

The Sex Offender Next Door: An Analysis of Recidivism, Risk Factors, and Deterrence of Sex Offenders on Probation

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Nearly 60% of convicted sex offenders serve a term of felony probation or parole. Using data for 917 convicted male sex offenders on probation in 17 states, this study examines the efficacy of community supervision for this population. Offenders' social demographics and baseline criminality were studied in conjunction with formal and informal social controls to determine their collective deterrent impact. The overall recidivism rate was 16%. However, only 4.5% of offenders committed a new sex crime during probation. Regression analyses indicate that factors readily available to court personnel can accurately predict non-sexual recidivism among sex offenders on probation. However, accurately predicting additional sexual violence proved a more dubious task. The only significant predictor of chronic sex offending was the imposition of a jail term as a condition of probation. Results indicate that under the right set of conditions, probation is the most appropriate criminal sanction for some types of sex offenders.

Keywords: *sex offenders; recidivism; probation/community supervision*

This study is one of only a handful of investigations that evaluates the success or failure of sex offenders on community supervision and is unique in that it appears to be the only analysis on a national sample of felony sex offender probationers. The lack of definitive information on how sex offenders perform on probation is particularly disturbing considering that 60% of all convicted sex offenders are being supervised within the community (Greenfeld, 1997). This means that judges and probation and parole

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departments are forced to make sentencing decisions about potentially high-risk offenders with virtually no guidance as to the factors most closely associated with sexual recidivism during community supervision.

The topic of sexual recidivism has been studied exhaustively in the last decade. But research tends to focus only on specific populations or research questions such as the reoffense rate of released prisoners (Langan, Schmitt, & Durose, 2003), the impact of prison-based treatment programs on rearrest (see Hepburn & Griffin, 2004, p. 2), the efficacy of contemporary cognitive-behavior modification therapies (Alexander, 1999; Hanson, 2000; Mailloux et al., 2003; Marshall, Anderson, & Fernandez, 1999), or an analysis of sex offender probation failure within one specific state (Berlin et al., 1991; Kruttschnitt, Uggen, & Shelton, 2000; Turner, Bingham, & Andrasik, 2000) or one county (Hepburn & Griffin, 2004) or one international urban inner city (Craissati, Falla, McClurg, & Beech, 2002). The present study of nearly 1,000 felony sex offenders on probation from 17 states offers a more global analysis of the efficacy of sentencing sex criminals to community supervision.

Despite all of the recidivism research in recent years, the true extent to which sex offenders recidivate is especially difficult to determine because sex crimes are underreported to police and also because of the complications involved in how recidivism is measured,¹ defined, and explored (Heilbrun et al., 1998). Furthermore, recidivism varies widely based on the type of sex offender under investigation. For example, on average, heterosexual adult rapists recidivate at a much higher rate (40%) than heterosexual familial child molesters (3%), yet they are often responded to in the same fashion by the criminal justice system (Greenberg, 1998). This finding suggests that whenever possible sex offenders should not be studied as a homogenous criminal group but rather as distinct categories of offenders in which offense pattern, seriousness of offense, sex of the victim, and victim-offender relationship are controlled (Hanson & Bussiere, 1998).

A further complication for criminal justice officials is the fact that the vast majority of sex offender research is from the field of psychology/psychiatry in which sexual deviance is viewed as a medical or psychopathological condition rather than as a social problem. As a result, the clinical community tends to view and study recidivism as a byproduct of treatment effectiveness. This type of analysis lends itself to a different set of theoretical assumptions, research questions, and policy implications than the field of sociology or criminology. In other words, any potential linkage between social learning and sex crimes or gender socialization and sexual violence or the adherence of hegemonic values between sex offenders and

non-sex offenders or the extent to which formal social controls (police, courts, corrections) and informal social controls (family, friends, employer) deter sex offending will not be adequately addressed in other academic disciplines. In addition, because there has been so little systematic evaluation conducted on the impact that sex offender legislation has on recidivism or deterrence, criminal justice practitioners have only minimal direction as to the most effective way to sanction, monitor, and deter sex criminals in a community setting.

Deterrence and Rational Choice Theory

Deterrence and rational choice theory assume that individual rational decision making stems from a consideration of the benefits (pleasure) and risks (pain) associated with an act. In other words, individuals make a rational choice to conform or break the law based on their internal calculation of the potential pleasure/pain associated with the crime. According to this cost-benefit analysis of crime, individuals will decide against committing a sex crime if they believe the penalty to outweigh the potential pleasure associated with the behavior. General and specific deterrence refers to different concepts of the deterrence doctrine. Specific deterrence sex offender policies are geared directly toward the convicted individual and are successful to the extent that they deter him or her from committing additional sex crimes. General deterrence sex offender laws, on the other hand, are aimed at potential offenders and are determined to be successful when would-be offenders are dissuaded from engaging in illegal sex acts as a result of the punishment received by other convicted sex offenders. Thus, deterrence theory has shaped much sex offender legislation. Involuntary civil commitment of sex offenders, sex offender registration and community notification, lengthy prison terms, and lifetime probation and parole exemplify components of general and specific deterrence. An analysis on the impact of these policies is long overdue.

PURPOSE

This study proposes two hypotheses. First, that the sociodemographic and criminogenic factors available in most court and probation records, in conjunction with formal and informal social controls, can predict nonsexual recidivism among male sex offenders on probation. Second, it is hypothesized that this same combination of factors will not result in a statistically significant prediction tool to identify those sex offenders most likely

to be rearrested for a new sex crime while on probation. It is believed that a nonsignificant finding for prediction of sexual recidivism will be either a statistical creation due to the lack of predictive power associated with low base rate events or due to the fact that antecedents of nonsexual recidivism are not the same antecedents for sexual recidivism. The research questions that guide this research are: What are the predictors of probation failure (rearrest) versus probation success (no rearrest) among sex offenders on probation? And of those sex offenders who recidivated non-sexually, what are the predictors of being arrested for a non-sex crime? Finally, for those sex offenders who committed another sex crime, what are the predictors of being arrested for a new crime while on probation?

Also, the issue of whether sex offenders are appropriate for community supervision is addressed by examining the overall recidivism (probation failure) rate of this population and comparing it to other types of felony probationers or felony sex offenders who were released directly from prison. It is believed that answers to these questions will result in a better understanding of the risk factors most strongly correlated with rearrest or deterrence from crime among sex offenders on probation.

DATA AND METHOD

Data for this analysis were collected between the years of 1986 and 1989 by the Bureau of Justice Statistics (BJS) (U.S. Department of Justice, 1994). Of the 100 U.S. counties that participated in the study in 1986, it was estimated that 306,000 felons were sentenced to probation/community supervision. The follow-up study conducted in 1987, 1988, and 1989 was used in 32 counties from 17 states randomly selected from the original 100 and involved 81,927 probationers out of the 306,000 probationers sentenced in the year the study began (i.e., 1 in 4 probation clients). Sampling records were used to draw the sample ($N = 12,369$). In total, there were 149 variables available for analysis. Sentencing records, probation files (including pre-sentence investigation reports), and criminal history records were the three primary sources of information. Self-report data, in the form of probationer questionnaires, were also used. The study design took into account offender sociodemographics, criminal history, employment history, compliance with community supervision conditions, the reason for the offender leaving probation, the intensity of supervision/surveillance of the offender, and behavioral/treatment conditions imposed by the court. To control the length of probation term served (time at risk), the sample was limited to a cohort of felons who were sentenced to community supervision

in the year 1986. Although the sample was restricted only to felony probationers sentenced in this specific calendar year, the exposure time to community supervision could vary between a minimum of 29 months (supervised by probation departments from December 1986 through June 1989) to a maximum of 44 months (supervised by probation departments from January 1986 through June 1989).

For purposes of this study, data are limited to probationers who were convicted of rape and other sex-related offenses in 1986 as determined by the BJS. In addition, due to the small number of convicted female sex offenders ($n = 26$), the analysis was further limited to male sex offenders convicted of at least one felony sex offense for which they received a term of community supervision. The final sample used in the analysis consists of 917 sex offenders.

Data Reliability

Studies that rely on arrest records as the sole indicator of reoffending are unable to capture the full scope of recidivism due to the fact that all crimes are not reported to the police. This limitation is likely to be even more dramatic with sexual recidivism as sex crimes are thought to be the most underreported (Greenberg, 1998; Hanson & Bussiere, 1998; Lieb, Quinsey, & Berliner, 1998). Some variables were excluded from the analysis (average financial earnings in the year preceding arrest, whether the probation officer recommended community supervision in the pre-sentence investigation report, and the caseload size of the supervising probation officer) because the high percentage of missing data in these categories made any meaningful analysis impossible.

BJS collected these data for the purpose of measuring recidivism among all types of felony probationers and was not specifically investigating recidivism for a subset of the felony population (i.e., male sex offenders). Therefore, variables correlated with chronic sexual violence among other types of correctional populations (ex-prisoners and parolees) such as sexually deviant fixations and ideations (Center for Sex Offender Management, 2001; Roberts, Doren, & Thornton, 2002; Sjostedt & Langstrom, 2002), the victim's sex (Hanson & Harris, 2000, 2001; Konicek, 2001; Roberts et al., 2002), age of the victim (Dobson & Konicek, 1998; Escarela, Francis, & Soothill, 2000; Hanson, 2002; Konicek, 2001), the number of victims involved in the criminal incident (Dobson & Konicek, 1998; Maletzky, 1991), the nature of the victim-offender relationship (Bachman, Paternoster, & Ward, 1992; Konicek, 2001; Roberts et al., 2002; Turner et al., 2000),

and the use of force, weapons, or presence of injury to the victim (Barbaree & Marshall, 1988; Dempster & Hart, 2002; Dobson & Konicek, 1998; Hanson & Harris, 2000; Sjostedt & Langstrom, 2002) are not available for analysis. The lack of empirical research on predictors of recidivism for sexual offenders on probation (Center for Sex Offender Management, 2001; Hepburn & Griffin, 2004; Kruttschnitt et al., 2000) and the constraints of conducting secondary analysis affected the variables available for investigation. Therefore, the analysis discussed in the following pages is restrained to the use of constructs traditionally found in court and probation files.

A further limitation to the study is the inability to disaggregate sex offenders by offense type (e.g., rapists, child molesters, incest offenders). This was not possible due to the coding scheme of the data and an insufficient number of offenders in discreet categories. Newer research suggests that collapsing sex offenders into generic sex offender groups (e.g., all sex offenders are the same) results in artificially high (incest offenders) or artificially low (rapists) recidivism rates (Buttell, 2002; English, Pullen, & Jones, 1997; Hanson & Bussiere, 1998). Still, this work is important and contributes to the literature because of its investigation of a rarely studied but increasingly common group: sex offenders on probation.

Dependent Variables

The regression models used in this study are built on the descriptive data generated from the research questions. In particular, attempts were undertaken to create a risk assessment tool, using data commonly accessible to probation officers and judges that can assist criminal justice personnel in creating a profile of the most, and least, appropriate sex offenders for community-based sanctions. To that end, the first regression model contained a binary dependent variable to differentiate the sex offenders who recidivated/failed their probation term from those sex offenders who were not arrested and did not fail the conditions of their probation contract. Stated more generally, the probation failure regression model looked for identifiers to predict rearrest of any kind.

To measure both nonsexual and sexual recidivism among sex offenders, two additional dependent variables are included in the analysis. The second and third recidivism models investigate predictive differences between sex offenders who recidivated in a nonsexual way from those sex offenders who recidivated in a sexual way. For purposes of analysis, nonsexual recidivism was operationalized to include all nonsexual criminal offenses that

transpired during the study period. Because the existing database operationalized sex offenses as “rape,” “forcible rape,” “statutory rape,” and those crimes categorized as “sex-related offenses,” these were the crimes included in the dependent variable designed to measure additional sex offending while on probation.

Independent Variables

Twelve independent variables empirically or theoretically correlated with criminal behavior, and available in the court and probation files, are included in the analysis. Offender demographics have received considerable attention in past research and are thought to be some of the best indicators of criminal offending. For example, age is one of the strongest indicators of criminal reoffending (Nagin, Farrington, & Moffitt, 1995) and is negatively correlated with increased criminal activity. Another demographic variable frequently attributed to criminal behavior is race. For purposes of analysis, race is limited to only a dichotomous classification; White sex offenders versus non-White sex offenders. Previous research has shown education to be inversely correlated with crime and deviance (Shover & Thompson, 1992) and, therefore, a measure of probationers' education level has also been included. More specifically, “street-level” crime and violence is traditionally associated with offenders who have less than a high school diploma. In contrast, “suite” or white-collar criminals typically have higher levels of educational attainment (Miethe & McCorkle, 1998). Because many criminals have a history of drug abuse, this was included in the models and measured based on the information contained in probation files and defendant self-report data. Prior criminal record is one of the strongest categorical predictors of future criminal activity (Barbaree & Marshall, 1988) and as such, is included in the analysis. In other words, the best predictor of future behavior is past behavior.

Probationers' marital status, or presence of a committed intimate partner, measured as a categorical variable (1 = *married*, 2 = *separated*, 3 = *single*), was included as a gauge of informal social control, which is thought to dissuade illegal activities (Kruttschnitt et al., 2000). Percentage of time employed in the year prior to arrest, measured categorically (1 = *60% or more*, 2 = *40% to 60%*, 3 = *less than 40%*), was another informal social control variable included because research has found job stability to be predictive of reductions in recidivism among sex offenders on community supervision (Kruttschnitt et al., 2000). Previous research links community integration and stability with increased chances for rehabilitation and lower

recidivism rates (Bellair, 1997; Markowitz, Bellair, Liska, & Liu, 2001). Therefore, the number of times that a probationer changed residence was included as a categorical variable (1 = *none*, 2 = *one*, 3 = *two or more*) to measure residential stability and serve as a proxy for informal social control (strong ties with family, friends, neighbors, or landlord).

A number of variables are also included in the model to measure the deterrent impact of some commonly used formal social control measures. For example, whether a defendant was sentenced to jail as a condition of supervision was used as a dichotomous measure of specific deterrence. The initial supervision level, as a categorical variable (1 = *intensive supervision*, 2 = *maximum supervision*, 3 = *medium supervision*, 4 = *minimum supervision*, 5 = *low supervision*, 6 = *administrative supervision*), examined whether the intensity of probation department contact is correlated with a decrease in rearrest during community supervision. Also, technical violations served as a dichotomous indicator of noncompliance and court sanctions that occurred during probation. Finally, the number of behavioral and treatment conditions imposed while on supervision is included as an indicator of how many behavioral and therapeutic interventions criminal justice agents perceived were necessary to adequately treat, monitor, and deter arrest during probation. Defendants were subject to having up to eight different treatment conditions imposed on them. Conditions included community placement, alcohol treatment, drug treatment, mental health counseling, drug testing, house arrest, day program, and community service.

RESULTS

Table 1 displays demographic characteristics, criminal offense history features, and treatment/behavioral conditions imposed by the court for the sample of male sex offenders included in this study. As shown, the majority of the sample is 20 to 39 years of age. About three quarters of the sample are White, and the majority of the subjects are not married. In addition, just more than half of the male sex offenders in this sample have completed high school or attended college, which is consistent with other felony populations. The mean hourly wage of this group is about \$7.00, which is noticeably higher than the customary \$5.00 or less per-hour minimum wage for this time period. Nearly half of the subjects relocated his primary residence at least one time during the study period. In addition, only one quarter of the sample reported having a history of drug abuse and 17% reported having previous felony convictions. Regarding the current convictions of this

Table 1: Demographic, Offense History, and Treatment/Behavioral Conditions Features (N = 917)

	<i>Percentage of Total (%)</i>
Age distribution	
Younger than 20	5.8
20 to 24	18.3
25 to 29	18.3
30 to 39	29.2
40 to 49	16.3
50 or older	12.0
Race	
White	73.0
Non-White	27.0
Marital status	
Married	44.0
Divorced	16.0
Single/never married	40.0
Education level	
Grade school	14.9
Some high school	28.5
High school/GED	37.8
Some college	14.4
College degree	4.3
Average hourly wage	6.9 ^a (3.1)
Employment the year prior to sentencing	
60% or more	58.3
40% to 60%	12.4
Less than 40%	29.3
Probationers assigned to supervising probation officer	
1-50 probationers	19.6
51 to 100	38.2
101 to 150	10.7
151 to 200	24.3
201 to 250	4.1
250 or more probationers	3.2
No. of times relocated	
No moves	53.5
One move	30.0
Two or more moves	16.5
History of drug abuse	
No	75.6
Occasional abuse	14.9
Frequent abuse	9.5

(continued)

Table 1 (continued)

	<i>Percentage of Total (%)</i>
Felony history	82.8
No prior felonies	10.3
One prior felony	6.9
Two or more prior felonies	
Jail time imposed	
No	44.5
Yes	55.5
Mental health treatment completed or in progress	
No	58.6
Yes	41.4
No. of behavioral conditions imposed by the courts	1.17 ^a (.98)
Compliance percentage for behavioral conditions	
0% compliant	27.3
1% to 24%	00.8
25% to 49%	02.6
50% to 74%	34.1
75% to 99%	2.4
100%	32.7
No. of violation of probation hearings	
No violation hearing	70.0
One violation hearing	24.4
Two violation hearings	4.3
Three or more hearings	1.2

^aNote. Mean of valid cases; standard deviation is shown in parentheses.

sample, more than half were sentenced to serve time in jail and 64% were required to undergo some form of mental health treatment. On average, the number of behavioral and treatment conditions imposed by the courts was only about 1.17. In other words, the majority of the sample was subject to slightly more than one type of formal social control. Of the probationers who were rearrested ($n = 148$), the average time to probation failure (rearrest) is slightly more than 18 months.

Table 2 displays Pearson correlation coefficients for all independent variables, as well as the outcome variables probation failure, nonsexual recidivism of male sex offender probationers, and sexual recidivism of sex offenders sentenced to probation. As shown in Table 2, at the bivariate level, 7 of the 12 criminogenic factors contained in the probation and court files are statistically significant in identifying those sex offenders who failed to successfully complete a term of probation due to a new arrest while under

Table 2: Pearson Correlation Coefficients for Probation Failure, General Recidivism, and Sexual Recidivism

	<i>Probation Failure (All New Arrests)</i>	<i>Nonsexual Recidivism (New Arrest for Non-Sex Offense)</i>	<i>Sexual Recidivism (New Arrest for Sex Offense)</i>
Age	-.176**	-.160**	-.064*
Race	-.130**	-.142**	-.011
Marital status	.060	.081*	-.015
Education	-.073*	-.096**	.016
Residential moves	.147**	.103*	.098**
Employment stability	.090*	.103**	.003
Drug use history	.186**	.215**	.008
Number of prior felonies	.155**	.184**	-.004
Jail as a condition	.029	-.023	.088**
No. of behavior conditions	.020	.002	.032
Technical violations	.051	.023	.055
Initial supervision level	.046	.057	-.005

* $p < .05$. ** $p < .01$. *** $p < .001$.

the court's supervision. More specifically, age, race, and education are negatively related to probation failure at the bivariate level. As age and years of formal education completed (prior to being placed on probation) increase among offenders, probation failure decreases. It is also noteworthy that at the bivariate level, White probationers are less likely to be arrested during a term of probation as compared to their counterparts of color. Residential instability, a history of drug abuse, percentage of time employed the year prior to the offender's arrest, and the probationer's number of prior felony convictions are positively related to probation failure and appear to increase the odds of a defendant recidivating during his probation sentence. In sum, the criminogenic factors often available to judges and probation officers (i.e., "red flags") are related to probation failure among male sex offenders.

Findings at the bivariate level for the nonsexual recidivism model have a similar pattern. Eight of the 12 independent variables are statistically significant predictors of which sex offenders will recidivate in a nonsexual way during the term of their probation. To be more exact, at the bivariate level, age, race, and education are negatively related to recidivating in a nonsexual way while on probation. As age and formal years of education completed increase, the odds of general recidivism decline. Also, at this level of analysis, results suggest that White defendants are less likely to recidivate

nonsexually than non-White defendants. In addition, the lack of a committed intimate partner, less employment in the year prior to arrest, residential instability, a history of drug abuse, and the probationer's number of prior felony convictions are indicative of sex offenders recidivating nonsexually during probation.

The bivariate results of the final model are less impressive. To recap, this model contains variables associated with criminal recidivism to test their predictive ability on the identification of high-risk/dangerous sex offenders serving a term of probation. In this final model, only 3 of the 12 independent variables are significant at the bivariate level. Age is negatively correlated with the likelihood of engaging in additional acts of sexual violence, whereas residential instability and the imposition of a jail sentence are positively related to the commission of an additional sex crime while on community supervision. The more a sex offender relocates his residence while on probation and the more likely he is to have a jail sentence imposed, the greater the odds that he will commit an additional sex crime during the course of community supervision.

Logistic regression is used to assess the effects that antecedents to criminal recidivism (i.e., "red flags") have on predicting probation failure and success and nonsexual and sexual recidivism among sex offenders on probation while simultaneously controlling for the effects of the other factors included in the models. Table 3 summarizes results of regression analysis for the probation failure and the general and sexual recidivism models. As shown, age ($p < .01$) remains a statistically significant predictor of probation failure among male sex offenders when controlling for the effects of all other variables included in the model. In other words, age is a robust predictor of those sex offenders who will be arrested for a new crime while on probation. For every 1-year increase in age, the odds of probation failure decrease by about .6485. The effects of formal years of education completed prior to arrest and employment drop out when statistically controlling for the remaining predictors. In addition, a statistically significant relationship between commitment of an intimate partner ($p < .05$) and the number of behavior conditions required of the sex offender ($p < .05$) emerges when controlling for the effects of the other variables included in the model. According to the analysis, the lack of a committed partner and an increase in the number of behavioral or treatment conditions affixed to the probation contract both appear to be a strong predictor of probation failure/rearrest during the supervision term. For every increase in the level of commitment from the offender's intimate partner, the odds of probation failure decrease by .6362, and for every one unit increase in behavioral conditions,

Table 3: Unstandardized Regression Coefficients for Probation Failure, General and Sexual Recidivism Among Male Sex Offenders on Probation (N = 333)

	<i>Probation Failure</i>		<i>Nonsexual Recidivism</i>		<i>Sexual Recidivism</i>	
	B	SE	B	SE	B	SE
Age	-.4331**	.1405	-.4389**	.1642	-.3579	.2460
Race	-.7036*	.3538	-.4970	.4053	-.9442	.6127
Marital status	-.4523*	.2037	-.3699	.2376	-.4404	.3434
Education	-.0684	.1645	-.2986	.2042	.2826	.2529
Residential moves	.3801*	.1946	.3934	.2238	.2570	.3373
Employment stability	.1909	.1852	.1982	.2138	.0750	.3339
Drug use history	.5549**	.2315	.6100*	.2623	.2320	.4202
No. of prior felonies	.5176*	.2402	.8439**	.2644	-.5501	.5591
Jail time required	.1377	.3105	-.6490	.3634	2.1513**	.7879
No. of conditions required	-.3777*	.1936	-.4451*	.2306	-.2042	.3221
Technical violations	-.0734	.3835	-.2066	.4406	.3810	.6708
Supervision level	-.1390	.1468	-.0074	.1868	-.2315	.2125
Constant	.3791	1.2945	-.4687	1.5404	-1.3564	2.2630
χ^2	39.265**		44.500***		20.564	

* $p < .05$. ** $p < .01$. *** $p < .001$.

the odds of probation rearrest drop by .0748. Finally, it should be noted ($\chi^2 = 39.265$; $p < .01$) that this model has statistically significant power in selecting the most appropriate sex offender candidates for community supervision by identifying the attributes associated with sex offenders who are most at risk to act out criminally during probation. In essence, this model is a baseline assessment of probation failure characteristics (148 men were rearrested while on probation) among sex offenders and successful probation profiles (769 men did not get rearrested while on probation) among adult male sex offenders and shows that the use of this combination of factors can assist criminal justice practitioners in identifying the most appropriate sex offender candidates for probation.

Not only were the effects of these combined variables used to investigate whether a “probation success” profile was possible among sex offenders using only the information that most court and correctional officials would have available but also if these same factors, in combination with one another, are predictive of rearrest among the population that was known to recidivate non-sexually (i.e., 107 of the 917 sex offenders were arrested for a non-sex-related crime at some point during their probation). As shown,

age ($p < .01$), prior drug abuse ($p < .05$), and the probationer's number of prior felony convictions ($p < .01$) remain statistically significant predictors of nonsexual recidivism among male sex offenders when controlling for the effects of all other variables included in the model. Stated in another fashion, age is a significant predictor of nonsexual recidivism. For every 1-year increase in age, the odds of nonsexual recidivism decrease by about .6448. Prior drug abuse is also a predictor of nonsexual recidivism. For every increase in a probationer's drug abuse history, the odds of nonsexual recidivism increase by about 1.8405. The number of prior felony convictions prior to being placed on probation is also predictive of being arrested for a non-sex-related crime. For every increase in the number of prior felony convictions, the odds of nonsexual recidivism increase by approximately 2.3254.

The effects of race, committed intimate partner, educational level, residential instability, and employment on nonsexual rearrest drop out when statistically controlling for the remaining predictors. Also, a statistically significant relationship between the number of behavioral and treatment conditions imposed on the probationer ($p < .05$) and a decrease in nonsexual recidivism emerges. For every increase in the number of behavioral and treatment conditions imposed on the probation agreement, the odds of a nonsexual rearrest during probation decrease by .6408. In conclusion, it should be noted ($\chi^2 = 44.500$; $p < .001$) that the combination of these variables is highly predictive of the traits associated with nonsexual rearrest during a sex offender's term of probation. This preliminary finding is encouraging because it suggests that if judges and probation officers use this profile (which consists of attributes readily attainable in most court files), they can accurately predict the odds that a sex offender will be rearrested for a nonsexual crime during the course of his probation term.

Also assessed are the effects of these recidivism indices on predicting sexual recidivism among sex offenders on probation while statistically controlling for the effects of all other variables included in the model. Among this population of sex offenders, 41 were arrested for a new sex crime while on probation and 876 probationers were not rearrested for a new sex crime. As shown in Table 3, only a jail sentence ($p < .01$) proved to be statistically significant when controlling for the other factors. This suggests that when sex offenders receive a jail term as part of their probation sentence, the offender is more likely to sexually recidivate than those sex offenders on probation who were not sentenced to a period of incarceration, regardless of all other factors. In fact, the odds that a sex offender on probation, who had also been sentenced to a period of local jail time, would sexually recidivate

while on community supervision increases by nearly 9 times as compared to those probationers for whom jail was not imposed. The effects of age and residential instability stop being significant predictors of sexual rearrest during a sex offender's probation when statistically controlling for the remaining predictors. The lack of statistical significance ($\chi^2 = 20.564$; $p > .05$) could indicate that the recidivism variables most readily available to court and correctional personnel fail to accurately predict the sex offender characteristics (profile) most likely associated with sexual rearrest during probation. However, another explanation of the poor performance of the sexual recidivism model is the low base rate of sexual reoffending itself. Only 41 of the 917 sex offenders committed another sex crime while on probation. Because predictions are based on large numbers of occurrences, this makes accurate forecasts of rare events extraordinarily difficult.

In sum, using the criminal antecedents that are often found in court files (offender's age, race, cohabitation status, educational attainment, the number of different addresses an offender had, drug abuse history, prior criminal record, and the conditions placed on his community supervision) provides a working profile of which sex offenders have the greatest odds to succeed during their term of probation and those sex offenders who are most likely to be arrested for a nonsexual crime while under the jurisdiction of the court and the supervision of probation. The primary factors influencing probation failure/success are age, race, presence of a committed intimate partner, residential instability, drug abuse history, the number of prior felony convictions, and the cumulative total of behavioral and treatment conditions imposed. Nonsexual recidivism among sex offender probationers is most strongly correlated with age, drug abuse history, the number of prior felony convictions, and the cumulative total of behavioral and treatment conditions made part of the probation agreement. On the other hand, relying exclusively on traditional recidivism correlates and quantitative assessments to predict sexual rearrest during probation is virtually futile, in part, due to its overall low base rate of occurrence.² The only robust predictive factor of sexual recidivism is mandatory jail time as part of probation.

DISCUSSION

Regression results support both research hypotheses by demonstrating that sex offender nonsexual recidivism (but not sexual recidivism) can be accurately predicted among this population of probationers by using the combination of variables contained in the models. The primary research question behind this investigation was straightforward: Should felony sex

offenders be sentenced to probation? The appropriateness of sanctioning sex offenders to community supervision was tested in three different ways: (a) investigating the rate of probation failure that occurred among sex offenders and comparing it to other types of violent offenders sentenced to probation and the rate of rearrest for sex offenders released directly from prison, (b) determining whether it was possible to identify high-risk sex offenders relying only on data typically available to the criminal justice sentencing decision makers, and (c) studying the deterrent impact of formal and informal social control mechanisms on further offending during an offender's probation.

Although there is an ever-growing knowledge base on recidivism and desistance among sex offender populations, nearly all of the research focuses on treatment outcomes, recidivism among sex offenders released from prison, or the efficacy of psychopharmacological interventions or more objective psychometric testing measures like the clinical polygraph (Hepburn & Griffin, 2004; Turner et al., 2000), Abel assessment tool, or Plethysmograph,³ as a way to deter sex offending. Despite the illumination of this previous work, many questions remained regarding the specific risk(s) associated with placing sex offenders on probation because there was only scant research addressing this question or whether court officials could composite a reliable high-risk offender profile using only the typical information contained in their files. The lack of inquiry into these issues as they pertained to probation sex offender populations, combined with the fact that sex offenders are qualitatively distinct from other classes of violent criminals (Buttell, 2002; English et al., 1997; Hanson et al., 1998), suggests that these studies do not answer the question as to whether sex offenders should be placed on probation. Consequently, a nationally representative sample of sex offender probationers was necessary to adequately elucidate the recidivism and deterrence issues.

Results here indicate that 16% of the sex offenders were arrested for a new crime within a 3-year probation term. The average time to probation failure was slightly more than 18 months, which indicates that the first year and a half of probation may be a particularly vulnerable time and offenders should be monitored intensively. Other research indicates that sex offender probationers who have strong informal social controls (committed intimate partners, positive social networks, and full-time employment) have a longer survival rate on probation than other sex offenders (Hepburn & Griffin, 2004). To be more exact with the recidivism breakdowns, 107 of the 917 felony probationers (11.7%) under investigation were arrested for a non-sex-related crime, and 41 of the 917 sex offenders (4.5%) were rearrested for a

sex crime while on probation. In other words, within these 32 different jurisdictions from 17 states, only 4.5 out of every 100 convicted sex offenders on felony probation committed a new sex crime while under the supervision of the courts and probation departments. If probation success is measured by the percentage of persons who remain arrest-free for the duration of their community-supervision, then 84% of this national sample of male felony sex offenders was successful. If probation success is measured even more narrowly, by the percentage of sex offenders who were not rearrested for a new sex crime, then 95.5% of this sex offender population did in fact successfully complete. These rearrest rates are consistent with other sex offender recidivism studies (Hepburn & Griffin, 2004) and significantly lower than the 3-year recidivism rate of other typologies of violent felons (Langan & Levin, 2002).⁴ The 3-year rearrest rate for a national sample of released sex offenders from prisons in 15 states was higher for both non-sex-related offenses (43%) and sex offenses (5%) than it was for the national sample of felony probationers studied here (Langan et al., 2003). The lower recidivism rate of the probation population, combined with the increasingly common augmentation of specialized supervision techniques and intensive treatment requirements for sex offenders on probation suggests that community supervision is a viable sentencing option for many convicted sex offenders (Center for Sex Offender Management, 2001; English et al., 1997). The Center for Effective Public Policy, in conjunction with the American Probation and Parole Association, identified 19 jurisdictions across the country using innovative and promising sex offender community supervision strategies (Center for Sex Offender Management, 2001).

Furthermore, due to budget restrictions and shifts in penal philosophy, prison-based treatment for sex offenders has become more of the exception than the rule. Reports indicate that upward of 75% of all sex offenders receive no treatment while incarcerated (Turner et al., 2000). The BJS (2003) published a report on prisoner releases that indicated that in the year 1994, approximately 14,683 felony sex offenders walked out of state prisons in the United States (Langan et al., 2003). If 75% of these inmates did not receive therapy during their prison stay, then more than 11,000 untreated sex offenders were released back into the community in that single year alone. Given that sex offenders who successfully complete treatment have lower reoffense rates than those who do not successfully complete treatment (and therefore fewer victims and decreased victimization) (Alexander, 1999; Hanson, 2000; Mailloux et al., 2003; Marshall et al., 1999), community supervision with mandatory treatment may be in the best interest of public safety.

In this analysis, sex offender recidivism is studied using three regression models. The baseline model investigated the factors that predicted probation failure (i.e., new arrests) and probation success (i.e., no new arrests) during the 36-month observation period. A total of 148 probationers (16%) failed to remain arrest-free during their term of community supervision. The findings are summarized in Table 3. Seven of the 12 variables contained in the baseline model are statistically significant indicators of probation failure/success. The most powerful predictors were age, race, committed intimate relationship, residential instability, drug abuse history, criminal history, and the cumulative total of behavioral and treatment conditions imposed.

Results suggest that the probation failure model does a reasonably good job at profiling the sex offender characteristics associated with rearrest while on probation. However, only one of the formal social control variables (behavioral and treatment conditions) and two of the informal social control variables (committed intimate partner and residential stability as a proxy for social support) have a directional and statistically significant relationship in accordance with a deterrence/rational choice theorem. The theory assumes that as the costs of crime increase, a corresponding decrease in criminal or sexually violent behavior will follow. In this instance, an increase in the number of conditions imposed on probationers (costs) was correlated with a decrease in their likelihood of getting arrested.⁵ Extra-legal factors, such as repercussions from one's committed partner or embarrassment in front of employers or friends, are believed to operate as informal social controls and are calculated as costs in a utility-based analysis of crime (Kruttschnitt et al., 2000). The findings in this model provide support for the role of informal social controls: Sex offenders with committed intimate partners and those with stable residency (and ostensibly social support systems that provide them a place to live) are less likely to be arrested while on probation. These factors have been identified as a risk factor in other studies as well (Hepburn & Griffin, 2004; Kruttschnitt et al., 2000). In terms of policy, this suggests a couple of things. Probation departments and therapists should pay particular attention to shifts in these areas because deterioration in the stability of either could immediately place offenders at an increased risk of criminality. The appropriateness of policies such as mandatory registration and community notification should be rigorously studied to determine whether they decrease (as promised) or, ironically, increase sexual offending given the negative impact these laws are likely to have on offender stability and reintegration.

Results from the second regression model (sexual recidivism) focus specifically on whether these same variables can be used to accurately predict which convicted sex offenders would commit another crime while on probation. This inquiry was limited to the commission of nonsexual crimes that would have occurred during the sex offenders' 3-year probation term. Results indicate that the combination of sociodemographic, criminogenic, and formal and informal risk factors (often available in court and probation files) proves to be a statistically significant prediction tool for high-risk behavior while on probation. Just more than 11% (107 sex offenders) of the probation population was arrested for a non-sex crime while on community supervision. Four of the 12 factors (age, drug abuse history, prior felony convictions, and the number of behavioral and treatment conditions imposed) are significantly predictive of sex offender rearrest for a non-sex crime while on probation. Stated another way, older sex offenders were less likely to get arrested for a non-sex crime than younger sex offenders; a drug abuse history increased an offender's chance of committing a non-sex crime while on probation, and each increase in the severity of their criminal record increased the risk that they would recidivate nonsexually during probation. Only one variable, the number of behavioral and treatment conditions imposed on a probationer during the course of his probation supervision, was statistically and directionally supportive of deterrence/rational choice theory.

The final regression model, sexual recidivism, attempts to predict which sex offenders are most likely to commit a new sex crime while on probation. The model does not prove to be an accurate predictor of which sex offenders will commit an additional sex crime while serving their criminal sentence on community supervision. Low base rate activities are inherently afflicted with the problem of a lack of statistical power, which reduces the effectiveness of quantitative attempts to make meaningful predictions (Thornton, 2002). Perhaps due to the small number of cases available for analysis (only 41 of the 917 probationers recidivated sexually), or because predictors of nonsexual recidivism are not good indices of sexual recidivism, only one variable, the imposition of jail as a condition of probation, was a robust indicator of sexual rearrest.

This finding seems particularly interesting in that jail was not a statistically significant predictor of recidivism or deterrence from further crime in either of the other two models. This is not the only study to find a positive relationship between jail sentences for sex offenders on probation and recidivism. Meloy's (2001) quantitative analysis of 169 convicted sex

offenders on probation found that the imposition of a jail term was positively correlated, although not statistically significant, with an increase in sexual recidivism. Further, Hepburn and Griffin (2004) provided a qualitative assessment of all of the male probationers who sexually recidivated (9 out of 419) in one specific county during their probation term. Eight of the nine sexual recidivists in this study were incarcerated at some point during their community supervision. However, this variable did not prove to be a statistically significant indicator of recidivism when its definition was expanded to include non-sex-related offenses and technical violations.

Given the limitations of quantitative predictions on low base rate activities, researchers should consider adding qualitative techniques to study recidivism (especially short-term) to determine whether subtle indicators or themes of sexual offending (that go undetected in statistical attempts) emerge using these techniques. For instance, Meloy's (2003) study of sex offenders on probation combines quantitative and qualitative methods to study recidivism. Specifically, offender interviews were conducted in which the men were asked about the causes and factors that they associated with their sexual offending behavior. In addition, the offenders speculated as to the impact that sex offender policies (specialized community supervision, mandatory treatment, and community notification) had on their own decisions to sexually recidivate or desist from committing additional sex crimes. Sex offender research that combines methodologies in its analysis of recidivism offers the greatest promise.

Another possibility is that sex offenders are so different from other kinds of violent offenders that the predictors associated with other forms of criminal behavior simply do not work with this population. This suggests that judges and probation officers should cooperate with specially trained professionals to assist in risk prediction of sex offenders using different kinds of information (Hanson & Bussiere, 1998; Hanson & Harris, 2000, 2001; Thornton, 2002).

On the surface, the positive and statistically significant relationship between jail and sexual rearrest appears in contradiction to the (specific) deterrence/rational choice theorem. In part, the theory suggests that offenders subjected to the more punitive sanction of incarceration as part of their criminal sentence would be less likely to sexually reoffend (because its "cost" would have increased) than the probationers who did not receive a jail sentence. However, to adequately test the premise that sentence severity deters the offender from the commission of additional criminal activity in the future, the research design must ensure that the only difference between

the two groups is the imposition of a jail term. In other words, the group of offenders who received a jail term must be identical in every other measurable way when compared to the group of offenders who did not receive a jail term. Such a control group was not available here. Also, the differentiation of which offender receives a jail sentence as a condition of probation is often based on the specifics of the offense, seriousness of the act itself, and/or the nature of the defendant's criminal record. Therefore, we would expect offenders who committed more serious sex offenses and/or those offenders who had a more lengthy criminal history are not only the offenders who are most likely to be sentenced to jail (based on court system protocol) but also the offenders inherently most likely to recidivate.

Although initial statistical tests do not indicate a problem with multicollinearity, it is possible that the defendant's prior criminal history and/or seriousness of offense or other variable(s) in the model are confounding results. The positive relationship between jail and sexual recidivism requires future study and could indicate court policy revisions are in order. If this finding is replicated in additional studies, it may suggest that probation is being offered to a subsample of sex offenders who are not appropriate candidates for community-based supervision. As a logistical and financial matter, courts may sentence some defendants to probation with the most punitive sanctions possible, such as a jail term, even though the defendant is not appropriate for community-based programs and supervision.

CONCLUSION

Traditional media outlets and 24-hour news channels create a panic atmosphere by sensationalizing "stranger danger" sex crimes. Unfortunately, educating the public about the realities of sex offending and victimization risks, such as recidivism rates, efficacy of therapeutic intervention as a way to reduce future crimes, victim-offender relationships associated with nearly all sex crimes, and limitations of sex offender legislation, do not receive the same attention. This attention is essential if criminal justice agents, lawmakers, and the public are to respond to sexual violence in a more informed way.

Sex criminals, as a heterogeneous group of violent offenders,⁶ are not the focus of much empirical study (Burdon & Gallagher, 2002). This is especially true of situational or opportunistic offenders who make up the majority of sex offenders on probation.⁷ There is a desperate need for sociological

and criminological study on the sociodemographics of sex offenders and the correlation it may have on offending, the potential influence of the cycle of violence on abusers and victims (Fagan, 2001; Heyman & Smith, 2002), the impact of substance abuse and criminal history on offending or desistance from sex crimes, the potential role of hegemonic value systems and gender socialization among offenders, and most especially, the overall impact of sex offender legislation and criminal justice policies on sexual crimes. This missing information is detrimental to academicians who study violence as well as to applied practitioners and policymakers who could benefit from more definitive answers. Judges and probation officers would subsequently be better suited to respond to sex offenders with certain sociodemographic or criminalistic characteristics or risk factors.

Improvements in risk assessment tools, properly designed sex offender legislation,⁸ specialized treatment programs and community-based supervision techniques, and more informed sentencing policies for sex criminals are essential to deter these criminals from committing additional sex crimes while residing in the community. None of these advancements or policy suggestions is plausible in the absence of further study on the precursors to sex crimes during a term of probation and the factors associated with deterrence from sexual violence.

Because sex offenders are believed to be qualitatively distinct from other violent criminals (e.g., murder, aggravated assault, etc.) and vary from one sex crime type to another, sex offenders must be studied and dealt with by the criminal justice system as a heterogeneous group. Rapists, child molesters, pedophiles, incest offenders, same-sex offenders, stranger assailants, and so on each should be studied as an individual and exclusive class of violent crime. What may predict probation failure or the commission of an additional sex crime may be vastly different for a rapist as compared to a heterosexual child incest offender. Researchers must be diligent in the attempt to explore the etiology, offending patterns, personal demographics, recidivism rates, and responses to treatment separately for each class of sex offender. A one-size-fits-all mentality to sex offenders is not the answer.

In conclusion, criminal justice practitioners, judicial officials, forensic clinicians, policymakers, and researchers can all learn from each other. We can offer different pieces to the jigsaw puzzle in an attempt to better understand what causes and motivates sex offenders to commit their crimes and how society could best respond to the problem. Sociological and criminological research is needed to fill in the knowledge gaps in several important areas.

NOTES

1. Recidivism studies are often criticized for relying on official arrest rates as the only measure of reoffense that is particularly relevant with a sample of sex offenders as the degree of underreporting is thought to be so dramatic. Therefore, interviews with offenders in conjunction with probation files that typically contain information on the offenders' criminal, treatment, and personal histories would be beneficial.

2. Low base rate problems are a common obstacle when conducting recidivism research on sex offenders. In another study on sex offender performance on probation, only 2.5% of the sample (a handful of cases) reoffended sexually, making regression predictions on recidivism impossible (Hepburn & Griffin, 2004).

3. These are testing mechanisms often used with sex offenders to measure physiological responses to questions or visual or audio stimuli (visit the Office of Justice Program's Center for Sex Offender Management at <http://www.scom.org> for more information on these terms and their uses).

4. Some kinds of sex offenders are more prone to recidivate, such as pedophiles and rapists, than are other types (Dempster & Hart, 2002). Whenever possible, sex offender recidivism should be explored separately (Hepburn & Griffin, 2004) and by offense type such as: rapists of adult women, rapists of adult men, extra-familial child molesters, incest offenders, exhibitionists, and other hands-off sex offenders like child pornographers.

5. This discussion assumes, despite its inherent limitations, that arrest is an accurate indicator of criminal or sexually illegal behavior.

6. It should be noted that even though sex offenders as a group of violent criminals are different in many ways from other types of violent men, this does not mean that all legally designated sex offenders have the same profile. Rather, sex offenders should be viewed as a heterogeneous group of criminals because the profile, etiology, motives, victim selection, and degree of offense specialization vary by sex offense type (Meloy, 2003).

7. Situational offenders are more common than other types of sex offenders and, on average, have fewer victims. Opportunistic sex criminals make up the majority of the sex offenders sentenced to probation. These individuals are legally convicted of a sex crime but do not inherently have a mental psychopathology or predisposition(s) for sexually deviant/criminal behavior (Scully, 1994). The category of situational/opportunistic sex criminals exists in contrast to the popular misconception that all sex offenders suffer from a serious mental illness such as pedophilia.

8. Sex offender legislation does not target the most common and most high-risk sex crime scenarios (i.e., date rape, adult female victims, and child molestation cases involving perpetrators who often know the victim intimately). Rather, sex offender registration/community notification, for example, is designed almost exclusively to protect children from stranger assailants, a statistically rare occurrence.

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