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## Are Sex Offenders Different? An Examination of Rearrest Patterns

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Sex offender registration and community notification requirements are universally applied to all sex offenders irrespective of their type. In this way, these policies treat sex offenders as a homogenous group, assuming that they exhibit similar reoffending patterns regardless of the age of their victims or the nature of their crimes. In this article, the authors highlight the assumption of homogeneity underlying sex offender laws and review it in light of current empirical evidence. They also offer a case study of recidivism rates for sex offenders in Illinois. The authors find that sex offenders are not the homogenous group that our policies assume, and they discuss the implication of this finding for the application of sex offender laws.

**Keywords:** *sex offender; community; notification; recidivism; registration*

Sex offender registration laws require sex offenders to provide their addresses to local law enforcement agencies upon their conviction, and community notification makes the names and addresses of these offenders available to the public. Originally, these laws were intended to control persons who had been convicted of sexually victimizing children. The belief was that sex offenders with child victims exhibit high rates of recidivism and thereby require additional surveillance and control after their terms of punishment have been served. By 2000, however, registration and notification laws had been expanded to include people who were convicted of violent sex acts against both children and adults and nonviolent sex crimes against children (i.e., possessing, viewing, or manufacturing child pornography, juvenile solicitation, pimping of a minor, luring a child over the Internet, etc.). The expansion of these laws to all sex offender types infers that all sex offenders, regardless of the age of their victims or the nature of their crimes, have a high probability of recommitting sex offenses. In this

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way, our current sex offender legislation assumes that sex offenders are a homogenous group of offenders who exhibit similar offending patterns irrespective of their type.

The purpose of this article is to highlight the assumption of homogeneity that underlies sex offender registration and community notification laws and review it in light of current empirical evidence. We acknowledge that the homogenous nature of sex offenders is simply one of the many beliefs and assumptions that form the basis of these policies. We also recognize the desires and intentions of public officials that lay behind this legislation—primarily that of protecting the public from sexual harm and easing public fear. To this end, this commentary is not meant to dismiss the threat of sex offending, make light of the harm that victims endure, demean policy makers' judgments of the sex offender problem, or declare the current policies ineffective. Rather, based on our review, we will simply make the case that sex offenders are a heterogeneous group of offenders in which some are clearly more likely than others to repeat their crimes. Given this evidence, we argue that registration and notification laws should be recalibrated to address only those sex offenders who exhibit high rates of recidivism and are truly in need of the additional formal and informal surveillance that the laws provide. The public's attention and law enforcement's resources will then no longer be spread across a wide range of sex offenders but will rather be spent on the groups of sex offenders who pose the greatest threat to society and are in need of the most control.

We begin our discussion with a review of the passage of sex offender laws. We then review current empirical evidence regarding the offending patterns of various types of sex offenders. To further our argument, we also offer a case study of sex offenders in Illinois in which we examine their recidivism rates. We conclude with a discussion of the implications this assumption of homogeneity has on the practical application of registration and notification laws.

## Background

Prior to the passage of sex offender registration and notification laws in the 1990s, legislators had long been trying to control the repetitive behaviors of sex offenders. Sutherland (1950a) notes that as early as the late 1930s, several states responded to high-profile sex crimes, especially those against children, by adopting sexual psychopath laws. These laws provided for the civil commitment of sex offenders in state mental hospitals for an indefinite period of time if they could be diagnosed as sexual psychopaths, most often defined as persons with irresistible sexual impulses (Sutherland, 1950a). Sutherland (1950b) further explains that inherent in these laws was the proposition that persons who commit sex crimes "have no control over their sexual impulses and will repeat their crimes again and again regardless of punishment or other experiences" (p. 547). To a large degree, psychopath laws were meant to address the sexual victimization of children; however, the laws were not inclusive of only those with child victims. Persons with adult victims were susceptible to psychopath laws as well. Thus, the assumption of homogeneity inherent in our current sex offender laws was

born. These early laws were based on the assumption that all sex offenders, regardless of their type, would inevitably reoffend.

Although these early sexual psychopath laws were adopted to control a dangerous and often lethal class of offenders, there is little evidence of their use. We could find no data to indicate the degree to which offenders were committed to mental health hospitals under sexual psychopath laws from the 1940s to the 1990s. It is likely, however, that a decline in the usage of these laws may be responsible for their reintroduction in several states in the 1990s.

In the 1990s, sex offender civil commitment laws were reintroduced in several states, and registration and community notification laws were proposed. The history of the passage of registration and notification laws demonstrates, once again, the enduring popular conception that sex offenders are a homogenous group of compulsive criminals who will never stop offending.

Three specific incidents of sexual homicides against children were catalysts for the registration and notification laws we have today. In October 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 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. Although 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 12-year-old girl who was abducted from her bedroom in California, sexually assaulted, and subsequently killed. Only 1 year later, the media reported that 7-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 nationwide.

In 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act mandated that 10% of a state's funding under the Edward Byrne Memorial State and Local Law Enforcement Assistance grant program be used for establishing a statewide system for registering and tracking convicted sex offenders (The National Criminal Justice Association, 1997). 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. As of March 2000, all 50 states had compiled a sex offender registry and made some provision to comply with Megan's Law (Adams, 1999).

Clearly, the Wetterling Act and Megan's Law were intended to protect children from sexual victimization. It is also evident that behind these laws lies the assumption that people who sexually prey on children will inevitably reoffend. Sex offender regis-

tries, however, have not been populated with only those persons convicted of sexual crimes against children. Rather, all 50 states now have provisions for registering people who have been convicted of sexually assaulting adults. Moreover, many nonviolent sex crimes committed against children have been added as registerable offenses as well. Just as we witnessed in the psychopath laws of the late 1930s, the sex offender laws of today continue to assume that sex offenders are a homogenous group whereby recidivism is equally distributed across the sex offending population. Regardless of the age of their victims or the type of harm they commit, it is assumed that sex offenders will continually seek out new victims and commit new crimes. When examined empirically, however, this assumption finds only limited support.

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 Becker & Hunter, 1992; Furby, Weinrott, & Blackshaw, 1989; Hanson & Bussiere, 1998). Furby et al. (1989) reviewed 49 published sex offender recidivism studies and found that reported levels of reoffending among treated and untreated sex offenders ranged from 3.8% to 55.6%. The authors' results were consistent with Quinsey's (1984) 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" (p. 27). More recently, Hanson and Bussiere (1998) conducted a meta-analysis of 61 studies examining reoffending 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 reoffend. Only a minority of the total sample (13.4% of 23,393) were known to have committed a new sexual offense" (p. 357). Despite methodological difficulties, differences in sample sizes, and variability in follow-up lengths, most studies find some level of reoffending among sexual offenders, but generally recidivism rates tend to be much lower than sex offender laws imply. Clearly, not all sex offenders go on to reoffend.

These studies offer some insight into the compulsivity of sex offenders; however, most examined sex offenders as a broad group encompassing a wide range of sex offender types. 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 (Prentky & Knight, 1991). To this end, much of our research to date does very little to assess the assumption that sex offenders are a homogenous group in need of equal amounts of control. Scholars, however, have begun to respond to this criticism by comparing the reoffending patterns of various categories of sex offenders (Marques, Day, Nelson, & West, 1994; Quinsey, Rice, & Harris, 1995; Romero & 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, p. 27).

Researchers have noted variability in the rates of reoffending 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 do child molesters (Marques et al., 1994; Quinsey

et al., 1995; Quinsey, Khanna, & 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 rearrest as their measure for a new offense. They found that a greater proportion of rapists were rearrested for other violent (22.7%) and sexual (9.1%) offenses during a 5-year period than were child molesters (7.9% for violent, 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 rearrested for a new offense (46.2%) or for another violent offense (22.1%) than were 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" (p. 170). These authors also found that child molesters with male victims were more likely to repeat their crimes than were molesters with female victims. Similarly, Hood, Shute, Feilzer, and Wilcox (2002) found that 26.3% of extrafamilial offenders with child victims were reimprisoned for a new sex crime after 6 years, as opposed to 0% of intrafamilial offenders with child victims. Moreover, 9.5% of nonstranger offenders with adult victims were reimprisoned after 6 years for another sex crime, as compared to 5.3% of stranger offenders with adult victims.

With regard to differential rates of recidivism based on the victim's gender, Soothill, Francis, Sanderson, and Ackerley (2000) examined four different sex offender classifications (indecent assault against females or males, indecency between males, and unlawful sexual intercourse with a girl younger than 16) during a 32-year period. They found that those persons who were convicted of committing a homosexual offense (indecent assault on a male or indecency between males) were much less likely to have another conviction for a violent or property offense than were those originally convicted of a heterosexual offense. In addition to the variability found in recidivism rates by victims' gender, Romero and Williams (1983) provide evidence that recidivism rates vary by crime type. They conducted a 10-year study of the recidivism of 231 convicted sex offenders on probation. They found that exhibitionists had significantly higher rates of rearrest for another offense than did other sex offender types, such as pedophiles and rapists. Although these findings suggest that sex offenders' rates of reoffending 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' reoffending 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 rearrested for a new nonsexual offense, but they found no significant differences in the commission of subsequent sex crimes between sex offender subgroups. During a period of 2 to 5 years, Hagan and Cho (1996) examined reoffending 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 reconvicted for new sex crimes was not statistically significant. Also, they noted that the groups' reconviction rates did not significantly differ for nonsexual 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. Nevertheless, there is some evidence to suggest that sex offenders may not be as homogenous as sex offender laws suggest. Sex offenders' rates of recidivism do vary, to some degree, across various sex offender types, yet sex offender registration and notification laws penalize all groups of sex offenders equally. From the evidence presented here, we conclude that the universal application of sex offender laws to all sex offender types should be reexamined. We believe the laws should be recalibrated to more closely reflect the empirical evidence and include only those offenders who pose the greatest threat of reoffending. In an effort to provide further support for our argument, we offer the following case study as additional evidence of heterogeneity among sex offenders. We hope that this case study will further help to demonstrate that sex offenders are not all equally likely to repeat their crimes and thus equally deserving of the increased punitiveness of sex offender registration and notification laws.

## **A Case Study of Offenders' Recidivism in Illinois**

### **Methods**

To examine reoffending among sex offenders, we used Illinois arrest data for 1990 to 1997 compiled by the Illinois State Police. The Illinois State Police serves as a central repository for information about arrests made in Illinois. All cities, counties, municipalities, universities, colleges, and conservation and railroad law enforcement agencies send their detailed arrest data to the Illinois State Police so they may be forwarded on to the Federal Bureau of Investigation and used in their 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. Because of the mandatory registration of sex offenders on conviction, it is likely that many offenders plead to nonsexual offenses to avoid future surveillance and stigma. In such cases, arrest charges more closely resemble the crime committed than do charges for which offenders plead guilty or are convicted.

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. The Illinois State Police does not receive clearance information, so to investigate the extent

to which this may be a problem, we divided the number of arrestees listed in the UCR (Federal Bureau of Investigation, 1996) for sexual assault, robbery, nonsexual 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 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 nonsexual 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 they are necessarily 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, if not most, sexual assaults are not reported to police (Bachman, 1998; Koss, 1996; Wood, Grossman, & Fichtner, 2000). However, the National Crime Victimization Survey (NCVS; 1995) suggests that the underreporting of sex crimes may be more problematic for some groups than for others.

The NCVS (1995) indicates that 32% of victims of rape and sexual assault 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 higher than the rate for simple assault (31.8%) and larceny (26.3%). When reports of rape or 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 their rates for reports of nonsexual assault (45.5%) and comparable to their reporting of attempted robbery (54.2%) and to White individuals' reporting of robbery (53.6%) and assault (54.5%). When disaggregated by age, the NCVS found a greater proportion of victims ages 12 to 19 reported their sexual victimizations to police (42.0%) than their incidents of aggravated (40.2%) or simple, nonsexual assault (24.4%). The percentage of reports of sexual victimization for younger persons was higher than those found for persons 20 to 34 (26.7%) and 35 to 49 years of age (27.7%). Black victims and younger persons reported sexual attacks to police in comparable proportions to their reports for nonsexual victimizations. Conclusions about the reporting bias for sex crimes must take into account that this problem is greater for White and older individuals than for other victim groups.

In addition to the differences by race and age in reporting sex crimes to police, there may also be variability in reporting by specific sex crime types (i.e., rape, pedophilia, child molestation, child pornography). Although the NCVS questions respondents as to their experiences with rape and sexual assault, this survey does not inquire into the

degree to which people have experienced all crimes for which criminals must register as sex offenders. For example, there are no questions regarding molestation or being a victim of child pornography. Nor does the NCVS survey anyone younger than 12. To this end, we have little information as to the degree to which victims younger than 12 report their molestations, experiences with pornography, or sexual assaults to police. Given the reporting mandates that exist in several states, however, it seems likely that sex crimes against children come to the attention of police at least as frequently as do crimes against adults. For instance, in Illinois, school teachers, doctors, police officers, and Division of Children and Family Services caseworkers are currently mandated by law to report suspicions of sexual misconduct against children to the police. Other states, undoubtedly, have similar reporting requirements as well. It then seems likely that the reporting rate of molestation, pornography, and sexual assaults against children younger than 12 would be comparable to that for persons 12 to 19 years old and that for adults.

The underreporting of criminal victimization 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, and they afford a measure of recidivism through comparisons of rearrest probabilities within and across offense types.

The Illinois criminal history database includes roughly 17,000 sex offense arrestees who were involved in approximately 26,000 arrests culminating in 34,668 sex offense charges from 1990 to 1997. There were 264 statutes used to enact sex offense charges in the data set, and violations of these statutes are all crimes for which offenders have to register as sex offenders with local law enforcement agencies.

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, we then 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.

The child pornography category includes statutes prohibiting the possession, manufacture, sale, or distribution of pornography that includes persons who are younger than 18. The child molestation category is composed of statutes prohibiting the touch-

**Table 1**  
**Sex Offense Categories and Percent of Charges, 1990 to 1997**

	<i>n</i>	%
Child pornography	121	0.3
Child molestation	379	1.1
Pedophilia (12 and younger)	5,579	16.1
Hebophilia (13 to 18)	4,236	12.2
Rape (18 and older)	21,870	63.1
Registration violations	1,544	4.5
Other	939	2.7
Total	34,668	100.0

ing or fondling of victims younger than 18. Pedophilia is typically defined as a sexual preference for prepubescent 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 postpubescent 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, we assumed that they were applied to adult victims 18 years or older, and they were used to comprise the rape category. To verify our assumption, we spoke with three law enforcement officers from three different county police agencies and one officer from 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 older than 17 or identify themselves as such, and the elements of the crime have been met. In other cases involving victims younger than 18, these officers stated that the appropriate child sexual assault statutes are used. Last, the *other* category includes statutes regarding the pimping and soliciting of juvenile prostitutes (persons younger than 18), permitting and watching child sexual abuse, luring a child younger than 13 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 we had to rely on the statute under which arrestees were charged. This brings another concern to light, that of charge errors.

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 rather than a pedophile in this analysis. Our 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 preteens, are more harsh than are those for sex offenses against adults. It then seems likely that arresting offi-

cers 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, our 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.

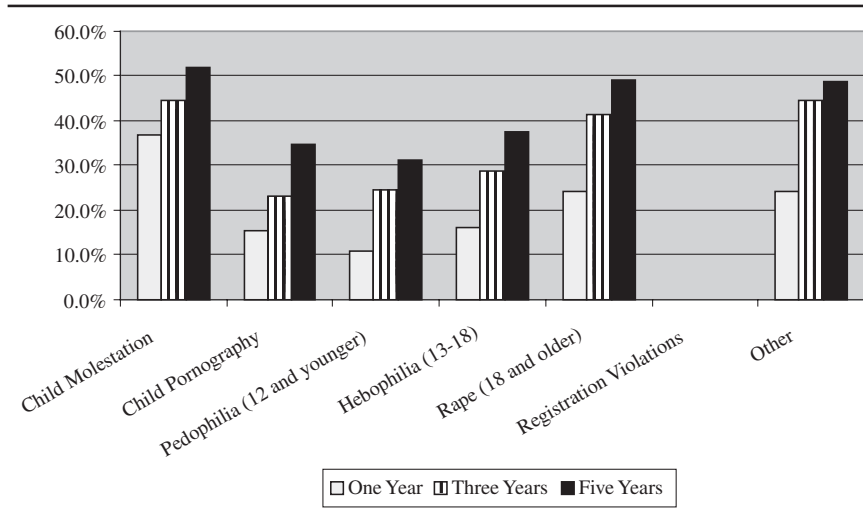
To characterize arrestees as specific types of sex offenders, we first considered classification based on the most frequent charge, using 1990 as the base year. After examining the data, however, we found that multiple charges in 1990 tended to be of the same type. We also considered classifying arrestees 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. However, is the molestation of a child a more serious crime than is the rape of an adult? We are not aware of widely accepted standards for making such determinations, and so we characterized sex offense arrestees as a specific type based on their first sex offense charge in 1990.

Rearrest, one of the most common measures found in recidivism research, serves as our measure for reoffending (Prentky, Knight, & Lee, 1997; Prentky, Knight, Lee, & Cerce, 1995; Quinsey et al., 1998; Rice, Quinsey, & Harris, 1991). Using 1990 as our base year, we then performed analysis of variance on these data to evaluate differences among sex offender groups in future rearrests for any crime, the same crime, and any sex crime after 1, 3, and 5 years.

The use of rearrest as a measure for recidivism presents one last hurdle to overcome. The time arrestees spend in custody affects their opportunities to reoffend. To control for arrestees' time off the street, we obtained Illinois Department of Corrections (IDOC) data from 1990 to 1997 ( $N = 161,296$ ). These data include all the dates of inmates' entrances into IDOC facilities and exits for reasons of completed time served, parole, escape, and work release. There was sufficient information in the IDOC file to match records to offenders in the criminal history file. We first calculated the percentage of arrestees incarcerated for each crime category in the analysis. We then removed from the analysis the arrestees who were not remanded to custody and calculated the average amount of time served by inmate groups by subtracting the date of admission from the date of exit. Although these data do not allow us to control for arrestees' time spent in local jails, the IDOC data offer a reasonable basis for estimating arrestees' opportunities to reoffend during the analysis period.

We recognize that rates of incarceration and length of time served vary across sex offender types and individual offenders; however, our purpose in this study is not to highlight the recidivism rates of specific offenders. Rather, recidivism is examined only in relation to the assumption of homogeneity underlying sex offender laws—that

**Figure 1**  
**Percent of 1990 Sex Offense Arrestees Rearrested**  
**for Any Offense Within 1, 3, and 5 Years**



Note: *N* = 3,609.

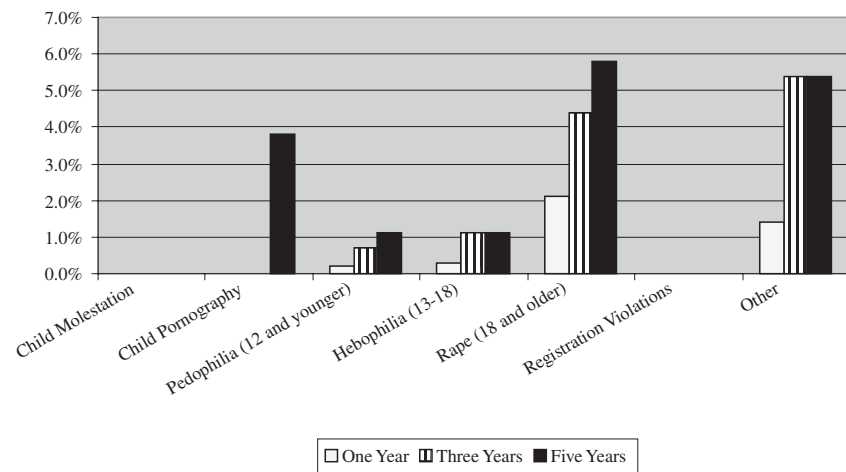
sex offenders, as a group, exhibit similar reoffend rates and therefore are equally in need of enhanced surveillance and control. These incarceration data are then simply offered to demonstrate that a sufficient number of sex offenders remained on the street and were available to offend during the analysis period and that differences in rates of reoffending across groups cannot solely be attributed to differences in imprisonment or time served.

**Results**

Figure 1 depicts patterns of rearrests among the listed offense categories for any felony offense. The differences in the percentages of reoffending among all offense categories for 1, 3, and 5 years proved to be statistically significant at the .05 alpha level, which is a predictable result given the size of the sample.

Slightly more than one half of the persons whose first charge in 1990 was for child molestation were rearrested for another felony offense within 5 years (51.9%). Those in the rape (49.1%) and other (48.6%) categories were rearrested for another offense within 5 years in greater percentages than were arrestees in the hebophilia (37.4%) and child pornography (34.6%) categories. Persons in the pedophilia category were rearrested for another offense within 5 years less frequently than were those in any other group (31.4%). The one person whose first offense in 1990 was a registration violation had no rearrests for any felony offenses within 5 years.

**Figure 2**  
**Percent of 1990 Arrested Sex Offenders**  
**Rearrested for the Same Offense Within 1, 3, and 5 Years**



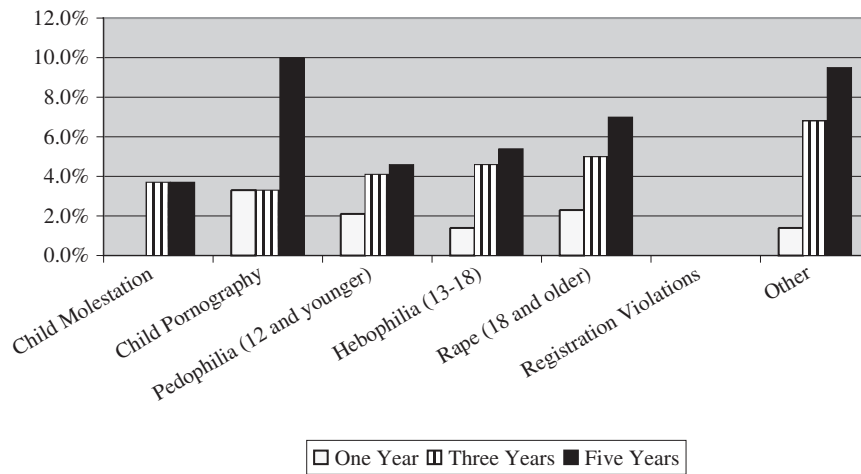
Note:  $N = 3,609$ .

Those who sexually penetrated children and teens had lower recidivism rates than did those who victimized adults. There does then appear to be variability in the reoffending rates of sex offenders in that pedophiles and hebophiles have less of a propensity to recidivate than do persons in most other sexual crime categories. This finding, however, does not address the degree to which various types of sex offenders are rearrested for the same sex crime, which is part of the assumption of homogeneity underlying sex offender laws—that sex offenders of all types are equally likely to recommit their offenses.

To investigate sexual recidivism, we compared the proportions of 1990 sex offense arrestees rearrested for the same crime within 1, 3, and 5 years. The results are depicted in Figure 2, and again all group differences are statistically significant.

Those in the rape category had the highest rates of rearrest for the same offense (5.8%) within 5 years. Arrestees in the other (5.4%) and child pornography (3.8%) categories were rearrested for their crimes in greater proportions than were persons in the pedophilia, hebophilia, and child pornography categories. This evidence suggests that rapists recommit rape with greater frequency than pedophiles recommit pedophilia or hebophiles recommit hebophilia, again suggesting that sex offenders are not the homogenous group that sex offender laws lead us to believe. The proportions of persons rearrested for the same offense for all offense types, however, were quite small. None reached as high as 6%. The fact is that the overwhelming majority of all arrestees in the listed sex offender types did not recommit the sex crime for which they were first arrested in 1990.

**Figure 3**  
**Percent of 1990 Arrested Sex Offenders**  
**Rearrested for Any Sex Offense Within 1, 3, and 5 Years**



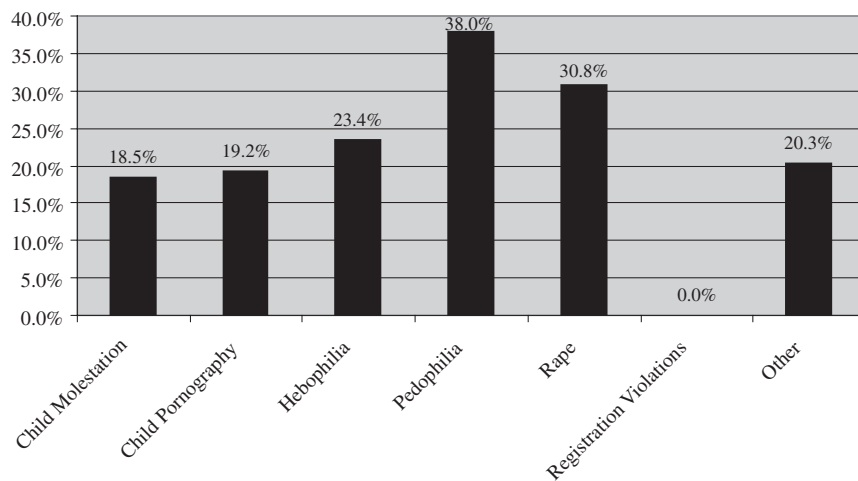
Note:  $N = 3,609$ .

Although only a small percentage of sex offense arrestees were rearrested for the same offense, it is possible that sex offenders do not necessarily specialize in a particular type of sex crime. They may have been rearrested for a different type of sex offense. Figure 3 depicts the percentage of sex offense arrestees rearrested for any sex crime within 1, 3, and 5 years.

No category of sex offenders had greater than a 10% rearrest 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 rearrested for any sex offense within 5 years more frequently than were rapists, hebephiles, and pedophiles. The differences in rearrest rates among all of the categories in the analysis, however, are not statistically significant, which is consistent with previous research findings from Romero and Williams (1983) and Hagan and Cho (1996). This should not be interpreted as evidence of homogeneity among sex offenders. Variability in recidivism rates was observed across sex offender types in terms of recommitting another felony or recommitting the same sex crime. To this end, the best that can be said is that sex offenders do exhibit some similarities in their offending patterns but not to the degree that all deserve to be equally scrutinized under registration and notification laws.

The percentages of rearrest for any crime and for sex crimes are relatively low in comparison to other recidivism studies conducted on sex offenders, which find that, on average, between 10% and 55% of sex offenders will be rearrested or reconvicted for new crimes (for reviews, see Furby et al., 1989; Hanson & Bussiere, 1998). There

**Figure 4**  
**Percent of 1990 Sex Offense Arrestees**  
**Incarcerated for Any Length of Time Between 1990 and 1997**

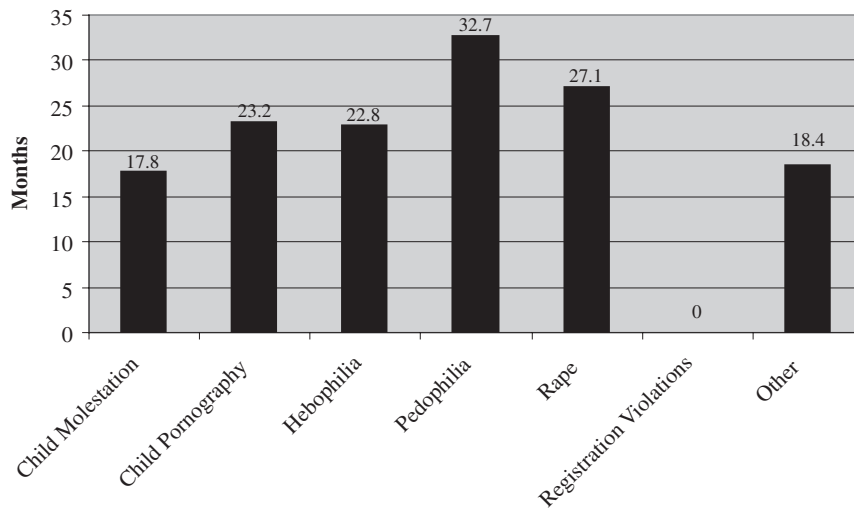


Note:  $N = 3,609$ .

are several possible explanations for this. First, many sex offender recidivism studies examine samples of sex offenders who have been incarcerated for their crimes. Under these circumstances, these types of sex offenders would represent the worst of the worst of the sex offending population. Their crimes were of such an egregious nature, or their offending histories were so long, that probation was not a viable option. One would expect higher rates of reoffending among samples of incarcerated sex offenders than we have found here for arrestees. Secondly, because of the potential mobility of the arrestees we examined here, they may have reoffended in another state. Our analysis would then underestimate recidivism because we have not captured these offenses in the Illinois criminal history database. Last, the low rates of reoffending found here may be a function of diminished opportunity. Arrestees may have been incarcerated and thus no longer able to commit a new offense on the street. To investigate this possibility, we look to IDOC data. Figure 4 depicts the percentage of 1990 sex offense arrestees who were incarcerated for any length of time in a state correctional facility from 1990 through 1997.

Child molesters (18.5%) and child pornographers (19.2%) were incarcerated at lower rates than were all other types of sex offenders. Pedophiles in 1990 (38.0%) were incarcerated in state correctional facilities at a higher rate than were 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 5 depicts the average time served by the 1990 sex offense arrestees from 1990 to 1997.

**Figure 5**  
**Average Time Served By 1990 Sex Offense Arrestees**  
**Incarcerated Between 1990 and 1997**



Note:  $N = 1,113$ .

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 less than 2 years. Child molesters and persons in the other category served shorter sentences than did inmates incarcerated for other types of sex crimes. Most sex offenders, however, were not incarcerated for their crimes, and even when confined, they served on average less than 3 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 reoffend during the analysis period. Even so, it is possible that the difference in rearrest rates between pedophiles and other sex offenders is because of the somewhat longer time spent in prison by the 38% of them who were incarcerated.

## Discussion and Conclusion

Beliefs in the compulsivity of sex offenders have supported the passage of sex offender registration and community notification laws. Notions of homogeneity among sex offenders have allowed these laws to be applied to all sex offenders irrespective of their sex crime type. Research on the offending patterns of incarcerated sex offenders and probationers, however, typically finds that recidivism rates for sex offenders are relatively low and vary across different sex offender types. Moreover,

arrest data in Illinois afford us a further glimpse into the reoffending patterns of sex offenders who have not been incarcerated or in treatment programs. These data also reveal that reoffending varies across types of sex offenders. We found that those in the child molestation, rape, and hebophilia categories had significantly higher rates of rearrests for any offense than did those in the child pornography and pedophilia categories. Rape arrestees had greater percentages of rearrests for the same offense than did those in the pedophilia, child pornography, or child molestation categories. Persons in the other category arrested on charges of pimping or patronizing juvenile prostitutes, permitting or watching child abuse, or luring a child over the Internet were rearrested for another sex crime of any type in greater proportions than were those in the rape, child molestation, pedophilia, hebophilia, or child pornography categories. These observed differences in rearrest rates cannot solely be attributed to differences in opportunity to reoffend because most sex offense arrestees were not incarcerated for their crimes during the analysis period. To this end, we believe that sex offenders should not be treated as a homogenous group under the law and that registration and notification policies should be recalibrated to more closely reflect the empirical realities of recidivism among sex offenders. These policies may then have a better chance of achieving their goals.

We believe that it is possible that the deterrent effects of sex offender registration and notification laws may be hampered by the extension of these policies to more people and behaviors. Sex offender laws require law enforcement agencies to register sex offenders, track their residences, notify the public of their whereabouts, and apprehend registration violators in addition to the traditional crime fighting and community service functions they are already expected to perform. Probation and parole officers have also accepted additional duties as a result of current sex offender laws. They are now required to hold public forums to disclose the whereabouts of released sex offenders. Notification laws have forced them to go to extraordinary lengths to find sex offenders housing and employment in communities that are opposed to their presence. They are mandated to perform more home visits to sex offender probationers and parolees, all while continuing to manage their nonsexual offender caseloads. The additional duties that sex offender laws require of law enforcement, probation, and parole officers undoubtedly taxes the time and attention of these already overworked criminal justice agents. The expansion of sex offender laws from those convicted of violent sex acts against children to those who have committed nonviolent sex crimes against children and/or violent sex crimes against adults further increases the duties of these agents and possibly affects their abilities to perform any of their duties effectively.

With every classification of offender that policy makers add to sex offender registries, they substantially increase the number of people law enforcement, probation, and parole agencies must monitor. For example, under a 1986 Illinois statute, 3,609 sex offenders with child victims were potentially subject to registration, based on the 1990 arrest data. After the 1995 extension of this statute to include all sex offenders with child or adult victims, the number grew to 5,483, an increase of 52%. How effectively can criminal justice agents respond to this increase in workload? How effec-

tively can they monitor a rapidly growing population of offenders? It seems reasonable to assume that the effectiveness and efficiency of sex offender laws may be diminished with their expansion to all sex offender types. Agencies will be forced to spread their time and scant resources across an ever-increasing number of offenders and behaviors. As criminal justice agents attempt to manage this larger population of offenders, they may be less effective at monitoring the behavior and tracking the whereabouts of sex offenders with child victims, which is the group that policy makers originally hoped to control.

Criminal justice agents are not the only group to be affected by the expansion of sex offender laws to all sexual offender types. Current sex offender policies require a substantial financial commitment from the taxpayer. In 1999, the Illinois State Police received approximately \$500,000 from the legislature to maintain the sex offender registry and place this information on the World Wide Web. Although this 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 IDOC 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 Web site. The inclusion of all sex offenders to states' registries and notification procedures undoubtedly increases the amount of funding needed from taxpayers and inevitably slows the process of registering, monitoring, and tracking sex offenders' whereabouts. Although most would gladly open their wallets at the prospects of increased public safety and declines in sexual victimization, research suggests that the enhancements to public safety by expanding registration to all sex offender types is minimal at best.

In their examination of sex offender recidivism, Soothill et al. (2000) acknowledge the serious nature of sex offending and the way in which it disturbs the general public and greatly harms its victims. They also warn us, however, about the dangers of exaggerating the risk of sexual reoffending to an entire population of offenders in the way the universal application of registration and notification laws has done. They state, "Potential outcomes of such exaggeration may be to unnecessarily increase the fear of the public, hinder the genuine rehabilitation of offenders who have changed their ways, while wasting valuable resources on those who do not need increased surveillance" (p. 63). It seems to us that public safety would be better served and the public's fear put more at ease by applying registration and notification laws to individual offenders based on their specific likelihood of reoffending. After offenders undergo psychological evaluations and their level of risk is identified, registration and community notification could then be mandated for the offenders who pose the greatest risk to public safety based on clinical assessments rather than on legislative decree. To some degree, this process is already occurring in a few states.

Although all states require accused sex offenders to register upon their convictions, some states have taken to notifying the public as to the whereabouts of these offenders only if they are classified as high risk for reoffending based on clinical assessments. For instance, Nebraska makes public only the names and addresses of those sex

offenders assessed as Level 3 (high risk for recidivating). Washington and Arizona only notify the public as to the residences of offenders assessed at Level 2 (intermediate risk) and Level 3. Although New York notifies the public as to all registered sex offenders regardless of their risk levels, this state uses clinical assessments to determine the duration of sex offenders' registrations. Offenders classified as Level 1 (low risk) or Level 2 must only register for 10 years, whereas offenders classified as Level 3 must register for life. We recognize that there remains considerable debate surrounding the reliability with which clinical assessments can accurately predict offenders' likelihood of reoffending, but this has not stopped some states from using these assessments to determine which offenders pose the greatest danger to society and informing the public as to their whereabouts. Given the empirical evidence presented here, it seems that these states are on the right track and should possibly even move to registering only those assessed as high risk rather than spending countless hours registering and tracking offenders who pose the least risk to society.

In this article, we examined one conception that underlies sex offender laws—that sex offenders are a homogenous group who exhibit similar offending patterns irrespective of the age of their victims or the types of their crime. As such, sex offenders are then equally susceptible to registration and notification and the enhanced levels of surveillance and control that these laws provide. We did not, however, find evidence in support of this assumption. That is not to say that the universal application of these policies is not justified on the grounds of other intentions or assumptions such as the particularly egregious nature of sex offending, especially against children, or the need to decrease the public's ever-growing fear of sexual victimization. In fact, we recognize that some may argue that the intent of registration and community notification is not solely that of deterrence but rather awareness, the ability to make citizens conscious of potential danger so they may better guard against victimization. It is far from certain, however, that community notification laws have the ability to promote greater protective measures among the public, thereby enhancing public safety.

First, there is little evidence to suggest that the public reviews sex offender registries with any great frequency. For example, in 1999, Illinois had roughly 12 million people residing in the state. Despite television and print media advertising of the state's sex offender registration Web site from 1998 to 2000, the state's Web site received just more than 800 hits from November 1999 to June 2000 (Sample, 2001). This suggests that only a small fraction of the residents in Illinois actually took the time to inquire as to the sex offenders residing in their neighborhoods. We suspect that similar trends could be found in other states as well. Furthermore, to date, there has been no empirical evidence offered to suggest that notification laws increase informal surveillance by the community members who are aware of sex offenders' presence in their neighborhoods or enhance the preventative measures these citizens take to guard against sexual victimization.

In sum, despite the goals or intentions of sex offender laws, registration and community notification have been applied to all sex offenders equally, irrespective of their crime type, level of risk, or age of their victims. Current evidence suggests, however, that all sex offenders are not equally prone to reoffending. This investigation then sim-

ply serves to illustrate that criminal justice policies are often based on misconceptions and that these misconceptions have financial consequences and can affect the likelihood of policies achieving their intended goals. We suggest that before legislation is proposed and enacted to address criminal behavior, it would be wise to identify popular beliefs about the behavior, assess these conceptions against current empirical evidence, and then decide the most prudent course of action based on what we know about the prevalence, frequency, and etiology of the behavior rather than basing our policies on what we simply believe to be true. To this end, our time and money may be better spent and our policies may better address and deter the behaviors for which they were created.

## References

- Adams, D. B. (1999). *Summary of state sex offender registry dissemination procedures*. Washington, DC: U.S. Department of Justice.
- Bachman, R. (1998). The factors related to rape reporting behavior and arrest: New evidence from the National Crime Victimization Survey. *Criminal Justice and Behavior, 25*, 8-29.
- Becker, J. V., & Hunter, J. A., Jr. (1992). Evaluation of treatment outcomes for adult perpetrators of child sexual abuse. *Criminal Justice and Behavior, 19*(1), 74-92.
- Becker, J. V., & Quinsey, V. L. (1993). Assessing suspected child molesters. *Child Abuse & Neglect, 17*, 169-174.
- Bureau of Justice Statistics. (1996). *Sourcebook*. Washington, DC: U.S. Department of Justice.
- Federal Bureau of Investigation. (1996). *Uniform crime report*. Retrieved October, 1998, from <http://www.fbi.gov/ucr/ucreports>
- Furby, L., Weinrott, M. R., & Blackshaw, L. (1989). Sexual offender recidivism: A review. *Psychological Bulletin, 105*(1), 3-30.
- Hagan, N. E., & Cho, N. E. (1996). A comparison of treatment outcomes between adolescent rapists and child sexual offenders. *International Journal of Offender and Comparative Criminology, 34*, 105-113.
- Hanson, R. K., & Bussiere, M. T. (1998). Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology, 60*, 348-362.
- Hood, R., Shute, S., Feilzer, M., & Wilcox, A. (2002). Sex offenders emerging from long-term imprisonment. *British Journal of Criminology, 42*, 371-394.
- Jenkins, P. (1998). *Moral panic: Changing concepts of the child molester in modern America*. London: Yale University Press.
- Koss, M. (1996). The measurement of rape victimization in crime surveys. *Criminal Justice and Behavior, 23*, 55-69.
- Marques, J. K., Day, D. M., Nelson, C., & West, M. A. (1994). Effects of cognitive-behavioral treatment on sex offender recidivism preliminary results of a longitudinal study. *Criminal Justice and Behavior, 21*(1), 28-54.
- National Crime Victimization Survey (NCVS). (1995). *Criminal victimization in the United States*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- National Criminal Justice Association. (1997). *Sex offender community notification*. Washington, DC: Author.
- Prentky, R. A., & Knight, R. A. (1991). Identifying critical dimensions for discriminating among rapists. *Journal of Consulting and Clinical Psychology, 39*, 643-661.
- Prentky, R. A., Knight, R. A., & Lee, A. F. S. (1997). Risk factors associated with recidivism among extrafamilial child molesters. *Journal of Consulting and Clinical Psychology, 65*(1), 141-149.
- Prentky, R. A., Knight, R. A., Lee, A. F. S., & Cerce, D. D. (1995). Predictive validity of lifestyle impulsivity for rapists. *Criminal Justice and Behavior, 22*(2), 106-128.

- Quinsey, V. L. (1984). Sexual aggression: Studies of offenders against women. In D. Weisstub (Ed.), *Law and mental health: International perspectives* (Vol. 1, pp. 246-278). New York: Pergamon.
- Quinsey, V. L., Khanna, A., & Malcolm, P. B. (1998). A retrospective evaluation of the regional centre sex offender treatment program. *Journal of Interpersonal Violence, 13*, 621-644.
- Quinsey, V. L., Rice, M. E., & Harris, G. T. (1995). Actuarial prediction of sexual recidivism. *Journal of Interpersonal Violence, 10*, 85-105.
- Rice, M. E., Quinsey, V. L., & Harris, G. T. (1991). Sexual recidivism among child molesters released from a maximum security psychiatric institution. *Journal of Consulting and Clinical Psychology, 59*, 381-386.
- Romero, J., & Williams, L. (1983). Group psychotherapy and intensive probation supervision with sex offenders: A comparative study. *Federal Probation, 47*(4), 36-42.
- Sample, L. L. (2001). *The social construction of the sex offender*. Unpublished doctoral dissertation.
- Soothill, K., Francis, B., Sanderson, B., & Ackerley, E. (2000). Sex offenders: Specialists, generalists—or both? A 32-year criminological study. *British Journal of Criminology, 40*, 56-67.
- Soothill, K., & Gibbens, T. C. N. (1978). Recidivism of sexual offenders: A re-appraisal. *British Journal of Criminology, 18*, 267-276.
- Sutherland, E. H. (1950a). The diffusion of sexual psychopath laws. *American Journal of Sociology, 50*, 142-148.
- Sutherland, E. H. (1950b). The sexual psychopath laws. *Journal of Criminal Law and Criminology, 40*, 543-554.
- Wood, R. M., Grossman, L. S., & Fichtner, C. G. (2000). Psychological assessment, treatment, and outcome with sex offenders. *Behavioral Sciences and the Law, 18*, 23-41.

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