occur? What percentage of the total amount of crime does this represent? When and where do these crimes typically take place? Are there other behaviors typically involved in the offense? Is risk on the increase or decline? For which

type of victims? What are the demographic characteristics of offenders, and how do they differ across offense types? Answers to these questions would inform our perceptions of sex offenders and offending and, we should hope, lead to policies based more on fact than emotion. By describing the process through which definitions shape perceptions, I have shown that things are not always as they seem. If people become more intelligent consumers of information, they can make more rational decisions about crime-related matters and direct their resources accordingly, rather than simply trying to manage the problems that public officials and the media have told them are important.

Appendix A. Sex Offender Registration Laws by State

State	Offenders Who must Register	Sex Offenses Adult Victims	Sex Offenses Child Victims	Age of Child	Other Offenses	Duration of Registration
Alabama	Convicted Adults	Rape, sodomy, felony sex abuse,	Rape, sodomy, felony sex abuse, incest, enticing, porn, soliciting, pimping	<13 or incest, porn, pimp, etc. <18 if off. 20 or >		Life, with ability to petition for removal after 3 years
Alaska	Convicted Adults	sexual assault	sexual assault & abuse, exploitation, incest, indecent exposure	<13 & off. >16, or <16 for exposure, <18 for kidnap	sexually motivated kidnapping of minor < 18	15 years
Arizona	Convicted Adults & adjudicated Juveniles	sexual assault	sexual assault & abuse, exploitation, incest, pimping 2nd convict. For indecent expos., molestation, solicitation, incest, porn., pimping, sexual assault & abuse indecent expos.,	<15 or < 18 for exploit, prost, abuse	Kidnapping of minor <18	Juveniles until 25, adults for life
Arkansas	Convicted Adults & adjudicated juveniles	rape, sexual abuse & misconduct	solicitation, incest, porn., pimping, sexual assault & abuse indecent expos.,	<14 or 12 or < for indecent exp.	kidnapping of child < 14	Juveniles until 21, or adults for life
California	Convicted Adults & adjudicated juveniles	sodomy, sexual assault, rape	sodomy, sexual assault & abuse, rape, exploitation, enticing, soliciting, pimping, incest, molestation, porn,	< 14 or <18 for porn & exploit.	kidnapping of minor <18	life for adults & certified Juveniles other until 21
Colorado	Convicted Adults & adjudicated Juveniles	felony or misdemeanor sexual assault	felony or misdemeanor sex assault, enticement, incest, trafficking exploitation, indecent exp., pandering, pimping soliciting	<18		Juveniles, Petition for Removal after Serving their sentence, adults for life, petition After 10 yrs for Misd. Or 20 For felonies

State	Offenders Who must Register	Sex Offenses Adult Victims	Sex Offenses Child Victims	Age of Child	Other Offenses	Duration of Registration
Connecticut	Convicted Adults	rape, sexual assault	sex assault, incest, porn., exploitation, indecent exp., soliciting	<14 & 14-15 if offender is 2 yrs older		10 years
Dist. Columbia	Convicted Adults	1st & 2nd degree sexual abuse	1st & 2nd degree sexual abuse, exploitation, pimping	<16	sexually motivated homicide	10 yrs for risk level 1, 15 yrs for level 2, life for level 3 risk levels based on priors, age of victim, etc.
Delaware	Convicted Adults & adjudicated Juveniles	rape, sexual assault	rape, sexual assault & abuse, incest	<14 or < 16 when off. is > 4 yrs older		Life for adults, can petition for removal juveniles until 21
Florida	Convicted Adults	sexual battery	sexual battery, indecent expos., soliciting, exploitation	<16		Life, can petition for removal after 10 yrs.
Georgia	Convicted Adults	rape, sodomy, sexual assault	rape, sodomy, sexual assault, molestation, enticing, incest	<16	Kidnap minor Unless done by parent	10 yrs or life if priors or determined to be a predator by the board
Hawaii	Convicted Adults	rape	sexual conduct, assault & abuse, soliciting, pimping,	<14	kidnapping of a minor except by parent	Life
Idaho	Convicted Adults	rape, sexual assault	sex abuse & assault, lewd conduct, battery, incest	<16 for abuse & lewdness < 18 for porn & battery		Life, can petition for removal after 10 years

State	Offenders Who must Register	Sex Offenses Adult Victims	Sex Offenses Child Victims	Age of Child	Other Offenses	Duration of Registration
Illinois	Convicted Adults & adjudicated Juveniles	felony & misdemean sexual assault	felony & misdemean sexual assault & abuse, incest, soliciting, pimping exploitation, porn	<13 or <18 for porn, pimping & assault	kidnap of minor <18 except by parent, homicide of minor <18	adults & certified juveniles for 10 yrs, juveniles until 21, life after 2 nd conviction
Indiana	Convicted Adults	rape, sexual battery,	rape, sexual battery, exploit., molest, solicit, incest	<18	kidnap of minor <18	Life
Iowa	Convicted Adults	rape	rape, sexual battery, exploit., molest, solicit, incest	< 13 or <16 if off. 5 yrs older		Life
Kansas	Convicted Adults & adjudicated Juveniles	rape, sodomy	rape, sodomy, incest, sexual abuse, lewd conduct, solicit pimping	<16	kidnap of minor <18 except by parent, adultery with minor <18, Murder 1st&2nd	If priors, adults for life, if none 10 yrs., juveniles until 21
Kentucky	Convicted Adults	rape, sodomy,	rape, sodomy sexual abuse, incest, indecent exposure	<12 or <16 if off. 21, <14 if off. 18		If found to be high risk by board based on crim. History & psy. Factors register for life
Louisiana	Adults convicted of rape, or child predator as determined by board based on history involved minor and psy. Factors	rape sexual assault	pandering, pimping porn, sex assault & abuse, incest,	<18		child predator for life, all other 10 yrs.
Maine	Convicted Adults and adjudicated juveniles		sexual abuse & misconduct, unlawful contact incest, rape	<16	kidnap of minor	10 yrs or life for sexually violent predator as determined by board

State	Offenders Who must Register	Sex Offenses Adult Victims	Sex Offenses Child Victims	Age of Child	Other Offenses	Duration of Registration
Maryland	Convicted adults	rape	sexual abuse & assault, soliciting, porn, rape, incest	<15 or <18 for porn & soliciting	kidnap of minor <18	10 yrs or life if victim was a minor
Massachusetts	Convicted Adults and adjudicated juveniles	rape	rape, indecent assault & battery, pimping, soliciting, porn, incest, lewdness,	<14 or <16 for pimping, soliciting & lewd.	kidnap of minor	10 yrs or life if victim was a minor
Michigan	Convicted Adults and adjudicated juveniles	sexual assault	felony & misdemean. enticing, porn, lewdness, soliciting sexual assault & abuse & contact,	< 18	kidnap of minor	life if victim a minor, others 15 yrs.
Minnesota	Convicted Adults and adjudicated juveniles	sexual assault	incest, indecent exposure, sexual assault & abuse solicitation, porn,	<13 if off. >3 yrs older & 13-15 if off. > 4 yrs older	murder or kidnap of minor	10 years
Mississippi	Convicted Adults and adjudicated juveniles if it was juv. 2nd adjudication	sexual battery, rape	rape, molestation, sexual battery, exploitation, dist. porn to minors, incest,	<14 or >14 but <18	kidnapping of minor,	Life
Missouri	Convicted Adults & adjudicated Juveniles	rape, sodomy	rape, sodomy, sexual assault & abuse, incest, molestation, pimping, porn, solicitation,	<14	kidnap of minor	life for adults juveniles until 21
Montana	Convicted Adults & adjudicated Juveniles	sexual assault,	sexual assault & abuse, incest, indecent exp., pimping, soliciting	<18 & off. 18 or >, or <18 & off. >3 yrs older	murder, agg. assault w/ or w/o weapon, assault on minor, domestic Assault, robbery kidnapping, unlawful restraint,	life for adults juveniles until 21

State	Offenders Who must Register	Sex Offenses Adult Victims	Sex Offenses Child Victims	Age of Child	Other Offenses	Duration of Registration
Nebraska	Convicted Adults	Sexual assault	incest, sexual assault, pandering, porn, solicitation	<16 & off. >18 or <18 for incest	kidnap and false imprisonment of a minor	10 years
Nevada	Convicted Adults	rape	sexual assault, abuse & molest., incest, soliciting, lewdness, pimping,	<14	murder in the perpetration of sex assault & any offense against a minor <12 if off >18	15 years
New Hampshire	Convicted Adults	Sexual assault	soliciting, indecent exposure, sexual assault & abuse, incest, porn, exploitation	<18 or >12 & <16 or <12	kidnapping of minor	Life
New Jersey	Convicted Adults & adjudicated Juveniles	Sexual assault & contact	sexual assault & abuse, incest	<18		15 years then can petition for removal
New Mexico	Convicted Adults & Certified Juveniles	sexual penetration 1st or 2nd	sexual penetration 1st or 2nd, contact exploit, solicit	<18		Life
New York	Convicted Adults	rape, sodomy	incest, rape, sodomy, sexual assault & abuse, pimping, soliciting, exploitation	<17		10 yrs or until Human Serv. declares person no suffers from mental abnorm. 10 years
North Carolina	Convicted Adults & Certified Juveniles	rape,	sexual assault & abuse, incest, pimping, exploit	<15		
North Dakota	Convicted Adults & Juveniles with at least 1 prior	sexual assault, abuse & imposition	sexual assault, abuse & imposition, incest soliciting, exploit.	<15	Breaking & entering	10 years or life for 2 or more priors for crimes against children 10 years
Ohio	Convicted Adults	sexual assault,	sexual assault & abuse, incest, public indecency, porn, soliciting	<18 or <16 for solicit & porn		

State	Offenders Who must Register	Sex Offenses Adult Victims	Sex Offenses Child Victims	Age of Child	Other Offenses	Duration of Registration
Oklahoma	Convicted Adults	rape	incest, sexual assault & abuse, pimping, trafficking exploitation	<18	child stealing	10 years except for habitual off. 2 or > priors for life
Oregon	Convicted Adults & adjudicated Juveniles	rape, sexual abuse, indecent exposure,	incest, pimping, rape, sodomy, sexual abuse, indecency, porn	<18	burglary if intent was sexual	life but can petition for removal after 10 years
Pennsylvania	Convicted Adults	rape, agg. sexual assault,	rape, incest, sexual assault & abuse, pimping, soliciting, exploitation	< 18 or <16 for prost.	kidnapping of minor unless by parent	Life
Rhode Island	Convicted Adults	sexual assault	sexual assault, incest, porn, molestation,	<15	kidnapping of minor & murder of minor <18	10 years
South Carolina	Convicted Adults & adjudicated Juveniles	sexual conduct,	sexual conduct pimping, porn, incest buggery, lewd conduct, peeping felony & misdemean.	<16	assault w/intent to commit sex. conduct kidnap of minor	Life
South Dakota	Convicted Adults & adjudicated Juveniles >15	rape,	rape, sexual contact, incest, porn, pimping, soliciting,	<16	kidnapping of minor	Life
Tennessee	Convicted Adults	rape,	rape, incest, pimping, exploit., soliciting, porn	<13	kidnapping, unlawful restraint of minor <18	Life
Texas	Convicted Adults & adjudicated Juveniles	sexual assault 2nd convict. for indecency,	indecency, sexual assault, soliciting, porn, incest, sex abuse, pandering	<17	kidnapping, unlawful restraint of minor <18 burglary if sexual intent	life for sexually violent offense. 10 years for juveniles or other offense
Utah	Convicted Adults	rape	rape, incest, exploit, lewd conduct, solicit pimping	<14	kidnap of minor	10 years
Vermont	Convicted Adults	sexual assault	sexual assault, lewd conduct, exploitation, incest	<18	kidnap of minor	10 years

State	Offenders Who must Register	Sex Offenses Adult Victims	Sex Offenses Child Victims	Age of Child	Other Offenses	Duration of Registration
Virginia	Convicted Adults & adjudicated Juveniles	rape	sexual assault & battery, indecent liberties, sodomy,	<15	kidnap of minor	Life, can petition for removal after 3 years
Washington	Convicted Adults & adjudicated Juveniles	rape	rape, molestation, incest, indecent liberties, exploitation sexual assault & abuse	<14	kidnap of minor	10 yrs for class C felony 15 for class A and B
West Virginia	Convicted Adults	sexual assault & abuse,	sexual assault & abuse, pimping, soliciting, porn	<16	kidnap of minor	10 or life if 1 or more prior or determined to be sexually violent predat. if 2 or more priors then for life, otherwise for 10 years
Wisconsin	Convicted Adults & adjudicated Juveniles	rape, sexual assault	rape, sexual assault, incest, exploit, entice, solicit, pimping	<18	kidnap of minor	10 yrs or life if agg. Off. (used weapon)
Wyoming	Convicted Adults	sexual assault	sexual assault, abuse, incest, solicit, exploit, pimp	<18	kidnap or restraint of minor	10 yrs or life if agg. Off. (used weapon)

Source: Data are current as of March 2000 and were obtained from <http://web.lexis-nexis.com>.

Appendix B. Post-Sentence Civil Commitment Laws By State

State	Offenders Eligible	Definition of Psychopath	Definition of Predator	Nature of Commitment	Length of Confinement
Arizona	Adults convicted of sexually violent felonies (e.g., forcible rape, sodomy) against adults and children < 18 years	Person suffering from a paraphilia making him/her more likely to engage in predatory acts of sexual violence	past conviction for sexually violent crime	secure in-patient confinement	Indefinite, subject to yearly review
California	Adults convicted of sexually violent felonies against anyone & incest molest, solicit, & pimp child < 18 yrs	Mentally disordered, possessing a mental defect or disease predisposing the commission of sexual offenses	past conviction for eligible offenses listed	secure in-patient confinement	2 years unless court extends based on petition yearly review
Dist. Columbia	Adults convicted of sexually violent offenses against anyone	Repeat offender who lacks power to control sexual impulses and is a danger to others	None	secure in-patient confinement	Indefinite, subject to yearly review
Florida	Adults convicted of sexually violent felonies or sexually motivated homicide, kidnap of < 13 yr. Old lewd act, solicitation, molest or abuse of child < 13 years	None	past conviction for eligible offenses listed & suffers from mental abnormality or personality disorder making person likely to engage in sexual violence if not confined	secure in-patient confinement	Indefinite, subject to yearly review
Illinois	Adults convicted of Sexually violent Felonies against adults or sexual assault & abuse, incest, solicit, pimp, of child < 13 or < 18 for solicit and pimp	Sexually violent person, suffers from a mental disorder that makes it a substantially probable to commit sexual violence	None	secure in-patient confinement	Indefinite, subject to yearly review

State	Offenders Eligible	Definition of Psychopath	Definition of Predator	Nature of Commitment	Length of Confinement
Iowa	Adults convicted of Sexually violent Felonies against anyone, sexually Motivated homicide, kidnap, burglary & exploitation, pander, incest, molest of minor < 16	None	sexually violent predator= prior charge or conviction for any eligible listed offenses & suffers from a congenital or acquired condition predisposing person to sexual violence	secure in-patient confinement	Indefinite, subject to yearly review
Kansas	Adults convicted of rape, sodomy against adults or rape, Sodomy, incest, abuse, lewd conduct against child < 16	None	Sexually violent predator= convicted or charged with a sexually violent offense & suffers from a mental abnormality predisposing sexual violence	secure in-patient confinement	Indefinite, subject to yearly review
Massachusetts	Adults convicted of & juveniles adjudicated for sexual assault & battery of a child < 14 sex assault on 14 or >, rape of child <16 rape & abuse of child <16	None	Sexually dangerous person= suffers from mental abnormality or personality disorder predisposing sexual misconduct	secure in-patient confinement	Indefinite, subject to yearly review
Minnesota	Adults convicted of sexual assault against anyone, or incest, indecent exposure, sexual assault & abuse solicitation, porn, against child < 13	Person has a sexual, personality, or mental disorder or dysfunction increasing the likelihood to engage in harmful sexual conduct	Any conviction for listed eligible offenses	secure in-patient confinement	Indefinite, subject to yearly review

State	Offenders Eligible	Definition of Psychopath	Definition of Predator	Nature of Commitment	Length of Confinement
Missouri	Adults convicted of 1st degree rape or sodomy, or 1st & 2nd degree child molestation, rape, sodomy, sexual assault & abuse, incest, on minor <14	Person suffers from mental abnormality which makes person more likely than not to engage in predatory acts of sexual violence	Predatory= acts directed toward strangers or individuals with whom relationships have been established for victimization	secure in-patient confinement	Indefinite, subject to yearly review
New Jersey	Adults convicted of Sexual assault against anyone, or sexual assault & abuse, incest against minor <18	Person possessing a psychosis predisposing him/her to sexual violence	Past charge or conviction showing a pattern of repetitive or compulsive behavior	secure in-patient confinement	Indefinite, subject to yearly review
North Dakota	Adults convicted of sexual assault & abuse against anyone or incest, solicit, & exploit of minor < 15	None	Sexually dangerous person= suffers from condition manifested by a sexual, personality or mental disorder predisposing sexual conduct	secure in-patient confinement	Indefinite, subject to yearly review
Oregon	Adults convicted of rape & sexual abuse against anyone, or incest, pimping, indecency, porn against minor <18	None	Sexually dangerous person= repeated or compulsive acts of sexual misconduct because of mental disease or defect predisposing sex crimes	secure in-patient confinement	Indefinite, subject to yearly review
South Carolina	Adults convicted of & juveniles adjudicated for Sexual conduct against anyone, or solicit, incest, lewd act, buggery against minor <16	None	predator= convicted of listed eligible offenses & suffers from a mental abnormality or personality disorder predisposing sexual violence	secure in-patient confinement	Indefinite, subject to yearly review

State	Offenders Eligible	Definition of Psychopath	Definition of Predator	Nature of Commitment	Length of Confinement
Tennessee	Adults convicted of rape against anyone or abuse, molest, fondle, or carnal knowledge of minor < 13	Person possessing mental defect or disease predisposing him/her to sexual crimes	None	secure in-patient confinement	Indefinite, subject to yearly review
Texas	Adults convicted of & juveniles adjudicated for sexually violent felonies (e.g., rape, Assault) against anyone	None	Predator=prior conviction for sexually violent offense & suffers from a behavioral abnormality predisposing sexual violence	out-patient treatment or secure in-patient confinement	Indefinite, subject to yearly review
Utah	Adults convicted of rape, sodomy, sex abuse or assault Against anyone	Person possessing a mental or personality disorder predisposing sexual violence	None	secure in-patient confinement	Indefinite, subject to yearly review
Vermont	Adults convicted of Sexual assault Against or lewd conduct to a child <18	Person possessing mental disorder causing him/her to a danger of harm to others	None	secure in-patient confinement	Indefinite, subject to yearly review
Virginia	Adults convicted of Sexually violent felonies (e.g., rape) Against anyone	None	predator= convicted of sexually violent felonies & possesses mental abnormality or disorder associated with sexual offenders	secure in-patient confinement	Indefinite, subject to yearly review
Washington	Adults convicted of rape, sex assault, & abuse against anyone	None	predator= convicted of at least one eligible offense listed & suffers from mental abnormality or personality disorder predisposing sexual violence	secure in-patient confinement	Indefinite, subject to yearly review

State	Offenders Eligible	Definition of Psychopath	Definition of Predator	Nature of Commitment	Length of Confinement
Wisconsin	Adult convicted or juvenile adjudicated for sexually violent felonies (e.g., rape, abuse)		Sexually Violent person= convicted for eligible listed offenses & is dangerous because of a congenital or acquired condition predisposing sexual violence	secure in-patient confinement	Indefinite, subject to yearly review

Source: Data are current as of March 2000 and were obtained from <http://web.lexis-nexis.com>.

Appendix C. Coding Sheet for Content Analysis

Keyword: _____

Paper: _____ Date/edition/page/author: _____

- Main focus of the article is on:
1. Specific sexual offense/offender
 2. Location of sexual offending (schools, home, workplace) _____
 3. Sexual offending in general (i.e. trends, etiology, etc.)
 4. Sexual offender legislation (registration, civil commitment, castration, etc) _____
 5. Popular culture (movies, magazines, TV shows) _____
 6. Other _____

Who is the lead source of the article?

1. Criminal Justice agents (police, prosecutor,)
2. Policy Makers (representative, senator, mayor, etc.)
3. Experts (mental health workers, criminologists, etc)
4. Specific victim
5. Activist group (victims rights groups, parents of murdered children, women's rights groups)
6. Editorial Staff
7. Offender advocate groups (ACLU, etc.)
8. Other _____

How does the claims-maker express his/her point?

1. Use of statistics
2. Description of events or the use of personal stories and/or anecdotes (atrocious tales)
3. Other _____

Who are the sexual offenders' victims?:
(The targets of the behavior)
Circle all that apply

1. Children (12 years and younger)
2. Young Adults (13 to 17 years)
3. Adults (18 to 64)
4. Elderly (65 and older)
5. Other _____

The victim was described as :
(Circle all that apply)

1. White
2. Non-white _____
3. Male
4. Female
5. Poor/indigent
6. Working/middle class
7. Affluent

Occupation/residence: _____

The offender was described as:
(Circle all that apply)

1. White
2. Non-white _____
3. Male
4. Female
5. Poor/indigent
6. Working/Middle class
7. Affluent

Occupation/residence _____

Offenders age: _____

What are the sexual offenses being discussed:

1. Rape/sodomy of an adult (18 yrs or >)
2. Rape/sodomy of a child (under 13)
3. Rape/sodomy of a adolescent (13-17)
4. Child/adol. molestation (touching)
5. Adult molestation (touching, groping)
6. Child/young adult pornography
7. Other _____

What are the other offenses involved?

1. Homicide
2. Burglary
3. Other _____

What is the relationship between the offender and victim?

1. Stranger
2. Friend/Acquaintance _____
3. Date/Spouse
4. Relative
5. Other _____

What is offered as the etiology of the behavior?:

1. Biological deficit
(Testosterone)
2. Psychological deficit (mental illness)
3. Learned behavior (past abuse)
4. Sociological (economy, joblessness)
5. Other _____

What solutions are offered for problem?:

1. Hard Physical control (execution, castration)
2. Soft Physical control (prison, mental hospital)
3. Hard Mental control (in-patient treatment/counseling, long term)
4. Soft Mental control (out-patient, short term counseling, probation)
5. Post-sentence surveillance/ confinement (commitment, registration, notification)

Who is responsible for controlling the sex offending problem:

1. Police/ courts/ corr.
2. Depart. mental health
3. Families
4. Schools
5. Other _____

Will the sex offender ever stop offending?

1. Yes
2. No
3. No opinion can be discerned

List any metaphors, catchphrases, and/or motifs that are mentioned in the story:
(For example: "preys on his victims", "predator", "animal")

Cite any phrases used to depict the in the incidence and prevalence of sex offending (statistics, anecdotes)

List any references as to who will benefit from sex offender legislation (for example: safer for children, women, etc.)

List any reference to the start of the sexual offender problem, its abatement or its growth in Illinois or nation wide if US statistics are related to Illinois:

List any other relevant information from the article not elsewhere included:

Appendix D. Coding Sheet for Interviews

Generally, what are your thoughts on the sexual offender problems in Illinois?
(Is it increasing, declining, in epidemic proportions, etc.)

On whose opinion or fact do you base your thoughts on the sex offender problem?
(Constituents, reports, police, news media, etc.)

How would you define a sex offender?

What do you think causes sexual offending?

What are the best aspects of the registration law and what would you change about it if you could?

Do you think the current registration laws will help control the sexual offender problem, and why or why not?

What are the best aspects of the civil commitment law and what would you change about it if you could?

Do you think the proposed civil commitments of sexual predators will help the problem, and why or why not?

Thank you for your time.

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