

**ARE SEX CRIMES GENDER SPECIFIC? A COMPARISON OF FEMALE AND MALE
SEX OFFENDER BIOGRAPHIES, CONTEXTS OF OFFENDING, AND SENTENCING
RECOMMENDATIONS**

By

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To the Faculty of Washington State University:

The members of the Committee appointed to examine the thesis of
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accepted.

Chair

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I can't take credit my individual labor without recognizing those who have contributed everything they had to help me along the way.

Foremost, I proudly dedicate this manuscript to my parents and sister. Their unyielding support and humor could make damnation a trip to Disney Land.

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Abstract

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The purpose of this research paper was to explore the role gender differences in the biographical characteristics and criminal contexts of male and female sex offenders had in influencing their sentencing recommendations. Female and male offenders' pre-sentence investigation (PSI) reports were obtained, and qualitative interviews were conducted to collect information on offender characteristics and sentencing recommendations. The sex offender on-line registry was used to draw a sample of female sex offender names and a matched sample of male sex offender name in a Northwestern state. This matched sample method was used to compare the offenders' characteristics and sentencing recommendations. The findings indicated there were more similarities than differences among the male and female sex offender biographies. While some similarities were apparent in the ways in which female and male offenders committed their crimes, male offenders appeared to be more homogenous in whom they chose to victimize, the durations of their criminal acts, and how their victims were impacted compared to the victims of female perpetrators. Gender differences arose within the sentencing recommendations, which provided female offenders with less severe sentences due to legalistic

factors. The CCOs noted some “aggravating circumstances” amounted to harsher punishments for sex offenders. These items were more frequent among the male offenders’ reports than those of the females. However, these CCOs stated there were no gender differences apparent in the sentencing recommendations due to the standardized system they used to calculate the punishments. These findings supported the focal concerns hypothesis, as legalistic factors influenced differential sentencing recommendations between male and female sex offenders

TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS	iii
ABSTRACT	iv
LIST OF TABLES	ix
DEDICATION	x
INTRODUCTION	1
LITERATURE REVIEW	5
Gender similarities and differences in the contexts of offending	6
Doing gender	7
Gendered responses to social inequalities	9
Gender differences in punishment	12
Focal concerns	12
Chivalry/Paternalism	15
Evil women hypothesis	16
Sex offending and punishment	18
Sentences for sex offenses	20
DATA AND METHODS	23
Population of female sex offenders	24
Male comparison sample	27
PSI data source	30
Interview and language data sources	33

FINDINGS	35
Female biographical characteristics and contexts of offending.....	35
Biographical histories of female sex offenders.....	36
Criminal contexts of offending.....	41
Female comparison to males.....	46
Biographical histories	46
Criminal contexts of offending.....	52
Comparison of sentencing recommendations	58
Bridgette and Romey	60
Karla and Andrew	61
Kathy and Nathan	63
Pamela and Marvin	63
Deanne and Steven.....	64
Louanna and Vincent	66
Amanda and Michael	68
Methods used by CCOs	71
What do they look for?	71
What do they find?.....	72
What do they write?	75
Do they notice gender-related differences?	78
DISCUSSION.....	80
Summary of findings.....	80
Theoretical implications.....	83

Strengths and limitations.....	86
Future research.....	87
CONCLUSION.....	88
CITATIONS	90
APPENDIX	
A. Sex offenses sentenced using the standard range sentencing system	102
B. Public records redactions from PSI reports	103
C. Code sheet.....	104
D. Qualitative interview questions.....	113
E. Descriptions of female and male sex offender pairs.....	115

LIST OF TABLES

1. Characteristics of female and male sex offenders.....	29
2. Biographical information of female and male sex offenders.....	51
3. Criminal contexts of male and female offending.....	57
4. Gender inequalities apparent in sentencing recommendation reports	70

Dedication

This thesis is proudly dedicated to my mother, father and sister
for their patience, love and humor.

INTRODUCTION

In criminological research, sexual offenses are found to be male dominated crimes. When explaining this gender gap in crime, some researchers have claimed that the motivations to commit these sex offense crimes “[do] not exist in women” (Freund, 1984). Though this is an overstatement, women’s participation in rape and other sex offenses is relatively low. The 2005 Federal Bureau of Investigation’s Uniform Crime Report (UCR) reported that females accounted for approximately 1.5 percent of persons arrested for forcible rape and 8.3 percent of those arrested for other sex offenses¹. These other offenses include statutory rape and offenses against chastity, common decency and morals (Federal Bureau of Investigation 2005). Specific charges and convictions in this category include common indecency, incest, and sexual assault, as well as any attempts made by offenders.

However, the low frequency of women who engage in these offenses has not stifled media reports of female sex offending. The following media descriptions represent three different incidents, and sentencing outcomes, for the females who committed these crimes within the state of Washington².

- In Everett, Wash., a 30-year-old woman posed as a homeless, orphaned, 17 year-old-boy, and befriended a 14-year-old girl. The victim’s parents allowed Lorelei Corpuz to move into the family home as their daughter’s live-in boyfriend. Over time

¹ These figures should be seen as estimates. Among other documented criticisms of UCR data (see Mosher, Miethe and Phillips 2002), police participation in reporting crimes in the UCR is voluntary. However, according to the authors approximately 97 percent of the population is covered by this source.

² As Daly (1994) and Greer (2003) state, it is important to keep the scarcity of offenses committed by women in mind when looking at these media reports. This scarcity might explain why the news reports often limit their focus to sensational and unusual crimes, but do not accurately reflect social trends.

Corpuz began physically and sexually abusing the girl. As of May 15, 2007, Corpuz had been sentenced to a year in jail for child molestation (Associated Press 2007)

- Mary K. Letourneau is a former Burien, Wash. schoolteacher who had a sexual relationship with her underage pupil, 13-year-old Vili Faulaau. Throughout the next seven years, Letourneau was in and out of jail, registered as a sex offender, and had two children with Faulaau. The two were married in 2005 (Cable News Network 2005).

- In 1997, Bridgette Latrice Brown pled guilty and was convicted of rape in the 2nd degree in King County, Wash. She had no prior relationship to the female victim before knocking on her door and saying she was selling magazines for a youth program. When the victim said she wasn't interested, Brown asked to use the telephone. Once inside the home, Brown pulled a knife on the victim, tied her up, sexually assaulted her, and took her bankcard. Brown was sentenced to six years in prison (Fitten 1998) and is now listed as homeless in Seattle as indicated on the Washington State Sex Offender Information Center Web site (Washington State Patrol Criminal Records Division 2007).

These female sex offenders conducted their crimes in different ways against a diverse group of victims. Based on the diversity seen in these media reports, a number of questions can be proposed regarding female sex offenders. How do these crimes compare with those of the population of female sex offenders, and to similar crimes committed by males? How are the sentencing recommendations of these women similar or different to those of their male counterparts?

The summaries provided above empirically demonstrate the diversity of methods and sentencing outcomes seen among female sex offenders' crimes. This heterogeneity

has been found in previous research on the offenses and criminal justice punishments of both male and female sex offenders. Supporting evidence for these patterns can be found regarding male child sexual abusers (Finkelhor 1984; Wakefield 1991) and when observing the female criminals' methods of offending (Vandiver and Walker 2002). However, these studies have not compared offending patterns or sentencing outcomes between male and female sex criminals.

When gender is discussed within this criminal category, the bulk of previous research has compared the biographical characteristics and offending patterns of female sex criminal separately from those of male sex criminals (Duncan 1998). These prior studies are limited in the depth of information found regarding the contexts of a criminal activity in which both males and females participate. This study will have a different methodological premise. It will select a matched sample of male and female sex offenders to illuminate what elements of sex offending are gender-related. By examining these two groups together, this study is able to draw out gender differences apparent in offending patterns and sentencing recommendations between the two groups.

Additionally, there have only been a few studies that have compared the gender differences apparent in the sentencing recommendations given to male and female offenders. Pre-sentence investigation (PSI) reports are adequate sources of data to conduct a comparison study between female and male sex offenders. These reports include insights into how agents within the criminal justice system (mainly, probation officers³) view, and differentiate female and male sex offenders while providing

³ The terms "probation officer" and "community corrections officer" (CCO) will be used interchangeably here to refer to a corrections officer who manages a caseload of adult criminal offenders. Among other duties, these officers gather information to write pre-sentence investigation reports and supervise offenders' community-based treatment.

justifications for their sentencing recommendations. These recommendations may highlight the roles gender plays in the way these crimes are carried out, and the subsequent sentencing recommendations given to male and female sex offenders.

Therefore, what is missing from the literature on sex offenders and sentencing practices is a comparison of the female minority group to the male majority group to compare the ways in which they commit their crimes, and the sentences recommended to each group. The purpose of this research paper will be to explore the biographical characteristics, the criminal histories and sentencing recommendations of male and female sex offenders to locate any gender-related differences. Items in the female and male offenders' PSI reports were coded and analyzed for criminal and sentencing similarities or differences among female offenders, and between male and female sex offenders within a Northwestern state. Qualitative interviews from community corrections officers (CCOs) were used to analyze the subjective processes used in the production of a PSI report.

First, I will briefly describe the empirical findings of gender differences in criminal offending and punishment found previous research regarding violent offenses and the theoretical explanations for these differences. In this section, I will also include a description of the patterns found within the previous research on female sex offenders. This will provide additional empirical research on female offenders to which the findings in the present study can be compared. Then, I will discuss the theoretical explanations of the gender differences in criminal justice punishments. Empirical research will also be used to support these theories. Next, I will describe the historical developments of federal and state sex offender laws and criminal justice procedures used to sentence these offenders. In the methods section, I will outline the steps used to gather data and the

analysis process used to answer the research questions. I will present the results of this analysis in the findings section. I will then summarize the patterns seen within female sex offending, and between male and female sex offending in the discussion section. This section will also connect these findings to the theoretical explanations and empirical evidence provided in the front end of the manuscript.

LITERATURE REVIEW

In this section, I will describe the theoretical and empirical foundations of this study, which focuses on gender differences in criminal offending and sentencing. I will also discuss the process by which sex offenders are charged and sentenced.

First, gender differences within the contexts of offending will be explored. Within criminological research, especially regarding violent offenses, there is an extensive gap between male and female participation. These gender differences will be explained within the context of two main theoretical perspectives; social constructionist and conflict theories.

Next, I will discuss the theoretical explanations for female and male differences and similarities in sentencing outcomes. There are three theoretical hypotheses to explain such differences and similarities. First, the focal concerns hypothesis asserts that the legal factors criminal justice agents use to calculate sentences gives female offenders preferential treatment. Second, the paternalistic and chivalrous nature of the criminal justice system may provide women with more lenient sentences due to extra-legal factors associated with established gender roles. Third, the “evil women” hypothesis maintains that these chivalrous criminal justice systems only give preferential treatment to women

when they commit “feminine” crimes. Sentences may be more severe for females who step outside of the gender role boundaries and commit violent crimes.

Finally, I will describe the formal punishments associated with sex offenses. This section will include descriptions of federal and state sex offender laws and the treatment opportunities provided within this criminal category. I will also describe the seriousness of these punitive laws compared to the legal sanctions provided within other criminal categories.

Gender similarities and differences in the contexts of offending

A gender gap in criminal activities is apparent from prior research findings regarding gender differences in offending. Male offenders commit crimes more often, and often with more violence (Hindelang 1979; Steffensmeier and Schwartz 2004). However, the offending rates for both male and female offenders often increase and decrease at the same times across all criminal categories (Steffensmeier and Schwartz 2004). The differences between these two groups lie within the contexts of their criminal activities (Loeber et al. 1993). Therefore, females commit fewer crimes than males and often in different ways, but the changing rates of criminal activities between both groups are parallel.

With this gender gap, two theoretical explanations can be used to address the contextual differences in male and female offending. The first perspective maintains that socially established gender roles are carried out through patterns of offending (Miller 1998). The second theory expands on this theory by describing gender differences as a product of gender-specific social inequalities (Kline 1981; Miller 1998). These theories are described below and supported with previous empirical research.

Doing gender

Based on earlier social construction theories (see Goffman 1967), West and Zimmerman (1987) maintain that men and women have learned to perform in different ways, and continuously prove their competencies in doing so, through social situations (1987, 126). Men and women must perform these identities to reaffirm their membership in either category. These expected gender roles apparent in society are characterized by masculinity for men and femininity for women. Masculinity is “properly” associated with strength and dominance, and femininity is characterized by weakness and deference (West and Zimmerman 1987). These gender roles are further maintained through structural arrangements in society (West and Zimmerman 1987), and thus, are performed within the realms of criminal offending.

In criminal activities, violence is used to construct masculine identities characterized by dominance for men, and women are expected to avoid engaging in risk-taking behaviors. Empirical support can be found within the contexts of male and female perpetrated street robbery. When commissioning their crimes, women take into account the gendered nature of the environment, in which “men are perceived as strong and women are perceived as weak” (Miller 1998, 61). For example, female robbers most often choose other females to rob, because they are viewed as more easily intimidated (Miller 1998). Therefore, female robbers achieve the same goals, but do so in gender-directed ways.

Additionally, many crimes committed by men are conducted when their authority or dominance is challenged. In the case of murder, males often engage in verbal or

physical transactions in efforts to maintain “face” before killing⁴ (Luckenbill 1977).

These confrontations to maintain “face” are also apparent in homicides that involve unrelated males and frequently include more dangerous and risk taking behaviors (Daly and Wilson 1990). Therefore, the “accepted” male roles dictate how these crimes are carried out in society.

There have been very few sociological or criminological studies that have compared the offending patterns of male and female sex offenders. This trend may be due to the differences in offending rates causing the focus to be directed toward male offenders. Regardless of this trend, there have been a few studies that have provided a few similarities and differences between male and female sex offenders. Primarily, both groups of offenders have shown similar patterns of sexual aggression, and commit their crimes to seek power and control over a powerless population (Byers and O’Sullivan 1998; Mendel 1995). However, there are some differences in how these power-driven actions are conducted. For example, researchers have noted that female offenders typically victimize children (Faller 1997; Song and Donnelly 1993) and are less likely to use physical force, violence, or threats when committing their offenses (Allen 1991; Gaudenti 2005; Johnson and Shrier 1987; Wolfe 1985). Further, they usually have fewer victims and take fewer risks when offending (Gaudenti 2005). One of the ways in which they reduce the risk of their offense is to conduct it with a co offender, who is usually male, but who may be coercing the female to commit the crime (Faller 1987; Faller 1989, 1995; Finkelhor and Williams 1988; Kaufman et al. 1995; O’Connor 1987; Rowan et al. 1990 and Solomon 1992). Comparatively, prior empirical findings also show that male

⁴ These confrontations gradually increase in intensity by following a sequential form: The victim offends a perpetrator; the perpetrator responds by challenging the victim with the use of violence; a battle ensues leaving the victim dead or dying (Luckenbill 1977).

sex offenders tend to act alone when abusing child victims (Finkelhor 1984; Solomon 1992).

Regardless of its explanatory power, this gender role theory may be shortsighted by not fully explaining why some women engage in more criminal acts than other women. For example, African-American women have higher rates of violence than other women, but their participation in these crimes is still significantly lower than their male counterparts (Simpson 1991). Miller (1998) claims that these women have not fully adopted “masculine,” violent criminal actions as a means of attaining their goals. Therefore, the performance of gender roles might be due to a response to social inequalities between males and females. This perspective is explained further in the next subsection.

Gendered responses to social inequalities

The patriarchal arrangement of the social structure through which these gender roles are enacted provides power to males. Developed out of Marxist, feminist, and conflict theories, this perspective argues that under this gendered arrangement, female violence is rooted in a structured system characterized by male oppression and economic inequalities (Kline 1981; Miller 1998). Female differences in criminal offending may be a product of resistance to this structural arrangement. Women may be trying to protect themselves in oppressive environments, while retaliating in ways that have a minimal risk of harm.

Empirical evidence demonstrating this pattern can be found in the gender differences among homicide cases. “[Female perpetrators] are most likely to kill male partners and frequently do so within a context of economic dependence, past attacks, and

victim-initiated violence during the homicide altercation” (Jurik and Winn 1990, 239). Other studies on homicide have had similar results. Similar characteristics are found in the biographies of male and female homicide offenders, but differences appeared in how these offenders carried out their crimes. Women killed men out of self-defense, or self-preservation (Ward et al 1969; Wolfgang 1958). Also, when co offenders were present in homicide offenses, they were usually men, and in these cases, women played ancillary roles when committing the offense. The women were often romantically involved with their male partners in these co offending incidents (Jurik and Winn 1990). Therefore, female homicide perpetrators are more likely to kill a male who had been a source of persecution with the aid of another male. These incidents reduced the risk of retaliation from the victim for the female offender.

As for male offenders, they often assert their dominance through criminal activities at the expense of others. By doing so, they assert their masculinity through gang violence, robberies, and other crimes in which victims are dominated and humiliated (Lilly, Cullen, and Ball 2007). Wife beating is a good example of this process, as men who are at risk of losing their economic resources often perpetrate the offense. The perpetrators of this crime “Lack traditional resources for constructing their masculinity and, as a result, are more likely... to forge a particular type of masculinity that centers on ultimate control of the domestic setting through the use of violence” (Messerschmidt 1993, 149). Once an offender’s masculinity is challenged, they will typically retaliate with physical violence in an attempt to reaffirm their status at the expense of weaker person.

Similar findings among female and male criminals are apparent within the previous research on sex offenses. Female sex offenders are less likely to be predatory to

strangers (Vandiver 2002), and most victims of female sex offenders are children (Brown 1984; Faller 1987, 1995; Lewis 2000; Rosencrans 1997) who were usually pre-school or school age (Rudin 1995). Many female sex offenders were related to their victims in some way (Faller 1995, 1987; O'Connor 1987; Rosencrans 1997; Rowan 1990; Sarrel 1982). Further, the victims of female offenders were occasionally their own children or stepchildren (Kercher and McShane 1984). There was also a high frequency of female offenders who were employed as care-takers, such as nannies or babysitter, which enabled them to be around children (Finkelhor, Williams and Burns 1988; O'Connor 1987; Rosencrans 1997). The prior research indicates that females are able to reduce the risks associated with their sex offense by choosing young victims, with whom they have established relationships or who are in close proximity.

Male sex offenders who commit their crimes against children also establish their masculinity and power (Cossins 2000). This idea is supported by the frequency by which men of every race and class commit sex offense crimes against children (Cossins 2000). By committing these acts, they are reaffirming their dominance within a socially accepted ideology of masculinity characterized by sexual exploits (Cossins 2000).

There is some consensus that female and male offenders tend to enact their crimes differently, even if theorists cannot agree on the causes of these observed differences. The aim of this study cannot distinguish between these two perspectives, but prior comparative research on gender differences in criminal offending give reason to expect gender differences within sex offending acts.

Further, these gender differences in offending patterns may influence differential punishments between male and female sex offenders within the criminal justice system. There have been many perspectives offered to describe the differential sentencing

outcomes between male and female offenders. In the next section, I will define and describe these perspectives proposed to explain gender differences in criminal punishments.

Gender differences in punishment

In this subsection, I will describe three theoretical explanations for sentencing differences regarding criminal justice punishments. Two of these theories, the focal concerns (Rodriquez et al. 2006; Steffensmeier et al 1993) and the chivalry/paternalism hypothesis (Crew 1991; Farnworth and Teske 1995; Parisi 1982; Rafter and Stanko 1982), attempt to explain why women receive lighter criminal justice sentences. The last perspective explains why women may receive, in some cases, more severe sentences than their male counterparts. These theories,⁵ and supporting empirical evidence, are provided below.

Focal Concerns

Often, judges do not have the necessary information to examine each individual offender's case, so they develop a "perceptual shorthand" to decrease the ambiguity present in these situations (Steffensmeier et al 1993). This perceptual shorthand categorizes offenders into social categories based on their race, sex, and age (Rodriquez et al. 2006; Steffensmeier et al 1993). Attached to these demographic categories are stereotyped assumptions on what the "focal concerns" of the offenders are. When a female offender is present, these factors are influenced by traditional gender role

⁵ There is another hypothesis that attempts to explain why women might receive harsher penalties for less serious crimes. This pattern may occur as a result of increased social control on female offenders. This backlash perspective essentially punishes female offenders for their gender as they break gender role barriers when committing minor crimes, which while less serious are still characterized as masculine activities. However, it is not applicable in this study as sex offenses are serious in nature, and any gender differences apparent within these crimes would support the evil women hypothesis.

expectations, such as motherhood and submissiveness, but are legally appropriate (Steffensmeier et al 1998). Women are expected to fall within their established gender roles, and often receive more lenient sentences due to certain legalistic factors.

There are three areas which influence sentencing decisions the most: the blameworthiness of the offender, the consideration of the community's safety, and the practical consequences of sentencing outcomes (Albonetti 1991, 1997; Harris and Hill 1984; Spohn and Holleran 2000; Steffensmeier and Demuth 2001; Steffensmeier et al. 1998). These three areas inform judges on the defendants' focal concerns regarding factors such as offense seriousness, degree of harm to the victim, defendants' acceptance of responsibility, and other related concerns (Engen et al 2003). As a result, legalistic factors involving these three areas may contribute to less severe sentences for women since they are based on established gender roles.

The first of these factors, blameworthiness, favors women because they are more likely to be viewed as victims themselves when compared to male offenders. This perception maintains that the females experience internalized feelings of guilt for their crime, instead of directing their feelings outward. This assumption reduces the blameworthiness on these female offenders (Steffensmeier 1998). This perception of prior victimization is less likely to benefit men, especially Black men, who are seen primarily as criminals. As Daly (1994) says, their life histories are not affected by the "blurred boundaries theme of victimization and criminalization" (pg. 263, quoted in Steffensmeier 1998). Men have more responsibility for their criminal behavior and are frequently more likely to be seen as culpable for their crimes (Baumer, Messner, and Felson 2000; Steffensmeier et al. 1998). Further, feelings of internalized guilt may motivate women to accept responsibility for their participation in the crime more

frequently than male offenders. In sum, female offenders are more likely to be perceived as victims themselves, and are more likely to internalize feelings of remorse for their crimes. These two factors may reduce the female offenders' sentence severity.

Second, female offenders are less likely to be seen as risks to the community's safety compared to males. Female offenders commit fewer crimes overall, but when they do, they commit less serious crimes than male offenders (Steffensmeier et al. 1998). Therefore, their prior records would be a measure of perceived community risk. In turn, male defendants are more likely to be perceived as dangerous, more committed to street life, and less reformable than women (Albonetti 1991; Daly 1994; Ulmer and Kramer 1998; Steffensmeier et al. 1998) possibly due to their more expansive criminal records. Additionally, women are perceived as having more community ties, and are more likely to have a job now and in the future (Steffensmeier et al. 1998). Women are assumed to be more amenable to rehabilitation (Steffensmeier et al. 1998), which is rewarded in the criminal justice system with specialized treatment programs. These factors, including less comprehensive criminal records and more community ties, may further mitigate the sentencing severity of female offenders.

Third, this perspective argues that women receive lighter sentences partly due to the community and social burdens resulting from mothers being removed from their children. Such considerations include childcare responsibilities, emotional or physical problems, and the availability of jail space (Koons-Witt 2002; Steffensmeier 1993, 1998). Further, the judges' motivations to keep families intact may also motivate more lenient sentences on female offenders (see Daly's 1987, 1989 discussion of "familial paternalism"; Eaton 1983; Mann, Wheeler & Sarat 1980; Maynard 1982). According to Daly (1987, 1989), this lenient treatment is a result of the preference given to the care-giving responsibilities

of mothers over the fathers' ability to provide economic support. In sum, women may receive less severe sentences due to the legal and political factors regarding their assumed statuses as mothers, and the social consequences of the admission of these mothers into a prison system that commonly deals with male offenders.

These legal factors, blameworthiness, community safety and sentencing consequences, accounted for about 80 percent of the total variance in sentence length for felony level crimes (Engen and Gainey 2000). By controlling for these factors, the sentencing differences essentially disappear between male and female offenders (Engen and Gainey 2000; Steffensmeier 1993). These findings were also consistent among other state-level studies (see the studies by Kramer and Ulmer, 1996 and Steffensmeier et al., 1993 on imprisonment patterns in Pennsylvania and Daly's, 1994 study of pre sentence investigation reports in New Hampshire).

There is general agreement that the seriousness of the crimes and the offenders' prior records has the strongest effects on sentencing outcomes. This study will examine the CCO's perceptions of offender blameworthiness and culpability, and the influence these factors may have on sentencing recommendations.

Chivalry/Paternalism

The gender-driven stereotypes used by judges to simplify their sentencing decisions may include a female or male offender's extra-legal, gender-specific factors. The chivalry (or paternalism) hypothesis asserts that women are perceived as fickle and childlike, and therefore are in need of male protection (Crew, 1991). Within the criminal justice system, this perspective views women as not wholly responsible for their criminal behavior (Rodriguez et al., 2006). Thus, these offenders are more likely to receive

preferential treatment from male police officers, prosecutors, and judges who do not want to subject women to the harsh conditions of prison (Crew 1991; Farnworth and Teske 1995; Parisi 1982; Rafter and Stanko 1982). These criminal justice agents are concerned with the female offender's roles as caretakers, as well as the consequences for the offenders' children if those women were incarcerated (Spohn, Welch and Gruhl 1985). Consequently, the established stereotypes of men and women provide women with more lenient sentences. This process implies that given similar offense and prior records, women are treated less severely than men due to extra-legal factors.

Evidence in support of this hypothesis was found among prosecutors' decisions to dismiss the charges against female offenders even when controls (i.e. criminal histories, the seriousness of the charge, employment status and type of attorney) were taken into account (Gruhl et al. 1984). Women were more likely to be released on personal recognizance during pretrial stages (Nagel 1982), and women were given fewer sentences involving incarceration (Nagel 1969; Nagel and Weitzman 1971; Simon and Sharma 1978; Steffensmeier 1980). Qualitative analyses of case studies revealed evidence for preferential treatment in the legal processing of male and female offenders (Crew 1991). Additionally, attitudinal studies implemented among a sample of college students, and among public citizens, revealed a preference for lenient punishments of female offenders (see Steffensmeier and Kramer 1982 for a review of these studies). As a result, women may receive preferential treatment for the extra-legal factors associated with their gender.

Evil women hypothesis

The opposite trend may occur whereby women are punished for stepping outside their established gender roles when committing crimes. Women who conform to the

patriarchal standards by committing crimes that are “typical” of females, such as drug use or property crimes, such as shoplifting and check forgery may benefit from this preferential treatment (Rodriquez et al. 2006). This process is especially prominent among those female offenders who have dependent children (Koons-Witt 2002).

However, those who do not conform are punished the same as, or more severely than, their male counterparts (Belknap 2001; Crew 1991; Durham 1994; Farnworth and Teske 1995; Spohn 1999). Consequently, women tend to be realigned to their “appropriate” sex role assumptions, even when committing crimes.

This pattern is often referred to as the “selective chivalry hypothesis,” or “the evil women hypothesis,” which asserts that females are not treated preferentially when sentenced for masculine crimes, such as assaults. In some cases, they are treated more severely when given a sentence after committing these crimes. This severity is not only due to their violations of the legal codes, but is also based on the implications of their socially established gender roles (see Boritch 1992; Chesney-Lind 1977; Kratcoski 1974; Singer 1973; Smart 1976; Bernstein, Kelly and Doyle 1977; Farnworth & Horan 1980; Nagel & Hagan 1983; Rasche 1974). Thus, these “evil women” need to be “helped” by the criminal justice system to see the error of their ways (Nagel and Hagen 1983). They are sent to prison for long sentences for violent crimes to essentially “teach them a lesson” on what constitutes the “proper” feminine crimes to commit.

This perspective is supported with evidence found in studies involving juvenile offenders (Chesney-Lind 1977; Chesney-Lind and Sheldon 2004) and historical data (Boritch 1992). The evil women hypothesis may be applicable to sex offenses because a female sex offender is contradictory to feminine gender roles, which characterize females as caretakers. Also, it may be especially pertinent in cases involving child victims and

female caregivers, as these women would be taking advantage of their trusting relationships with the children. These situations may be seen as more disgraceful when committed by women than when perpetrated by men.

These theoretical hypotheses will be used to explain the outcomes of this study regarding the gender differences in sentencing recommendation punishments. The study will examine pre-sentence investigation reports and use qualitative interviews to assess whether these differences may be due to gender differences in offending and in the perceptions of CCOs who write the sentencing recommendations. These qualitative data sources will give insight into which of these theories is more tenable. However, it is first necessary to provide a discussion of the federal and state sex offending laws and sentencing procedures, under which these offenders are charged.

Sex offending and punishment

There are three evolutionary periods of legislation and public attention regarding sex offenders in the United States (Freedman 1987). The first period began in the 1930s after a series of brutal murders with sexual motivations occurred against children. In response to these events, FBI director J. Edgar Hoover aroused public opinion on the plague of sexual predators. He declared a “War on the Sex Criminal,” stating, “The sex fiend, most loathsome of all the vast army of crime, has become a sinister threat to the safety of American childhood and womanhood” (quoted in Freedman 2006). “Sexual psychopathy” laws evolved to offer treatment for these offenders within a hospital setting. The purpose of these laws was to “cure” the offenders of their sexual abnormalities (Lieb, Quinsey and Berliner 1998). This system was developed out of a medicalized deviance paradigm. Thus, it focused on stressed the sickness of the criminal,

rather than the deviance of the crime to deter the offender's behavior.

The feminist movement and women's advocacy groups took control of leadership roles in the 1970s during the second wave of public and political legislation on sex crimes (Lieb, Quinsey and Berliner 1998). During this period, these groups aroused public attention regarding the seriousness of sex crimes from the victims' perspectives. They raised awareness of sexual assault initially through rape speak outs, and later by the disclosure of childhood sexual abuse experiences (Finkelhor 1984; Koss and Harvey 1991). Victims and their advocates pressed for legislative initiatives, often with more severe consequences for the offenders compared to offenders in other criminal categories (Spohn and Homey 1992). However, treatment-based sentencing alternatives and institutional programs were also expanded (Lieb, Quinsey and Berliner 1998). Regardless, the treatment of sex offenders took on a more punitive approach at this time.

The third wave of laws began in the 1990s. This stage is best represented by sexual predator laws, which echoed the first wave and often used public hysteria associated with these crimes to enact the laws (Lieb, Quinsey and Berliner 1998). Sex offender legislation turned to registrations and community notifications. These systems focused on stranger-danger types of offenses, even though these cases are infrequent compared to familial sex offenses (Meloy 2006). Therefore, the third wave emphasized public awareness of unknown sex offenders in communities.

In the next section, I will discuss the specific state-level and federal laws on sex offenses and their punishments. The sex offender public notification system will also be explained in this next section.

Sentences for sex offenses

The definition of sex offense used in this study was adopted from this revised code.⁶ This code is a compilation of the permanent laws used within the state. Included in this code are sentencing guidelines for all offenses. Sex offenders in this state are sentenced within a standard range, which is calculated using a standardized sentencing grid. On this grid, the “serious level”⁷ of a crime is listed on the vertical axis and the “offender score”⁸ on the horizontal axis. This grid contains sentencing ranges for offenders who committed their crimes on or after 1 July 1984 (Morishima 2005). According to Leggett et al’s (2004) commission on the state’s sex offender sentencing guidelines, state courts used this standard range sentencing method in 1,186 out of 1,403 total sex offense sentences. A list of all sex offense crimes that are sentenced using this table can be found in Appendix A.

This standard range sentencing procedure is a product of the determinate sentence model of legal institutions. Fully enacted in 1984, this model took the place of the indeterminate sentencing model.⁹ This new model gave criminal justice agents sentencing power. They now administer sentences within a predetermined range, or in extreme circumstances (i.e. if the crime was deemed especially violent, or less violent than usual)

⁶ Under this code, sex offenses are defined as any violation defined as sexual misconduct with a minor in the second degree, any violation defined as communication with a minor for immoral purposes, any federal or out-of-state conviction for an offense that, under the state’s law, would be classified as a sex offense, and any gross misdemeanor defined as a criminal attempt, or solicitation or conspiracy to commit an offense that is classified as a sex offense.

⁷ The seriousness level ranges from seriousness level I (crimes like forgery and mineral trespass) to seriousness level XVI (aggravated murder in the first degree). Most felonies are assigned to the higher serious levels (Morishima 2005).

⁸ The offender score is a measure of the offender’s criminal history. It works on a point system where each prior offense is generally counted as one point, and each prior juvenile offense counts as ½ a point. However when an offender is charged with a sex offense, prior adult sex offenses can count for three points (Steve Clay, personal interview, June 2008).

⁹ Under the indeterminate sentencing system, a parole board determined the actual length of stay and release even though the judge and the prosecutor would agree on a particular sentence in the courtroom. While in jail, offenders were encouraged to take advantage of available rehabilitation programs. If the offender were “successfully rehabilitated,” they would potentially be released or discharged early, if they failed, the offender would continue to serve time in jail (Eikenberry and Walsh, 1989).

they could order a sentence outside the predetermined range (Eikenberry and Walsh 1989). This system ignores demographic characteristics, as they might produce unequal sentencing punishments among offenders. It is intended to be a just, fair, and predictable punishment system (Eikenberry and Walsh 1989).

However, offenders convicted under the two strikes law, which is imposed on repeat offenders of certain crimes,¹⁰ are eligible for “determinate-plus” sentencing. The state legislature passed a bill creating this form of sentencing (also called “exceptional sentencing”) in 2001. In this system, an offender is first sentenced to a minimal time frame, which is often equal to the standard range. After this time expires, the Indeterminate Sentence Review Board (ISRB) evaluates the offender. The ISRB can impose the remainder of a maximum sentence on the offender if they are found to be “likelier than not to commit a predatory sex offense” (Morishima 2005).

In 1984, the state’s legislature passed a bill enacting the Special Sex Offender Sentencing Alternative (SSOSA).¹¹ This sentencing alternative allowed an offender to have their prison sentence suspended, or reduced to 12 months or less, participate in treatment for up to five years, and be under the supervision of a CCO when in community custody (Morishima 2005).

After the offender is released from prison, or if they were granted the SSOSA option, they are required to enter community supervision and to participate in various

¹⁰ The sex offenses or “strikes” listed under the three strikes law include: child molestation, 2nd degree; incest, 1st or 2nd degree; indecent liberties (without forcible compulsion); rape, 3rd degree; and sexual exploitation of a minor.

¹¹ This sentencing alternative is for first-time offenders convicted of a felony sex offense other than rape in the 1st or 2nd degree, and whose sentences do not exceed eight years. SSOSA may be revoked if the offender violates court conditions or does not make “adequate progress” in treatment programs (Lieb et al 1992). In 2004, the legislature made a variety of changes to SSOSA, including narrowing the eligibility criteria, adding requirements to it, and changing the manner in which SSOSA offenders are supervised in the community. The changes went into effect on 1 July 2005 (Morishima 2005).

treatment programs. Mandatory terms of community custody are required for sex offenses, and range from 36 to 48 months (Morishima 2005). However, the length of supervision following the offender's release into the community may vary with the specific conditions placed on that offender. If these supervision terms are not violated,¹² the offender is automatically discharged from community supervision.

These offenders may remain on state and national sex offender registries, even if they are discharged from community supervision. A state-level community protection act was passed in 1990, which required all convicted sex offenders who were convicted in, or under supervision of, the state's corrections department, or who resided in the state to register¹³ at their county's sheriff's department. The offender receives a Class C felony charge if he or she was convicted of a Class A felony and fails to register. If they were not convicted of this class of felony, failing to register becomes a gross misdemeanor (Lieb et al 1992). This state level registration system is maintained throughout the United States by the Megan's Law, which introduced community notification systems.

On the federal level, the 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act enforced the implementation of a national sex offender registry. A national database was established in 1996 by the passing of the Pam Lychner Sexual Offender Tracking and Identification Act. This act requires a lifetime registration for recidivists, offenders who commit crimes against minors, sexually violent offenders, or if the offender is classified as a "sexually violent predator" (National Center for Missing and Exploited Children 2008).

¹² If the offender violates the terms of this supervision, he or she returns to prison for the remainder of the year or 60 days in jail per violation depending on the supervision.

¹³ In 1991, this law was amended to require registration of all sex offenders under the jurisdiction of Indeterminate Sentencing Review Board.

Due to the sentencing guidelines, and the large amount of public support of sex offender regulations, these offenders often have comparatively more severe sentences than other offenders. For example, they are more likely to be given prison sentences than other types of offenders and are more likely to be incarcerated longer than any other class of offender, except those convicted of homicide (Sample and Bray 2003). Additionally, sex offenses represent one of the most serious of offenses when measured by public perception. No other crime invokes a more negative feeling in society (Quinn 2004). Other criminals abhor these offenses, and consider these offenders unworthy associations even if the sex offender receives a sentence similar in severity to murderers (Holmes 2002). In sum, sex offense laws are developed based on public perceptions, which have enacted harsh punishments on offenders of these crimes.

In the next section, I will explain the data source and methodology used to compare male and female sex offense patterns and sentencing recommendations.

DATA AND METHODS

In this section, I will describe the research methodology used to answer my proposed research questions. First, I will explain how the sampling frame of female sex offenders' names were identified using the on-line state sex offender registry. I will also describe the advantages and disadvantages of this source. I will report on the results of this search using the on-line source, and the process through which the data were collected. Then, I will explain how the logic of using a matched sample of male offenders is appropriate when studying gender differences in crime. Next, I will describe how the data on a matched set of male sex offenders were found. Third, I will explain the data source and its strengths and weaknesses. I will then explain the variables used to

construct a coding sheet and process used to analyze the content collected using this data source and coding sheet.

Population of Female sex offenders

Female sex offenders were identified and selected based on information found on the state's official sex offender Web site. The sex offenders listed on this Web site represent those who have been convicted of a sex offense, served time in prison and are now released into the public. These offenders may also be on supervision by community corrections officers and may include those charged under the indeterminate sentencing board as of July 1991, or found guilty by reason of insanity.¹⁴ This Web site organizes the offenders by the counties in which they currently reside. Each county was individually selected and females were drawn out of the list of offenders presented on each Web page. These female offenders were found by reviewing the names, profile pictures and genders of each offender in each county.

There are some limitations to this sampling frame. Many jurisdictions rely on voluntary compliance from the offenders to register with a change of address notification when they move, or on tips from community members (Bedarf 1995, 903). Therefore, there may be a significant number of both male and female sex offenders who have not registered. Additionally, the information presented on the Web site may not be completely accurate, due to the lack of available funds and resources available to police

¹⁴Offenders can be relieved of their registrations duties. However, the stipulations of this process depend on the offenders' charge and their criminal histories. The offenders must be registered for at least 10 years and after this time, they may petition to a superior court to be relieved to their notification responsibilities. Therefore, the offenders who have undergone this petition process were not included on the state's sex offender registration Web site.

departments.¹⁵ Disadvantages regarding voluntary compliance affect most of the state's jurisdictions. However, the availability of funds at the county level is unable to be determined across the state. There was no feasible way of calculating the impact this weakness had regarding the information presented on the Web site, but certain groups of sex offenders might be under-represented. For example, sex offenders who are homeless or transient may be harder to locate, and as a result, the information provided on the Web site, if given, may be outdated. Female offenders, due to the presence of more network bonds, might be more likely to update their records than the male offenders. This weakness could reduce the ability to make effective offender matches.

This Web site provided information for level 2 and level 3 sex offenders living within this state. These offenders have a moderate to high risk of offending again, and level 3 offenders generally had more than one victim and offended against their victim(s) throughout a longer period of time. There may be a potential bias regarding this limitation as more females might be convicted with lower, level 1 sex crimes. However, the level 2 and level 3 sex offenders' reports are likely to have more informational depth and detail than those reports of level 1 offenders due to the relative seriousness of these offenses. The lower level records are available to the public, but the recipient would need the offenders' names to request this information. I am not aware of any additional source from which I could retrieve these names, other than contacting each county police agency in the state. This process would not have been feasible due to time constraints.

I restricted the population of sex offenders under examination to those who were more than 18 years of age. Information on juvenile sex offenders is difficult to access

¹⁵ As Bedarf states "police say their resources are better spent solving actual sex crimes, rather than tracking down offenders who fail to register" (1995, 903).

because of the offender's status as a youth and their files would likely be sealed.

Therefore, the population represents every female aged 18 or older who has been charged with a level 2 or 3 sex offense, incarcerated if a prison sentence was imposed, and has been released into the community.¹⁶

The results of the Web site search listed the names of 23 female sex offenders who were more than 18 years of age. A public records request was sent via e-mail to the state's corrections department in November 2007 to ask for the offenders' pre-sentence investigation reports.

About half of the 23 female offenders had PSI reports in the state's public records department database.¹⁷ Once these 11 files were received, one offender's report was discarded because her crime was committed outside the state and she had since relocated into the state.¹⁸ This case would complicate a comparative analysis of male and female offenders' within-state sentencing recommendations. It would be vulnerable to problems associated with the diversity of interstate criminal justice practices. Also, the public records specialist was required by law to redact certain information within these reports, such as social security numbers and items regarding an offender's medical history. A summary of these redactions is listed in Appendix B.

In total, 10 female sex offender reports were useable. The reports ranged in length from one page to 14 pages, and the average length of the reports was 8.4 pages. The

¹⁶ However, this population does not include the female sex offenders who have remained on the registration list for a minimum of 10 years, and who petitioned to be taken off of the list.

¹⁷ Upon further investigation via phone calls to respective county courthouses it was discovered that at least three of these female offenders were juveniles when their crimes were committed and their records could not be accessed.

¹⁸ It is necessary to note this deduction, not only for the necessary details of this report, but also to comment on the relatively frequent relocation patterns of sex offenders and the necessary paperwork needed to track them. Four female sex offenders are still listed on the state's sex offender registry Web site, but the records specialist could not locate their files. While these offenders might have been charged as juveniles, and their files may be sealed, the necessary paperwork may truly be missing.

reports were written in seven different counties within the state and by eight¹⁹ different CCOs. The mean age of these females at the time of their offense was 24, with a range of 18 to 35.²⁰ Two females were Black and eight were white. Their offense charges varied in degree, but the most frequent charge was child molestation. Four females were listed as level 2 offenders, five were listed as level 3, and one offender's level could not be determined, according to the sex offender registry Web site (See Table 1 for these results).

The information presented on the sex offender registry Web site for these 10 female offenders was used as criteria from which male offenders were matched. I will describe this matched sampling method further in the next subsection.

Male comparison sample

It is necessary to compare female sex offenders to similar male counterparts to detect these gender differences. Due to their higher rates of offending, male offenders are often seen as “the universal non-gendered offender” (Daly and Tonry 1997:204). Among scholars, this designation accepts the image of a male offender as the normative, and the criminal act as representative of masculine responses to social pressures (see Messerschmit 1993 on “hegemonic masculinity”). Further, when female criminals are discussed in social research, the researchers' attention is focused on feminine characteristics, or “women's issues.” These researchers isolate female offenders from their male counterparts and rarely search for differences across the two groups.

¹⁹ One report did not provide a CCO's name.

²⁰ In many reports the offender's date of birth was either not given or redacted during the records request process. If this was the case, an estimate was made based on the date the report was written. If the offense occurred over a range of time, the date of birth was calculated based on the date at the start of the offense.

Therefore, a male sex offender match was sought for every female sex offender to conduct a comparative analysis. After the population of female offenders was gathered, the information on the male offenders was gathered so that matches could be selected from the listings of male sex offenders. This matched sample design enabled a comparative analysis of two offender groups; male and female sex offenders, who had similar demographic characteristics. By matching male offenders to female offenders, the matched characteristics will be held constant and will not influence the findings because they will be similar between the two groups. This way, aspects of their life and criminal histories, offending patterns, and sentencing recommendations could be compared across these pairings.

A number of criteria were used to find a matched set of male offenders. First, the county in which the female offender was charged narrowed the search of male offenders who were charged within the same county. The sex offender registry Web site was used to generate this list of male offenders who were charged within the same county as the female offenders. Males, who had the same offender level as their female counterparts, were sought. Different offender levels might have invalidated the findings, as one offender would already have been categorized as a higher risk to the community than the other. Additionally, male and female offenders were matched on criminal charges and degrees of their crime, which ranged from 1st to 4th degree. Some charges, such as 1st degree rape, are more serious than others. The more serious crimes would have harsher sentences due to the nature of the offense, rather than any gender-related characteristics. Further, to control for potential racial differences, which might influence the sentencing recommendations, offenders were matched according to their race listed on the web site.

Also, male sex offenders' ages²¹ were matched to the approximate ages of female offenders because age may influence items within offenders' sentencing recommendations. For example, older offenders have had more time to commit more offenses. These offenses are taken into account when a recommendation is made in a sex offenses case. Therefore, these older offenders might have more strikes against them for reasons unrelated to gender characteristics, and would receive harsher punishments when charged with a sex offense.

Table 1: Characteristics of female and male sex offenders used to illustrate matching criteria.

Offender characteristics	Female offenders ^o n=7 (N=10)	Male offenders N=7
Age of offender*		
Mean	24.14(24.1)	26.1
Median	22(24)	23
Range	18-35(18-35)	18-38
Race		
Black	2(4)	2
White	5(8)	5
Offense charges[~]		
Assault of a child with sexual motivation, 2 nd degree	0(1)	0
Bail Jumping with B or C felony	0(1)	0
Burglary, 1 st Degree	4(5)	0
Child Molestation, 1 st or 2 nd Degree	0(0)	6
Rape of a child, 2 nd or 3 rd Degree	1(1)	1
Rape, 2 nd Degree	1(1)	1
Solicitation to commit Sexual Exploitation of a Minor	0(1)	0
Sexual Exploitation of a Minor	0(1)	0
Taking a motor vehicle without permission (TMVWOP)	0(0)	1
Unknown	2(2)	0
Offender level		
II	4(6)	3
III	3(3)	3
Unknown	0(1)	1

^oThe female offenders' demographic and criminal characteristics were calculated twice, once with the full sample of females (n=10) and once with the sample limited to only those female offenders who had matching pairs (n=7). *Offender ages were calculated based on the time of the commission of the offense. [~]Some offenders were charged and plead guilty to more than one offense. In these cases, only the sex offenses were used for criteria to match the offenders.

²¹ Since these counties varied in size, and larger populated counties had many more male offenders to choose, the age range of male to female sex offenders did vary. A maximum of a 10-year age difference between male and female pairs was sought. However, in some cases the age difference between males and females exceeded this mark.

The male offenders' ages at the time of their sex crimes, the races of these offenders, the crimes with which they were charged, and their offender levels matched those among the female offenders. These results are provided in Table 1. Male offenders were around the same age as their female counterparts and the same racial frequencies were found. Most of the male offenders were charged with child molestation offenses. Their offender levels were the same, with the exception of one male offender who was matched to a female on all other criteria items, but whose offender level could not be determined. Thus, the male and female sex offenders did not differ with regard to several demographic and offense related variables.

In the next subsection, I will describe process through which male PSI reports were attained. I will also explain what information was available within these reports and its strengths and weaknesses. Next, I will describe how a coding sheet was developed to collect and organize information within these reports. Then, I will describe how the male PSI reports were found.

PSI data source

A public records request was sent to the state's corrections department to locate and attain the male offenders' PSI reports. Multiple male sex offender reports were requested for a number of reasons. First, their charging offenses listed on the Web site may have changed from the original offense of which the male was convicted, which is listed in their PSI reports. In these cases, the convictions could not be used to form a matching sample because they do not match between male and female offenders. By requesting more PSI reports than needed, those male offenders who had different charging convictions could be dropped. Second, there are more male sex offenders listed

on the Web site, and none with the same criteria could be discounted. When multiple male matches were found, all the names were selected and all were requested from the public records department. Finally, more male offender reports were requested due to the limited results from the request of female offender reports, which indicated that the records specialists could not find many of the PSI reports within their database. In total, 41 reports male reports were requested. Of the original list, 10 male reports were found in the time allotted to the public records request specialist to complete the order (two months). Of these ten reports, two were taken out because the charging offenses were not sex crimes. Four of the reports were double matches for two female offenders, meaning that two of the females had multiple matches. In these situations, I chose the better male match based on one male offender being closer in age at the time of the offense to the female offender, and the other male offender residing in the same charging county as the second female offender. Thus, these four reports were reduced to two, so each female offender had one match. In the end, this process left six pairs of male and female sex offenders.

A second records request was sent to the public records department. The remaining male offender names on the original search list were reduced in an attempt to gather matches only for those unmatched females. A list of seven male offenders was sent and out of these, one report was returned. Therefore, seven male sex offenders were matched based on the female offenders' races, ages, offender levels (two or three), offense categories and charging counties.²² The PSI reports of the male sex offenders had

²² Admissions were made in one matching pair, Deanne and Steven, regarding the county in which the offenders were charged. When Steven's name and information was taken from the Web site, both he and Deanne were listed as being from Jefferson County. However, his PSI report indicated that he was actually charged in Grays Harbor. Steven's report remained in the sample due to the location of the offense. Steven had been "vacationing" at a friend's cabin on a holiday. His victim was also on vacation with her family.

an average length of 12 pages and ranged from five to 17 pages, compared to an average length of 8 pages and a range of one to 14 pages seen among the female offenders reports.

State employed community corrections officers (CCOs) prepare pre-sentence investigation (PSI) reports after the defendant is found guilty of their charge, but before a sentence is imposed. These officers conduct investigations of the defendant's background and recommend a standardized sentence. Under federal regulations,²³ the report must contain any prior criminal record, financial information, information about circumstances affecting the offender's behavior, and any information requested by the judge on the individual defendant (Fennel and Hall 1980). These topics are the most frequent in PSI reports due to the federal regulations, but the addition of further topics may vary across districts and states. Specific differences in these recommendations might pertain to the amount of information provided in each section, or the addition of sections not listed in the federal regulations. Efforts to minimize this diversity were made by limiting the search to one state, but district-related differences might influence the validity of the findings. Each CCO has the potential to vary the amount of information he or she provides in the offenders' PSI reports, so this disadvantage could not be avoided. The consequences of this limitation are that it would increase the amount of missing data for one offender and would invalidate a comparison study across gendered pairings.

Since both the offender and the victim were away from their permanent residences, and lacked any sort of community interference, the report was treated as an exception to the matching item of "county." All other matching items, age, race, level of offender and offense category aligned to Deanne's case.

²³ The guidelines for the contents of a PSI report are listed in the Federal Rule of Criminal Procedure 32, section (c)(2).

A coding sheet and codebook was formulated based on the information and topics found in the female sexual offenders' PSI reports. The topics covered in this codebook correlate with those topics covered in a PSI report.

These topics were organized into four main areas. First, the offender's biographical characteristics were compared to note any biographical differences between men and women before their sex offenses. Second, the contexts of the crimes between males and females were compared, including the victims' demographic information and the locations of the crimes. Third, the sentencing recommendations were compared using four variables: the replacement of prison time with treatment options, the ranges recommended (low, middle, or high), the recommendations of exceptional sentences, which call for more or less time in prison than what a standard range sentence would dictate, and the opportunities for the offenders to participate in treatment options once they are released from prison (See Appendix C for code sheet). These items allowed the analysis of a variety of topics between male and female sex offenders and noted any similarities and differences in offenders' histories, their sex offenses, and the recommendations made by CCOs.

The language used within the PSI report was combined with the information from five qualitative interviews with CCOs. The use of the written and verbal language from the CCOs will be discussed further in the next subsection.

Interview and language data sources

To supplement the PSI reports and the code sheet, qualitative interviews were conducted and the language used within the PSI reports was analyzed. These interviews were conducted to gain information on the objective and subjective processes CCOs use

to produce PSI reports. Further, the written language and phrases used within male and female sex offender reports was compared to indicate any gender differences among the CCOs recommendations.

Four counties with populations ranging from rural to urban were located across the state were selected. Within these four counties, five state CCOs were selected to participate in qualitative interviews. A list of questions was prepared and used with every interview, but I did not strictly adhere to this list. Its purpose was to cover the qualitative topics consistently between all CCOs. The questions on the list included the methods used when writing PSI reports, and their perceptions of male and female sex offenders. (A list of the questions used is featured in Appendix D.) The CCOs were encouraged to elaborate on their answers and include anecdotal information when possible.

The interviews ranged from thirty-five minutes to one hour, forty-five minutes and were recorded into MP3s on a digital device. After, these interviews were transcribed into digital text documents, and they were erased from the recording device. The transcribed information was then organized into broader themes. These themes included what the CCOs felt was the most important element of a PSI report, what topic they believed influenced the recommendation most often, and what their perceptions were regarding male and female sex offender differences. These perceptions offer insights into the reasons for the recommendations and how they view female and male sex offenders.

The meanings of these messages were compared and related to the other topics already coded from the PSI reports. This method revealed the differences and similarities between what was written about the offenders and what the CCOs reported in the interviews. Therefore, two different data sources were used to answer the research questions about the CCOs' perspectives on female and male sex offenders. This method

added supporting evidence to the themes found in the PSI reports among the matched pairs of sex offenders.

After the PSI reports and the qualitative interview data were coded, this information was combined and reduced within the four categories. The categories were then used as descriptive themes to illuminate gender differences and similarities within sex offenders, sex offending patterns, the sentencing recommendations and the perspectives of CCOs who justified these recommendations. These findings will be presented in the next section.

FINDINGS

The differences and similarities among female sex offenders and between male and female sex offenders will be presented in this section. This information was gathered using the sex offenders' PSI reports and qualitative interviews with CCOs. In the first subsection, I will describe the biographical histories of female offenders and the contexts in which they committed their sex crimes. In the second subsection, I will compare the information presented in the first section on female offenders to the information found in male sex offender PSI reports. Next, I will describe the gender differences apparent within the sentencing recommendations provided by CCOs. In the final subsection, I will describe the themes found within the language used by the CCOs when adjudicating male and female sentencing recommendations. This section will also feature input of CCOs via qualitative interviews.

Female biographical characteristics and contexts of offending

In this sub section, I will first describe the female sex offenders' backgrounds to reveal the environments in which they lived before they committed their crimes. The

specific items I will describe in this section include the female offenders educational, employment and criminal histories. Then, I will describe the contexts in which they committed their crimes. This subsection will include the demographic features of the victims and their relationship to the female offenders, the locations of the incidents, and the presence of alcohol or drugs in the offenses. The purpose of this section is to first locate the similarities and differences among female biographies and their criminal contexts; and second, to provide the groundwork to which a comparison of the biographical characteristics and the criminal contexts of male sex offenders can be made.

Biographical histories of female sex offenders

Many female sex offenders had biographies characterized by deviance and trauma. Starting when they were young, a few female offenders had histories of child victimizations (See Table 2, row A), including prior sexual abuses. Family members or close friends perpetrated all of these abuses. The majority these abusive activities, which began when the females were children or teenagers, have persisted into their adulthoods. For example, after recommending a sentence to Louanna, which included more treatment than confinement, her CCO wrote, “[*This sentencing option is*] a chance to break the sexual molestation cycle started by [*Louanna’s*] parents and has continued on.” Also, Amanda and Cassandra, who were also victims of child sexual abuse, had relationships in their teenage and adult years that were emotionally and physically abusive.

These abusive histories might have influenced the females’ future offending actions, meaning the childhood exposure to these activities guided these child victims to become offenders themselves. Teresa offered this as an explanation, as reported by her CCO in her PSI, “[*Teresa*] said much of her action stems from her own childhood of long

time sexual abuse.” This response could have been insincere, as Teresa might have meant to evoke feelings of sympathy from the CCO. However, early exposure to child abuse, physical and psychological, was apparent in the lives of female offenders and might have influenced their future deviant behavior.

It is interesting that there was little history of criminal activities evident among the offenders’ families in spite of the offenders having frequent exposure to child abuse (see Table 2, row B). Only Bridgette’s PSI report stated the offender’s family had a history of arrests or incarcerations. Her parents had both died while serving time in correctional facilities and her report states,

“[Bridgette] claims at the age of two, her father was hung by the Indiana Department of Corrections and her mother passed away in [a] King County Jail when she was 19. [Bridgette] recalls both parents had severe drug and alcohol problems and were involved in criminal activity.”

This was the only report to address the presence of an arrest or an incarceration among the female offenders’ family members. However, as stated above, many female offenders were molested and sexually abused by close family members. It is possible that these crimes, which happened to the female offenders when they were children, went unreported.

There was a pattern apparent in the offenders’ PSI reports in terms educational attainment (See Table 2, row C). When indicated, the reports frequently listed the female offenders as being high school dropouts, or attaining high school diplomas or GED equivalents. There was one female offender who had some college education. Cassandra was enrolled in an out of state university, and was a year and a half away from receiving her bachelor’s degree before she moved into the state. This uncommon level of education was praised by the officer who wrote the PSI, as he listed it an “above average” level. As

indicated by this response, it is clear that the education levels among female sex offenders were usually at the level of a high school degree.

These education levels might partially explain why female offenders did not have many skills-training opportunities and subsequent job experiences. The only offender with a post-high school education, Cassandra, was also the only offender who was employed at a job that required training. She was employed by a legal messenger service. Only one other offender was confirmed to be working at the time of her offense.²⁴ Deanne was working part-time as a hotel housekeeper. For the remaining female offenders, it is unclear from where financial assistance came prior to their offenses. There were two female offenders on state aid at the time of their crimes²⁵ (See results on Table 2, row D and E). Teresa was receiving \$440 from a federal social security program and Louanna was receiving social security benefits. By not receiving independent sources of income, it can be suggested that the majority of female offenders were depending on others, such as friends and family members for financial support.

The suggestion that the female offenders were depending on friends and family for financial support may also explain their non-independent living arrangements. Only one offender, Bridgette was living alone at the time of her offense (See Table 2, row F). Other female offenders lived with family members, boyfriends, or spouses. These relationships were present regardless of only one female being married (See Table 2, row G). The relatively young ages of the offenders who were not married, 18 and 22, could

²⁴ Karla may have been employed around the time of the offense, but her PSI report did not state she was employed on the date the crime occurred. The PSI listed the offense occurring between March and August of 1995 and indicated that the offender as employed for three months that year. However, it did not specify which three months in 1995 these were.

²⁵ At the time the report was written, Katie was hoping to obtain public assistance from the state's social and health Services department, and Deanna enrolled in financial assistance after becoming pregnant with the victim's baby.

explain this marital status as a lifecycle trend and the non-independent living arrangements. However, two females had been married at relatively young ages and were divorced at the time of their offenses. Teresa was married (and pregnant) at the age 14, and divorced at age 17, and Cassandra was married at age 16 with her father's consent. Therefore, the majority of these women were still residing in the homes of friends, family, boyfriends and spouses, regardless of their marital status. These living arrangements may show an additional degree of female dependence on others.

A high proportion of female sex offenders had given birth to a child before their crimes occurred. This may partially explain the female sex offenders' reliance on friends and family members for residential resources. Further, the dependence level might also have been exacerbated by the little financial available to these mothers to support their children. However, in all situations in which the women had given birth, only one offender was living with her child at the time of the offense. However, in this case Teresa's daughter was the victim in the molestation perpetrated by Teresa and her boyfriend. Cassandra also lost custody of both her sons, but the specific reason for this action was not given, and might have been due to financial deficiencies. Regardless, many female offenders were deemed insufficient guardians by some form of social services organization (See Table 2, row H for these findings).

However, the criminal histories of the female sex offenders may have contributed to many mothers not living with their children. A few females had prior misdemeanor and felony charges²⁶ at the time of their offenses (See Table 2, rows I and J). They had up to four misdemeanor charges each. However, only one female offender was charged with

²⁶ Felony and misdemeanor charges for the sex offenders include only adult charges, as a public records specialist redacted the offenders' juvenile records from their PSI reports.

a crime against another person. Katie had the only assault conviction for an attack on a police officer. Bridgette and Amanda had property offenses in their criminal histories, including 2nd and 3rd degree thefts. Other female offenders had charges for minor crimes, such as Pamela's charge for prostitution, and Cassandra's charges for driving convictions.²⁷ Teresa had the only felony charges among the female offenders. She was convicted of four felony charges, including theft, drug-related offenses, and the only prior sex offense charge among both male and female offenders (See Table 2, row K). She was charged with one count of sexual abuse, 1st degree and one count of "prostitution-compelling." However, this charge was not described further in the report.²⁸ Bridgette was the only female offender to have a felony conviction within her criminal history. Her crime involved the taking a motor vehicle without permission (TMVWOP). Therefore, the criminal histories of the female sex offenders show they do participate in violence against other people, as evident by the assault and sex offense charges, but these were few in number, compared to driving infractions and drug charges. While the criminal histories of these offenders vary, most females still hold more misdemeanor charges than felonies.

In sum, the prevalence of child abuse may have influenced the sex offenses these women perpetrated later in life. Their financial instability, exacerbated by low levels of education and the presence of children to support, may have contributed to the dependence the female offenders' had on family and friends. Therefore, it can be suggested by the female sex offenders' biographical elements that they have participated

²⁷ Cassandra's driving convictions included driving with a suspended license, 3rd degree, three charges for speeding, and one charge for failing to wear a seat belt.

²⁸ The state's legislature code describes this charge as occurring when a person knowingly coerces a person by threat or force to engage in prostitution or profits from prostitution resulting from such threat or force.

in lifestyles characterized by abuse, financial instability, and minor criminal activities, including drug and traffic related misdemeanors.

These biographical patterns among female offenders may have influenced the way they carried out their sex crimes. The close proximity these offenders had to close family and friends may have influenced whom the offender victimized and how the offenders conducted their crimes. A discussion of the ways in which female sex offenders typically committed their crimes will be provided in the next subsection.

Criminal contexts of offending

In this subsection, I will discuss the contexts in which the females' offenses occurred in light of their biographical histories. The three female offenders who did not have male matches were removed to make the results of this subsection comparable across the matched pairs of offenders. Brief descriptions of these offender's crimes and sentence recommendations are listed in Appendix E.

As stated above, many of the female offenders had children and were living with family or friends. Therefore, it is no surprise that most of the female offenders' victims knew their perpetrators, and in one case, was related to the offender (See Table 3, row A). There was only one case where the victim and the offender, Bridgette, were listed as strangers. However, there was some evidence, which indicated Bridgette might have met, or seen, her female victim before the offense took place. According to the victim's statement, Bridgette knew the female victim had marijuana in her home, and when committing the offense, reportedly told the victim, "*I picked you because you have nice skin.*" This evidence may indicate both that the offender knew covert information about the victim, and had seen the victim before she carried out the offense.

This case also involved the only female adult victim, and the only offense that involved a weapon and the use of force among those committed by female criminals. Bridgette threatened and cut the victim with a pair of the victim's scissors, and physically restrained her by tying her hands together with the cord of a clothing iron. Comparatively, Kathy was the only female to victimize an adult male. However, while Bridgette's offense was an isolated incident, Kathy victimized this male throughout an extended period of time (12 years) (See Table 3, B, D and E for these findings). Thus, the majority of female offenders' victims were children, to whom they were either acquainted or related.

Since most females lived with family and friends, and offended against children they knew or were related to, it is no surprise that many of these offenses happened at the offenders' residences (See Table 3, row F). There was only one offense that occurred at the victim's home, but this offense is the same one described, which was perpetrated by Bridgette. The close proximity to the victims could have been convenient for the offenders, as minor age children may have surrounded these offenders as they were living with friends and family members.

Many female offenders victimized only one victim at a time. These young victims were frequently male, as four females victimized minor age, male victims, and one female offended against minor age female victims (See Table 3, row C and G). However, the cases between those victims who were female and those who were male must be differentiated. Aside from Bridgette's case, two other females victimized female children. Amanda's offense also involved her husband as a co offender and a teenaged victim. In this offense, Amanda's husband began kissing and fondling the victim, as Amanda was *"just sitting there."* The CCO reported that during the offense, *"Sex took place between*

[Amanda's] husband and the victim, and her husband and herself." Thus, she held a secondary role in the offense. Additionally, in Pamela's offenses, she was not the primary offender, but would allow "tricks," or clients, to sexually assault young female victims (aged six and 11) for a fee. Therefore, the female offenders held passive roles when the victims of these offenses were male, and when a co offender was present (See Table 3, row H for the number of offenses involving co offenders). These offending patterns could be related to the females' biographical histories, which were characterized by a high level of dependence on others.

These passive roles can be contrasted to the more active roles apparent among female offenders who victimized teenaged males. Two of the females victimized male pre-teens and teens in settings where no force was used. In Karla's case, her victims *"were willing participants."* However, the victims did report a degree of peer pressure from Karla, and the other boys involved in previous offenses. Similarly, the victim in Deanne's case expressed confusion when dealing with the situation, but in this case there was evidence of compliance on his side. The CCO claimed, *"It... seems likely that the victim was consensual and a willing participant in the sexual intercourse."* However, there was one exception to this pattern. Louanna victimized a male, who was under the age of 5, repeatedly throughout a period of three years. It is clear by the CCO's description that the incident impacted the victim in ways that were highly traumatic. The description stated,

"The abuse has left [the victim] confused, angry and possibly developmentally delayed. He is suffering from extreme emotional trauma. He is unwilling to have bowel movements and sometimes screams while sleeping. He is experiencing night tremors. It is strongly recommended by the therapist that [the victim] needs weekly therapy sessions. It was also recommended [that] his aunt and uncle, who [the victim was] living with, also receive counseling to be able to deal with the challenge of caring for the victim in the next few months."

Therefore, most of the female offenders who victimized male children used a low level of force and minimal coercion. Their victims were relatively compliant, and the psychological or physical impact expressed by the victim was minimal (See Table 3, row I for the ways in which the victims were impacted by the offense).

It can be suggested by these findings that the word “victim” has many different meanings among female sex offending contexts. The two adult victims described in this subsection were both male and female, and beyond this factor, one was victimized once, while the male victim’s offenses occurred for more than a decade. However, there is no indication of the victim’s compliance in the act. In scenarios involving co offenders, Amanda and Pamela were not the primary offenders, but facilitated offenses against young girls. The remaining offenses perpetrated against young male victims were primarily non-violent, mutual acts between the offender and victim. Louanna’s case, described above, provides an exception to this pattern. The victim information provided indicates a degree of heterogeneity among the female offenders. However, it must be stressed that the majority of these offenses were against minors and frequently involved male victims.

Some of these females provided alcohol to their victims at the time of the offense, or were under the influence of drugs or alcohol when they committed their sex offense (See Table 3, rows J and K). Two female offenders reported that they had given alcohol to their victims before the offense. The victim of Deanne’s sex offense reported that he *“did not remember much of what happened except that he was drunk and that they went into the bedroom together, eventually having sex.”* Only Bridgette was under the influence of both drugs while she committed her offense. As a result of her drug use, she

could not recollect her participation in the crime. According to her report, the CCO stated she *“used the excuse of being under the influence of illegal drugs as a justification for not remembering committing the violent offense.”* The use of drugs and alcohol was not recorded in the offenders’ charges in Bridgette’s case or in the other two cases it was present.

The evidence provided in this section illustrates specific patterns among female offenders. They primarily offend against children, but are not limited to one gender of victim over another. Neither force nor weapons were used to carry out these offenses, which might be because many of the victims were minors. In the cases where co-offenders were present, the females held secondary roles. Many male victims suffered only minor psychological or physical impacts from the offenses. These victims are confused, or were pressured into the offense. There was one exception of this pattern, and as a result, he suffered long-term psychological and physical consequences. Some offenses were also one-time incidents and others continued throughout many years.

The items described in this subsection might have been influenced by the biographical characteristics specific to female offenders. For example, their non-independent living arrangements and the lack of employment might have influenced the females to commit their crimes within their own homes. If these factors are not gender related, similar biographical patterns among male sex offenders’ PSI reports will yield similar results in the contexts their criminal’s offending patterns. If gender has some influence on offending contexts it will become more obvious when these contexts are compared to those of males. In the next section, I will discuss the biographical and criminal contextual patterns among male sex offenders in relation to the findings presented above regarding female sex offenders.

Female comparison to males

I will next describe the biographical characteristics and criminal contexts of male offenders by comparing it to the information presented in the above section on female sex offenders. This comparison will locate any between gender differences and similarities between the matched pairs of offenders.

Biographical histories

Evidence among the male sex offenders' PSI reports indicated that histories of child victimization were not limited to female offenders. However, one only male offender had a history of being sexually abused when he was young (See Table 2, row A). Nathan's PSI report indicated he was sexually molested at the age of four by his 17-year old stepsister. Additionally, Andrew and Michael's reports have evidence of traumatic childhoods, characterized by emotional and verbal abuses. For example, Michael's report stated, "*[Andrew's] family was traditionally rather negative, and particularly, the step-father had given [Andrew] the sense that he could do nothing right and that he was doomed to failure.*" While this evidence does show a history of abuse by the offenders' family members, it must be noted that two of the seven offenders had this documented compared to three females out of the 10 total.

Also, Nathan and Michael's reports had no evidence that indicated such abuses reoccurred in their teenage or adult relationships. However, Michael's childhood abuse may have guided him to be attracted to a specific demographic. When he described the sexual abuse perpetrated by his babysitter, Michael indicated that as a result, "*He is attracted to young females under the age of approximately fifteen.*" This was the only

long-term consequence of childhood victimization apparent within the male offenders' reports.

Only Nathan's PSI report discussed the arrest and incarceration history of the offender's family members. However, this case offered only the denial of such history and claimed that, "*None of his close family members had a criminal background*" (See Table 2, row B). Similar to the female offenders' biographical experiences, Nathan and Michael's abuses might not have been reported to the police, and therefore, no other familial criminal histories were provided. It may be suggested from this evidence that males and females were similar in this element in their biographical histories; their family members did not have a criminal record, even though they might have been perpetrators of child abuse against the offenders.

There were other similarities between the males and their female counterparts. First, like the female offenders discussed above, male offenders had high school degrees or GED equivalents (See Table 2, row C). None of the male offenders attained a level of education past this point. Recall the CCO's response regarding Cassandra's "*above average*" education level. This evidence, and the response from Cassandra's CCO, indicates that some high school, or a high school degree or equivalent, is common among both male and female offenders.

With these levels of education among offenders of both genders, it is no surprise that male offenders, like the female offenders, had little employment experience (See Table 2, row D). Only Marvin was employed at the time of his arrest. He had been working a minimum-wage job at a carwash. However, only a few male offenders were on some form of financial aid (See Table 2, row E). Vincent was receiving money due to a disability. As his CCO wrote, "*In the past he received \$500 social security money each*

month because he [is] illiterate. He is not sure and cannot guarantee that he will get that money in the future.” Another offender, Michael, received aid from an alcohol and drug abuse prevention program. Therefore, while the male offenders had the same education and job prospects as the female offenders, they did not have more alternative financial opportunities, such as state aid.

Male offenders had the same amount of variety in their living arrangements than their female counterparts, but these arrangements also included homelessness for the males (See Table 2, row F). While only one offender lived alone, two offenders were listed as transient or homeless. This may indicate these male offenders were living in poverty, or had smaller social networks. However, three males were living with friends or family members at the time of their offenses. At least one of these three male offenders was less than 18 years old when his crime occurred. Therefore, while there may have been a life course explanation for at least one of these living arrangements as suggested among the female offenders, more male offenders were living independently than female offenders.

Additionally, life course explanations may account for the similar patterns in marital statuses between the two groups of offenders, especially since both groups were the same approximate ages when the offenses occurred. Two male offenders were married, and two others were divorced (See Table 2, row G for these findings). One divorcee, Romey, was younger than the average male offender, but there was no discussion of how old he was when first married. This factor can be contrasted to the description of marital histories among female offenders, as two were married at the age of 16. Therefore, the marital statuses of the males were very similar to those of female

offenders, regardless of the male offenders increased independence in their living arrangements.

Most of the male offenders had fathered children. However, like the female offenders, with the exception of Amanda's report, none of the males' reports stated they were living with these children (See Table 2, row H). Among the male reports, there was less description of the child's alternative living arrangements than in the female offenders' reports. The children of three male offenders lived with their mother, but it was not stated where the mother and children lived. Further, it was not clear whether any of the offenders knew where their children lived. It was not apparent that a formal social services organization took the children away from their fathers. There was one exception to this pattern. Marvin, who had three children by two women had his wages garnished by half to pay child support fees. However, this fact does not necessarily mean the children were taken away from Marvin due to his criminal behavior alone.

The criminal histories of the male offenders were more elaborate than those seen among female offenders (See Table 2, row I). The median amount of previous misdemeanors was five, but Romey had close to 50 misdemeanor convictions, and Marvin had approximately 20 of these convictions before committing their sex offenses. These convictions were mostly for assault and theft charges - two of the more frequent conviction charges among the other male offenders. Marvin and Steven had the only alcohol and drug related criminal offenses, for DUI and possession of marijuana charges, respectively. None of these charges were seen on the female's criminal histories on the misdemeanor level, and were few in number on the felony level. The presence of multiple assault charges may indicate more risk-taking behaviors by the male sex offenders.

For having so many misdemeanor convictions before his sex offense charge, Romey had only two prior felony convictions. Both of these charges were violations of the uniform controlled substance act (VUCSA). Michael had the most felony convictions, which included four counts of burglary, 2nd degree, and one count of assault, 2nd degree. The remaining male offenders with prior felonies had related convictions, including Andrew's counts of vehicle prowling, 2nd degree and possession of stolen property; and Nathan's 2nd degree robbery offense. While the males had three times as many felony convictions than the female offenders, none of the males had a prior sex offense charge (See Table 2, rows J and K). These findings may add to the evidence suggesting that the males were more likely to participate in risk-taking, violent behaviors before their sex offense charges.

These findings, as well as the information described in the above section regarding the biographical characteristics of female offenders are provided in Table 2.

In conclusion, some similarities were found between male and female offenders. Both groups had the same level of education, low employment opportunities and it was discovered that male offenders were also victimized when they were children. However, none of the males' PSI reports stated these offenders were involved in abusive relationships later in life. The apparent differences between the male and female offenders included the frequencies by which males lived in more independent living arrangements and were receiving aid for often than female sex offenders. Further, more males than females had children, but none of these children were victims of their sex offenses, which was different among the female offenders. The criminal histories of male offenders indicated that they were engaged in deviant activities more often. These convictions were also more varied, such as drug and alcohol offenses; and violent, such

Table 2: Biographical information of female and male sex offenders.			
	Offender characteristics	Female offenders n=7(N=10)	Male Offenders n=7
A	Evidence of past victimizations?		
	Yes	1(3)	2
	No	2(3)	5
B	Family history of incarcerations?		
	Yes	1(1)	0
	No	2(5)	7
C	Education		
	HS dropout	1(2)	4
	HS degree or GED	1(2)	2
	Some college	0(1)	0
D	Employed at time of offense?		
	Yes	1(2)	1
	No	1(3)	5
E	On state or federal aid at time of offense?		
	Yes	1(2)	2
	No	3(5)	5
F	°Living arrangement at the time of the offense		
	Spouse	1(0)	0
	Family	2(3)	2
	Friends	1(4)	2
	Alone	1(0)	1
	Homeless	0(0)	2
	Unknown	2(2)	0
G	Marital status		
	Never married	2(3)	3
	Married	1(1)	2
	Divorced	0(2)	2
H	Given birth or fathered a child?		
	Yes	0(2)	5
	No	4(5)	2
I	†Are their prior misdemeanor convictions?		
	Yes	1(2)	6
	No	3(5)	1
J	Are their prior felony convictions?		
	Yes	0(1)	5
	No	4(6)	2
K	Are there any prior sex offenses among these convictions?		
	Yes	0(1)	0
	No	4(6)	7
	Unknown	3(3)	0

^aThe female offenders' demographic and criminal characteristics were calculated twice, once with the full sample of females (n=10) and once with the sample limited to only those female offenders who had matching pairs (n=7). [†]Prior misdemeanor and felony convictions include adult and juvenile convictions. [°]One offender's living arrangement fit into more than one category. See text for specific cases.

as assault or robbery charges, than the prior charges among female sex offenders.

Therefore, it can be suggested from these findings that male and female sex offenders had the same limited economic opportunities and similarly low occupational levels, beginning with their similar education level, but men were more likely to live independently and engage in risk-taking behaviors.

In the next section, I will discuss the male sex offenders' methods of offending to highlight similarities and differences between these offenders and their female counterparts.

Criminal contexts of offending

Even though the male offenders knew their victims, which was a similar finding to the relationships apparent between female sex offenders and their victims (See Table 3, row A), on further investigation they did not have strong bonds to their victims. As stated above, the female offenders had close relationships to their victims, and in some cases, were related to the victim. The one exception was Bridgette, who was the only female offender to commit a crime against a stranger. While many of male offenders knew their victims, their relationships were not as intimate. For example, none of the male offenders were related to their victims, though in some cases, the offenders were temporarily living with the victims' families. In Steven's case, he and his female victim had only met the previous day, when she and her boyfriend approached him. Therefore, among the male offenders and their victims, most shared acquaintance-like relationships.

Further, there was little evidence suggesting the male offenders actively sought out their victims. Rather, their proximity to the victims appeared more convenient. For example, Marvin, Michael and Vincent were residing in the same homes as their victims when the incidences occurred. Additionally, in the incidents perpetrated by Nathan and Steven, there was evidence indicating that the victims approaching the offenders prior to the crimes. For example, in Nathan's case, the victim *"asked him to kiss and said she wanted to have sex with him in her bedroom,"* and while Steven was staying at a friend's cabin, *"The victim and her boyfriend had approached him looking to get some marijuana and to 'party.'* *The following evening, the two juveniles returned to the cabin, this time looking for some alcohol."* The exception to this pattern appeared in Andrew's PSI, in which he victimized a young female on her elementary school playground. However, Andrew's victim had known him before the offense. Therefore, there is little evidence of male offenders actively seeking out victims, which is similar to the patterns seen in female offenses.

The male sex offenders tended to be in close proximity to their victims only for a limited amount of time. With the exception of Nathan's offense, in which the female victim confirmed consensual, but multiple, acts of intercourse, all incidents committed by male offenders lasted only one time (See Table 3, row B). Additionally, male offenders committed their acts alone (See Table 3, row H). Compared to the description of female offenders, which indicated that Louanna and Kathy conducted their offenses throughout 12- and 3-year time periods, respectively, this is a clear difference. Also, there was one case where a female offender who committed her crime with a male co offender. Similar to the female offenders' crimes, it appears that few of the male offenders' crimes involved more than two victims (See Table 3, row C).

However, more male offenders conducted their offenses outside of their own homes (See Table 3, row F). There were two cases where the male offenders committed their crimes in their own homes. These locations are similar to those of the female perpetrated crimes, but in these cases the offenders and victims were staying at the same place. These places were the homes of mutual friends or family members. This pattern may again reflect a high level of convenience on the part of male offenders when choosing a victim, as they chose victims who were in close proximity. However, a few offenders did victimize children in public places. Andrew molested a young girl on her school's playground, and Steven, the only offender to victimize a stranger, did so on a public beach. This setting is unique to male offenders, as none of the females committed their crimes in public.

It is also apparent that all of the males victimized unsupervised female children. None of the victims were male, nor were the females more than 14 or younger than five years old (see Table 3, rows G and D). Compared to the female offenders, whose victims included males and females, and adults and infants, this gender preference and age range is more limited.

This selectivity is also apparent among the types of victims chosen by male offenders. As described above, two female offenders had consensual sex with male teenaged victims. The transposed victim group, a male offender and a female teenage victim who have consensual sex, is present within the group of male offenders, but only once. Most male offenders committed their crimes against nonconsensual victims.

Similar to the female perpetrated cases, there were multiple reports listing the victim's psychological trauma with male offenders, even though no weapons were used (See Table 3, rows E and I). Many of these psychological afflictions resulted in the

victims' difficulty sleeping and adjustment problems at school. One victim's trauma symptoms were manifested in physical symptoms. In Vincent's PSI report, the CCO wrote, "*The victim has been urinating and defecating in her pants and this behavior never occurred prior to the incident.*" While the impact of the crime on these victims may parallel the physical and psychological consequences experienced by the victims of female offenders, it must be noted again that the female offenders also victimized females and adults. This pattern again suggests that females have a wider range of victims, and males are more selective. Further, males had more nonconsensual sexual relations with their victims compared to females.

Finally, while most male sex offenders had extensive histories involving drug and alcohol abuse, and more criminal charges than their female counterparts prior to their sex offenses, there were only a couple PSI reports that listed the offenders using drugs or alcohol when their offenses occurred (See Table 3, row J). Michael reported that he "*drank about a case of beer and injected a 16th ounce of methamphetamine prior to his arrival at the victim's residence.*" In Steven's offense, alcohol was provided to both the victim and the victim's boyfriend (See Table 3, row K for the victim's use of drugs and alcohol during the offense). The CCO noted Steven, "*feels that alcohol played a major role in the commission of the current offense.*" Additionally, alcohol may have played a role in the continuation of Steven's offense as, "*The victim's boyfriend... had witnessed the defendant having sex with his girlfriend but was too intoxicated to do anything to stop it.*" This was also the only case that identified a witness to the criminal act. Similar to the female PSI reports, these alcohol and drug related charges were not listed with the sex offense, as additional criminal charges. However, unlike Bridgette's case listed above,

neither of these two offenders denied their involvement in the offense by claiming they were under the influence of drugs or alcohol when the crime occurred.

The results of these criminal contexts of offending for both the male and female offenders are presented in Table 3.

To conclude, there appear to be important differences apparent within this section and the criminal contexts of female sex offenders described in the above section. Both groups appeared to be victimizing acquaintances, or people and children they knew who were in close proximity to them. However, more females committed their offenses against close family members, rather than victims with whom they were only acquainted. For females, the durations of their offenses were longer, and against adults and children. Female offenders also varied more in the offending methods used. For example, they committed their crimes with other perpetrators, chose both male and female victims, and in some cases, victimized their own children. Comparatively, the males only victimized young female victims, and in isolated incidents. They also acted alone when committing their offenses, which were most frequently carried out in the victim's home or in public. Therefore, it appears as though the males in this group were comparatively more homogeneous than the females. Other broad differences apparent from this evidence were that males were more selective with their victims with whom they were only acquainted, whereas female offenders relied more on those with whom they knew intimately.

However, there were similarities between male and female sex offenders in the ways in which they committed their crimes. Both offenders committed these crimes in relatively non-violent ways to victims they knew, or have met before, and who were in close proximity. There was little evidence of the use of a weapon by either group of offenders, and little evidence of physical victim injuries. However, for some victims of

Table 3: Criminal contexts of male and female sex offending.			
	Offender characteristics	Female offenders^o n=7 (N=10)	Male Offenders N=7
A	What was the victim and offender's relationship? They knew each other. They may have known each other. They were related. They did not know each other. Unknown	4(7) 1(1) 1(1) 1(1) 0(0)	3 2 0 1 1
B	How long did the offenses last? One time only incident A few incidents in 12 months or fewer Throughout many years Unknown	3(6) 2(2) 2(2) 0(0)	5 1 0 1
C	How many victims were involved? One Two Three or more Unknown	5(8) 2(2) 0(0) 0(0)	4 2 0 1
D	How old were the victims? ^o * Less or equal to than 5 years. 6 to 12 years. 13 to 18 years. More than 18 years. Unknown	1(2) 2(3) 3(4) 1(1) 1(1)	1 4 2 0 1
E	Was a weapon involved in the offense? Yes No Unknown	1(1) 6(9) 0(0)	0 6 1
F	Where did the crime take place? ^o Public place Offender's residence Victim's residence Co offender's residence Unknown	0(0) 3(4) 1(1) 0(1) 3(4)	2 2 4 0 1
G	What was the victim's gender? Female Male Unknown	3(5) 4(5) 0(0)	6 0 1
H	Where co offenders present? Yes No Unknown	1(3) 6(7) 0(0)	0 6 1
I	How did the crime impact on the victims? ^o Physical injury Psychological consequences None/Minor psychological consequences* Unknown	1(3) 2(2) 2(3) 3(3)	1 5 1 1
J	Was alcohol and/or drugs[†] used by the offender during the commission of the crime? Yes, alcohol only Both drugs and alcohol Neither alcohol nor drugs Unknown	1(2) 0(0) 5(7) 1(1)	1 1 4 1
K	Were alcohol and/or drugs used by the victim during the commission of the crime? Yes, alcohol only Neither alcohol nor drugs Unknown	1(2) 5(7) 1(1)	1 5 1

^aThe female offenders' demographic and criminal characteristics were calculated twice, once with the full sample of females (n=10) and once with the sample limited to only those female offenders who had matching pairs (n=7). [†]This item includes both legal and illegal drugs. [°]These categories are not mutually exclusive. [•]Minor psychological consequences included confusion or peer pressure for the victims ^{*}This item includes the ages for multiple victims

male or female offenders' crimes there were severe psychological consequences. There were also similar patterns among those offenders who committed their crimes against consensual victims, who had minor, if any, psychological symptoms. Therefore, these consistencies must not correspond to gender influences, but in sex offending in general.

Regardless, these differences and similarities have influenced the sentencing recommendations of CCOs within the criminal justice system. If differences are apparent between the male and female offenders' sentencing recommendations, they might possibly be due to the gender differences apparent with the biographies and the criminal contexts of these offenders. However, similarities between the two groups might level these differences to show ways of issuing punishment recommendations that are equal between the groups. In the next section, I will provide and discuss these differences and similarities among the sentencing recommendations within the offender pairs, who were approximately the same age when they committed their offenses, convicted of the same charge, and charged within the same county.

Comparison of sentencing recommendations

When comparing the sentencing recommendations between male and female offenders, the amount of confinement or community-based supervision alone is not an adequate measure of equal punishment recommendations. This is an inaccurate measure because the male offenders had more criminal history items, and these prior criminal offenses would have been considered by a CCO when a recommendation is written.

Therefore, the sentencing recommendations will be measured by a number of alternative criteria. These criteria include:

- **The recommendation that some, or all months of confinement were replaced by treatment options, or if the sentence was suspended altogether for these options.** This suggestion indicates that the offender is amenable to treatment programs, and would be able to be released from supervision after they are reformed by the criminal justice system. Specific treatment option may also suggest that the CCO took a personal commitment to the offender's case to provide the most amount of specialized aid possible.

- **Whether the lowest, middle, or highest-end of the standard range of confinement was recommended.** As stated above, the male offenders had more extensive criminal histories than the female sex offenders. Therefore, the number of months they are incarcerated is not an accurate measure of the gender differences as this range would be affected by prior criminal histories. The sentencing range, which is influenced more on the current offense, and the offenders' likelihood of recidivism, is a more accurate measure.

- **If the offender's sentencing range falls outside the standard range (either higher or lower than the standard range).** In this situation, the standard sentencing range was deemed inappropriate by the CCO. However, a more appropriate sentencing recommendation could either be fewer incarcerated months, or more than what the standard range dictates for a particular type of crime. Therefore, an "exceptional sentence" could either be a lighter sentence or a more severe sentence.

- **Whether or not the offender will be able to receive treatment options once he or she is placed in community custody.** Just as treatment with prison may indicate a

lighter sentence, so to may treatment options outside of prison when the offender is being supervised by a CCO.

Using these criteria items, I will describe the similarities and differences among sentencing recommendations for each offender pair. These findings will be used to determine if male or female offenders received equal or different sentencing recommendations compared to their matched pairs.

Bridgette and Romey: Lack of information for male sex offender's recommendation

It could be suggested that Bridgette's sentence recommendation was more severe than Romey's. She was recommended to an exceptional sentence of 116 months confinement in prison for one count of 1st degree burglary and one count of 2nd degree rape. This sentence required her to spend more time in prison than what a standard range sentence required. However, the sentencing recommendation may have fit her crime. The incident perpetrated by Bridgette was one of the most violent events listed among the female sex offenders, and the only crime to involve a weapon out of both male and female groups. She also showed no remorse for the victim and claimed not to remember the incident due to the drug use prior to the event. She was not allowed to participate in any community-based treatment programs, due to the "*violent nature of her crime,*" but was advised to complete a sexual deviancy rehabilitation program and participate in a work release program, which is a component of the rehabilitation program.

Comparatively, there is little information from Romey's PSI report on both the context of his crime and the corresponding sentence recommendation for that crime. He was given a lighter sentencing recommendation than Bridgette; 40 months in prison and a year of community placement, but it is unclear if this amount falls within or outside the

standard range sentencing options. Therefore, it would be inappropriate to call Bridgette's sentencing recommendation more severe than Romey's recommendation, due to the lack of information in his report.

Karla and Andrew: Female gets better treatment options

There might have been gender-related dynamics apparent within the crimes committed between Karla and Andrew specifically regarding the impacts the crimes had on their victims. Karla's victims were male and were all willing participants. She admitted committing the crimes and accepting blame, but did not show any remorse or empathy for the victims. However, Karla's charges were reduced by a plea agreement between the defense and prosecuting attorneys. She pled guilty to one count of child molestation, 1st degree, and one count of child molestation, 2nd degree for sex crimes involving five minor male victims. This charge replaced her initial charge of two counts of 2nd degree, rape of a child. No specific treatment programs were offered in her recommendation, but this option was,

“The best opportunity to not only punish the defendant, but to also offer her a positive structure... she may be able to focus on her sexual deviancy issues as well as... areas dealing with behavior, vocation, education, mental health and life skills.”

Regardless of having multiple victims and showing no remorse, she was offered these treatment programs for person growth, for charges that were reduced by a plea agreement. These factors contributed to a minimum standard sentence recommendation for Karla.

In Andrew's case, he denied all participation in the incident against a young female victim and, as a result, his guilt was determined by trial. According to the CCO, he *“showed no concern or remorse for the victim and appeared to be very angry for*

being convicted of this.” The victim was also more adversely affected by the crime, than the victims of Karla’s offense. After the offense, she “[would get] afraid of adults easily.” Based on these factors, Andrew was recommended to an upper range, standard sentence with additional psychological treatment for his one count of 1st degree child molestation. An exceptional sentence beyond this upper range sentence was also a recommended because, “*The defendant was in a position of trust [as a supposed friend] and took advantage of a child that he could intimidate.*” According to the CCO, any specialized treatment programs, such as SOSSA, were “*out of the question*” for Andrew. However, he was offered sex offender treatment and substance abuse treatment in prison, which would continue after he is released and on community supervision.

The treatment programs offered specific aid to Andrew’s sexual deviancy and substance abuse. However, these options are different than Karla’s, which emphasized an improvement to her whole person. The treatment programs recommended to Andrew, being more specific, might suggest that his punishment involved more stringent and immediate action. It is also interesting that Andrew’s sentence was placed in the higher range for abusing his position of trust with one victim, when Karla’s position would have been similar with her victims. Her crime did involve willing participants and had fewer, if any, adverse effects on their wellbeing, unlike the victim in Andrew’s crime. Regardless, she was charged for two counts of child molestation, when Andrew was charged for one count of the same crime. Thus, Karla’s charges may not have fit the crime and criminal impact on the victims, but the sentencing recommendation may have not fit the charges. She received a recommendation that was less severe than Andrew’s.

Kathy and Nathan: lack of information on female sex offender's PSI report

It is unclear who had a more severe sentence between Kathy and Nathan. Kathy's PSI report was a single page and did not include any sentencing recommendation for her charge of indecent liberties.

Nathan's crime involved a sexual relationship with a female victim, in which there was no force, nor evidence of any victim injuries. Nathan first denied all participation in the events, but later admitted to the sexual contact and expressed empathy for victim. The CCO wrote, *"In hindsight, he knows what he did was wrong, but he can't take it back. He is hoping the victim is okay with what happened. He is hoping things can be as normal for her as possible."* For this crime he was charged with one count of 2nd degree child molestation, and was recommended a prison sentence at the low end of the standard range.

Therefore, the matter of who received the more severe sentence is still undetermined between these two offenders. It is interesting that, when Kathy's report is compared to Romey's, which was also limited in its information, the male's PSI report provided more information. This pattern could indicate that the male offenders' information was more accessible within the criminal justice system.

Pamela and Marvin: Lack of information on female offender's PSI report, part 2

It is unclear what the sentencing recommendation was for Pamela's offense again due to missing pages in her PSI report. She was charged with 1st degree child molestation for victimizing young females, including one to whom she was related. She would solicit these minors to adults for a fee.

Similarly, Marvin molested against two young female victims and although plead guilty to 1st degree child molestation, he was “*in complete denial of touching or threatening either child and claims the [victims’ mothers] have plotted against him because he would not supply their illegal drugs for free.*” The CCO also stated that “[Marvin] truly violated his position [as family friend] of love and trust with these children and therefore a period of confinement at least in the middle of the standard range should hold him accountable.” This response by the CCO is interesting, seeing how Pamela, similar to Karla, was also in a similar position of trust.

However, it cannot be determined which sentencing recommendation was more severe due to lack of information. There is no evidence to compare to Marvin’s lack of culpability in the offense, or his limited treatment options to Pamela’s solicitation of minor female victims.

Deanne and Steven: The presence of a child and directing the blame

A major factor that influenced Deanne’s sentencing recommendation was the fact that she and her victim had a child from criminal incident. She received a lighter sentence than Steven for this reason, and by taking blame for the offense onto herself. The impact the incidents had on the different victims might have also contributed to this inequality.

The CCO stressed that since a child was the result of Deanne’s offense he recommended the court “*consider the fact of prudent use of community resources.*” These resources included parenting classes, and education and community service opportunities. He specified that she enter a specialized program for mothers with infant children, which would include treatment for drugs and alcohol. Her report stated she was honest and cooperative with the investigation, and received an exceptional sentencing

recommendation. This recommendation was a combination of community service hours and time spent in parenting classes. This recommendation did not include jail time for her charge of one count of 3rd degree rape of a child.

While Steven's charge was slightly higher than Deanne's charge (rape of a child, 2nd degree), he was also cooperative and willing to answer the CCOs questions. Steven was recommended to serve a period of time in confinement in the middle of a standard range sentence. He could also participate in "educational, vocational and self-improvement programs" offered by the institution. However, he showed no remorse and claimed that the victim was to blame for the incident. The CCO reported that,

"He had no insight into the harm done to the victim and suggested that she was the one that 'provoked' the sexual contact. He showed no remorse for the victim, stating that 'she needs some sort of help' referring to what he perceived as flirting behavior."

Deanne's report showed that she directed the remorseful feelings inward. She stated, *"I don't know why it happened, but it was the stupidest thing I have ever done."* Therefore, she was taking all the blame for the criminal action, whereas Steven directed the blame toward the victim.

Alcohol played a major role in the both Deanne's and Steven's acts, but her crime involved a willing participant, who did not want to file charges. Comparatively, Steven's offense also involved a participant who was drinking alcohol, but the incident *"had a profound effect on [the victim] and the family as a whole."* The victim's mother in Steven's case offered no input as to what an appropriate sentence should be and stated that it was for the court to decide.

Even though the crimes were very similar; each involving the use of alcohol and a victim of the opposite gender to the offender, it may be suggested that factors in

recommending Deanne's sentence were gender-determined. She had a child as a result of the offense with a willing, male participant, and directed most of the blame on herself. These differences gave Deanne a less severe sentencing recommendation compared to Steven, who directed most of the blame toward his female victim. These cases may also illustrate a double standard among the crimes committed by males to young females compared to those committed by female offenders to young male victims. The rarity of female offending and the standardized image of the female as a victim make it harder for them to be seen as an offender, especially when she has a child due to the offense.

Louanna and Vincent: Plea Bargains for both offenders

While both Louanna and Vincent received plea bargains or deals made between the defendant and prosecutor's offices, these bargains appeared to aid Louanna more than her male counterpart.

Louanna admitted to more than thirty molestations of a male, toddler-age victim throughout a period of three years and pled guilty to one count of child molestation, 1st degree. The prosecuting and defense attorney both agreed to allow the SOSSA treatment option, which would reduce Louanna's time spent in prison. While the CCO's sentencing recommendation was more severe than the sentence arranged by the prosecuting and defense attorneys, it was still lower than a standard range sentence. The CCO recommended Louanna serve 60 months in jail, which was then reduced to 90 days and 60 months on community supervision. The CCO emphasized the use of treatment programs, such as SOSSA, but this was only a potential option, rather than what was actually recommended. Therefore, her recommended sentence included three months in jail and two additional months on community supervision.

Vincent was charged with the same criminal category and degree for molesting a five-year old, female victim. He denied having any sexual contact with the victim and showed no remorse. Vincent claimed he only plead guilty to the crime *“because his lawyer said so. Ahern went on to say that his lawyer felt they could not win a jury trial and that is the only reason he pled guilty.”* In the plea agreement between the defense and prosecuting attorneys, this charge was reduced from a rape of a child, 1st degree charge, which would have resulted in more severe sentencing recommendation consequences. However, the defense and prosecuting attorneys did not recommend an alternative sentence. By only reducing the charge and not the actual sentence, it may be that this was the largest sentencing reduction Vincent received. He was recommended to serve the longest time allotted in the standard range. Treatment options were recommended while he was in confinement, but these appeared to be recommended more to keep him in prison to protect the community than to help rehabilitate the offender. For example, the CCO stated that he did not believe Vincent had *“the mental or financial ability to follow through with any form of probation...for him to remain in the community [he would] pose a risk to other community members he may come in contact with.”* This response may also explain why Vincent was charged with the longest prison sentence possible within the standard range.

Therefore, it appears as though Vincent was more of a danger to himself and the community than Louanna, even though Louanna’s crime lasted far longer than his did. The use of plea bargains appeared to aid in reducing Louanna’s sentencing recommendation more than Vincent’s, as he changed his criminal charge, but did not reducing the overall sentence. It may be suggested that Louanna received the less severe sentencing recommendation for a similar crime.

Amanda and Michael: A co offender provides a lighter sentence for the female

Amanda was the only female who offended with another person and who had a male match.²⁹ This co offender status appeared to have helped to reduce her sentencing recommendation, regardless of an emotionally charged sentencing recommendation offered by her victim. Her co offender and her admission of guilt may have aided her sentence in being reduced. Compared to Michael's recommendation, his was increased due to the blame directed onto the victim and the input from a spokesperson for his victim.

Amanda admitted to the charge of 2nd degree child molestation and, similar to Deanna directed the blame onto herself for not stopping the actions of the co offender, who was her husband. The CCO reported her as stating, *"Sometimes I sit back and think how stupid could I have been. Not just for myself but for her. How I screwed up [the victim's] head-What have I done? I feel like crap."* This response, and her secondary role in the context of this offense, could be due to characteristics specific to her gender, especially in the presence of a male co offender.

For Amanda's role in her crime and because she was deemed *"an acceptable candidate for community based therapy,"* the CCO recommended the SOSSA option. She was recommended to serve 20 months in confinement, but this sentence was to be suspended to 6 months on community supervision. This recommendation is surprising when the victim's recommendation for an appropriate sentence is taken into account. The victim stated,

"I want [Amanda] to learn from what she has done. I want her to feel really guilty the way I do. I want her to feel the hurt that I feel. I want her to know what she has not only hurt my life, but hurt my family... I don't wish nobody to jail- I

²⁹ Amanda's co offender was not Michael, but was a different male who was not in the sample.

know how it is there. I'm not talking about jail; I'm talking about hell. I just want her to know she hurt me in a way that I'll never be healed... I don't think a sex offender should get any time off from their sentence. They should all be put in the electric chair."

It may be suggested that even though this was a passionate response from the victim, the fact that Amanda was a secondary offender in the act took precedence over the impact her actions had on the victim.

Michael pled guilty to the same charge as Amanda after he victimized two pre-teenage, female victims. He was under the influence of both drugs and alcohol at the time of the offense and was listed as having a *"history of violence,"* which was common among the other male sex offenders. He *"acknowledged that she is a victim and that he did receive sexual pleasure and gratification,"* but did not apologize or blame himself for this response to the criminal act. In Michael's case, the response from the victim's stepfather, the spokesperson for the victim, may have been influential in increasing the severity of his sentencing recommendation. The CCO reported that this spokesperson *"felt the top of the range was appropriate for this case."* Thus, the CCO recommended that Michael serve the highest end of the standard range in confinement possibly due to both this input from the spokesman and Michael's violent tendencies. Standard treatment options were also offered, but none of these programs were specific to this offender.

In sum, Michael may have received the more severe sentencing recommendation, due to his criminal actions that were common among other male offenders. He also did not direct blame on himself, which may have further helped Amanda receive a lighter sentence in light of a passionate response from her victim.

Table 4 summarizes the results found among the matched pairs of sex offenders.

Table 4: The gender inequality apparent among the PSI report sentencing recommendations for male and female sex offenders.

No.	Offender pairs (female, male)	Unable to be determined due to lack of information	Male's sentencing recommendations more harsh than female's recommendations
1	Bridgette, Romey	X	
2	Karla, Andrew		X
3	Kathy, Nathan	X	
4	Deanne, Steven		X
5	Pamela, Marvin	X	
6	Louanna, Vincent		X
7	Amanda, Michael		X

Even though two of the seven pairs of offenders could not be properly compared because the female sex offenders' PSI reports were lacking pages and details, it appears as though the structure of the criminal justice system may be aiding women more than men. The females frequently attached blame onto themselves. The male offenders either directed the blame towards the victims, or failed to acknowledge it. Male offenders also denied having committed the crimes more often than their female counterparts. For these reasons, more offender-specific treatment options were available to female offenders to promote personal growth, while male offenders were treated for deviancy-related issues, such as alcoholism, or were recommended the "standard treatment options." It may be suggested that the criminal justice system treated these male sex offenders as the assumed sex offender, while they treated the female sex offenders as exceptional cases to these common, male sex offenders.

While findings listed in this subsection were found among specific items within the male and female sex offenders' PSI reports, it must be noted that this information is the product of agents within the criminal justice system. The CCOs' experiences in these positions might influence an offender's PSI report in ways that relate to the offender's gender. Therefore, qualitative interviews with other state CCOs were conducted to discover what information influences the offenders' sentencing recommendations and

how that information may have influenced the sentence recommendations listed above. Additionally, the PSI reports were reviewed for terminology used by the CCOs to describe the offenders. The results of these analyses are provided in the next section and may indicate further gender differences that may have influenced the above sentencing recommendations.

Methods used by CCOs

In this section, I will describe the findings from the linguistic analysis of the PSI reports and the information discussed during qualitative interviews with state CCOs in light of the findings described above. This section will include a report on what specific elements of an offender's life and criminal histories the CCOs look at when issuing a sentencing recommendation and what they find when investigating these offenders. I will also include a description of how offenders are reported by CCOs and if they notice any gender-related differences among these offenders. In these descriptions, numbers one through five differentiate the responses of the CCOs interviewed.

What do they look for?

Most of the CCOs who were interviewed claimed the most important component of a PSI report were the victim's statements. Most officers claimed this section was important on a personal level because it was their duty to the victim to include them in the investigation. However, the defendant's version of the offense was said to have the most influence on a sentencing recommendation, besides the criminal histories of the offenders. One CCO explained his motives in further detail, saying,

“We would like to hear whether or not [the defendant feels] any remorse for the crime, that they even care, or if they blame the victim for the offense in any way.

So then you have the victim's version of it, and what we like to base our recommendations on of course is the legality of it-what the person can legally be sentenced to-but at the same time, what the victim wants them to be sentenced to. You know, sometimes a victim of a sex offense wants the person to receive some treatment, but they don't want them to go to prison for a long period of time. So we'll take that into consideration" (CCO4).

These two items, the victim's statement and the defendant's version of the offense, can also be influenced by the gender of the offender. As seen above, the male victims of female offenders were consensual and had less damaging impacts from the crimes. Comparatively, more male offenders committed their crimes against nonconsensual female victims. These victims may be less likely to take the offender's well being into consideration than those male victims of the female offenders, who were engaged in mutual sexual relations. Also, the defendant's version of the offense may provide harsher punishments for male offenders. For example, male offenders were less likely to admit to their crimes, and show remorseful feelings toward their victims. They were more likely to blame their victims for the crime.

What do they find?

As stated above, an analysis of the male and female sex offenders' PSI reports indicated there were some similarities between the two groups. Many of these similarities revolved around the biographical characteristics of the offenders. The majority of male and female offenders had high school or equivalent degrees. According to one CCO, the lack of a high school degree or equivalent was a factor that would give an offender a more severe sentencing recommendation. Therefore, this was a common characteristic among offenders that influenced their sentencing recommendations in the same way.

However, there were some components that yielded differences among male and female offenders, such as the male offenders' increased independence and less established living arrangements. These items were also factors that would have provided a harsher sentence to the offender. As one CCO explains,

“Where do you live, do you have a stable environment? How many times have you moved in the last year? If it has been more than three, it puts them at higher risk. Are they homeless? And are they in a high crime neighborhood? If they now live with their aunt and uncle, and they are respected in the community - those are good things. [We also ask if] they have any friends who have criminal histories” (CCO1).

Therefore, the biographical items among male sex offenders, such as homelessness or their frequent relocation patterns, were aggravating circumstances that lead to harsher sentencing recommendations.

Additionally, many of the male sex offenders' PSI reports listed the offender as having abused their “position of trust” with a young offender. One CCO explained this is also an aggravating circumstance, which increases the harshness of the punishment recommendation. He states,

“In the manual, there is list of mitigating and aggravating circumstances, [for] deviating outside the standard range sentence. Amongst the aggravating circumstances there is ‘did the person abuse the position of trust.’ If the victim was, say her mother had a boyfriend that lived in the home and he is the offender and whenever she went to work, he started messing with the little girl. He abused the position of authority and trust. That could be an actual aggravating circumstance that could be used to justify going above the standard range” (CCO1).

Among the PSI reports reviewed, this phrase was mainly used to describe male offenders' roles, even when their female counterparts were positioned in a similar role relative to their victims. This is a clear difference among the male and female offenders.

Women were also more likely to admit guilt, show remorse toward the victim, and blame themselves for the offense. These items were shown to be important to CCOs

when making recommendations, especially when the officers are considering treatment programs in place of confinement. However, as the following CCO states, showing remorse for a victim was less important to him than admitting to the crime and taking the blame for the offense when he was considering an offender's sentencing recommendation:

"I don't know if [taking the blame, and showing remorse for the crime] necessarily goes to help them as much as it doesn't hurt them....If they really go to blame the victim - they are saying that 'yeah this happened but it was their [the victim's] fault.' That's worse than if they just simply show some remorse, some empathy for what's happened to the victim. I don't really look at that and say well because you feel bad about it, you should get less of a punishment" (CCO4).

This evidence may indicate that females, who took the blame for the offense more often than males who directed it towards their victims, were given less severe sentencing recommendations.

This gendered characteristic might also influence the CCOs who investigate offenders with histories of child victimization, specifically child abuse. It was determined above that both male and female offenders experienced these victimizations, which were always perpetrated by close friends or family members, but women suffered more long-term consequences from these abuses. However, when speaking of the influences these child abuse cases had on the offenders themselves, the CCOs did not provide a direct relationship between previous victimizations and future offending behaviors. For example, one CCO stated,

"Yes. There's a definite cycle in molestation cases for sure, in child molestation. I kind of did a little assessment of the cases I had and who of them actually had been molested as a child themselves, and 90 percent of the cases I had, at that time, had been a victim of child molestation at some point in their history. So it's definitely a cycle. We find that predominantly. If somebody is committing a child molestation, the odds are extremely high that at some point in their life, they've been molested. But it doesn't mean... that just because you have been a victim of a child molestation you will go out and molest somebody else. That's not the

factor, that's not always the driving component. But you do find when it does happen, and you look in their history, [a] significant amount of them had been a victim themselves.” (CCO4)

Therefore, the CCOs did not claim that an offenders' history of child victimization and sexual abuses had an effect on their future offending actions, but it was noticed as a pattern among the lives of sex offenders. However, it is interesting that, while more female offenders experienced child molestation than male offenders, women are clearly the minority when it comes to sex offenses.

What do they write?

When composing the PSI reports, many CCOs record statements that are consistent with the aggravating circumstances listed above. Statements made for male offenders typically indicated their lack of remorse and empathy for their victims, while those recorded for female offenders included these offender responses. There were exceptions to this pattern, but they appeared less frequently.

Among the notes written by CCOs provided within the PSI reports, many remarked on the offenders' attitudes during their interview. The male offenders were listed as becoming angry, while the women were more remorseful and took responsibility for their actions. However, many more quotations appeared on the male offenders' PSI reports illustrating their anger, than the quotations exemplifying feelings of sincerity on the females' reports.

There were exceptions to this general pattern, but they were less frequent. Examples of these exceptions appeared in Nathan's and Bridgette's PSI reports. In these two reports, the CCOs stated,

“In hindsight, [Nathan] knows what he did was wrong, but he can’t take it back. He is hoping the victim is okay with what happened. He is hoping things can be as normal for her as possible.”

“[Bridgette] has shown no remorse for the heinous amount of emotional and physical pain she has caused [the victim] and her family... [Bridgette] appears to be a very disturbed woman...”

These exceptions appeared in cases that were unique among their gendered groups.

Nathan perpetrated the only offense involving consensual intercourse with his victim among the male offenders. Additionally, Bridgette perpetrated the most violent offense against a stranger, and was the only offender to use a weapon in both groups.

Additionally, Karla’s PSI report incorporated statements regarding her physical appearance. This item was unique among all male and female offenders. It stated,

“During the interview, I noted the defendant’s hygiene appeared unkempt, she usually did not keep eye contact, and she leaned forward against the table, often rubbing her eyes to feign sleepiness... Her fingernails were bitten and unkempt.”

It could be suggested that this response, which only appeared in a female’s report, incorporated gender-specific statements regarding her physical appearance. The tone of these statements appeared to remark on the inability of this offender to maintain her self-image. Therefore, they might have contributed to this offender receiving more counseling treatment than incarceration. However, this statement was unique among the female offenders as well, which may limit its significance.

Another difference was found between male and female offenders in the CCOs’ descriptions of the criminal acts. Male offenders were more likely to receive a severe sentence for violating “a position of trust” with their victims, regardless of female offenders maintaining similar positions. Instead of recognizing this similarity, CCOs recorded alternative position-related statements. Two of these position statements are worthy of note among those female offenders who did not participate in a co offense, and

so adopted relatively active roles among the female offenders. First, Karla was recorded to be in a position that may have merely promoted sexual actions between willing participants, rather than forcing such actions. Her CCO stated, "*[Karla] routinely had the boys come to her home while her mother was at work, and she would actively encourage mutual and varied sexual contacts.*" Therefore, she was seen by the CCO to solicit herself, rather than violating an established "position of trust." Second, Deanne's CCO remarked that she was merely ignorant of her offending actions. The CCO stated,

"There is no evidence that I am aware of which indicates that this crime was planned in any way or shows any sign of sophistication....[Deanne], I believe, did not truly understand the seriousness of her activity and what the possible consequences could have been."

This lack of knowledge may have aided in reducing sentencing recommendation, as it downplayed the offense as the result of irresponsible behavior, rather than a coercive sex crime. These responses in Karla's and Deanne's PSI reports indicated that they weren't perceived to be in an initial position of authority with the victim and so, had no way of violating this arrangement. These remarks might have influenced their sentencing recommendations, as their crimes would have been seen to be less serious.

The explanations within these sentencing recommendations did indicate other differences between the male and female offenders. With the exception of Bridgette, many female offenders received more treatment than confinement. Alternatively, the male offenders were posed to be more dangerous to themselves and others. Consider the following examples among male offenders' PSI reports,

"If [Vincent] is to remain in the community untreated, I believe he will continue his assaultive behaviors..."

"...It was assessed that [Andrew] possesses a significant danger to himself and others at this point, due to his long history of alcohol and drug abuse."

Therefore, females received more treatment for their deviant, but nonviolent ways, while men were seen as potentially harmful to themselves and others. This perception may have increased the amount of prison time recommended for male offenders, while decreasing their availability of treatment opportunities.

Do they notice gender-related differences?

With the information described above, it is interesting that among the CCOs, some were aware of sentencing recommendation differences based on gender and some claimed the system measured men and women equally. For example, one female CCO claimed that the gendered responses of female sex offenders did influence the ultimate sentencing decisions made in court rooms. She states,

“You know... it has been my experience that the sentencing is a little more lenient on the females. Especially [if they say] ‘I’m so sorry’ and they’re more prone to do that, you know. [They say] how sorry they were and apologize to the victim or whatever, where a guy won’t necessarily... be emotional and sometimes I think that does weigh” (CCO5).

This statement further reiterates the pattern seen between male and female offenders, where females are more likely to appear remorseful for their actions compared to male offenders. This difference, based on emotional freedom, again influences their differential sentencing recommendations.

Another CCO claimed that women were less likely to be punished overall, but a few women who commit extremely violent offenses are perceived to be worthy of a harsh sentencing recommendation. As an example of this pattern, one CCO states,

“... We got some really bad, nasty women out there. I mean you talk to just about any CCO and they’ll say among the worst they’ve ever had has been a woman... And you’re saying ‘Oh yeah they’re being treated not only fairly, but they’re getting more.’ Well, are these really bad ones making up for some of the ones? That’s one of those areas that I don’t know, because really some of your worst

offenders are women and they're bad... They can be nasty little buggers"
(CCO1).

Therefore, female sex offenders may have received more treatment than incarceration in most cases, except for those women who committed the most violent of offenses, such as Bridgette. These women commit more violent crimes than man and are deemed as worse than their male counterparts. Therefore, they may equalize the sentencing recommendations by receiving more severe sentencing recommendations than their male counterparts.

Regardless of these unequal patterns, the CCOs agreed that the criminal justice system has made remarkable steps in leveling these differences. They claim that standardized sentencing procedures have produced consistent punishment guidelines, regardless of the offenders' gender. One CCO claimed there were absolutely no differences in the officers' sentencing recommendations between male and female criminals. He claims,

"Like would the sentence be lighter or harsher? No, I think everybody would just kind of look at what was going on in that particular instance, and again, if [a female's offense] is the same as a man, if it's somebody that's basically lived a pro-social, productive life, and then for whatever reason, got involved in that kind of a crime... I think [CCOs] would look at it the same. They've got to be seen equally... And the way our sentencing laws kind of steer things in that way anyway, where it's pretty much- this is the crime, this it the number of points, this is what we're dealing with... I don't think it would matter whether you were a male or female offender" (CCO2).

Therefore, according to the CCOs interviewed, this standardized system of administering sentencing recommendations has created a relatively fair system of punishment among every offender, regardless of gender-related differences.

However, it has yet to be determined how these gender-related differences are accounted for using the standardized system. Many officers described possible

“aggravating circumstances” among sex offenders, such as violating a position of trust or failing show guilt or remorse for the crime. These circumstances were more frequent among male offenders than their female counterparts, and would influence differential sentencing recommendations. Alternative statements provided in the female offenders’ reports illustrated a perception of the women as encouraging the criminal act with a young male offender, rather than forcing it, which also subdued the seriousness of their crimes. Further, these women were seen to be unaware of their actions, while the men were seen to be dangerous to themselves and others. In sum, while the standardized system of administering sentencing recommendations may have equalized the punishments among gendered groups of offenders, it did not take into account gender-specific characteristics. Therefore, between the male and female sex offenders, the men received more severe sentencing recommendations due to legalistic factors.

DISCUSSION

In this section, I will provide a summary of the similarities and differences found between male and female sex offenders. Next, I will discuss the connections made between the findings of this report to the theoretical explanations described in the literature review. Then, I will discuss the strengths and weaknesses of the study. Finally, I will describe the future directions of this research study to proceed with the discussion of gender differences in criminal offending.

Summary of findings

The results of this research contained both expected and unexpected findings, including the following: (1) There were more similarities than differences among the male and female sex offenders biographies. (2) While some similarities are apparent in

the ways female and male offenders committed their crimes, male offenders appeared to be more homogenous in whom they victimized, the durations of their criminal acts, and how their victims were impacted compared to the victims of female perpetrators. (3) Gender differences arose within the sentencing recommendations that provided female offenders with less severe sentences mainly due to legalistic factors. (4) The CCOs noted some “aggravating circumstances” that amount to harsher punishments for sex offenders. These items were more frequent among the male offenders reports than those of the females. However, these CCOs stated there were no gender differences apparent in the sentencing recommendations due to the standardized system they used to calculate these punishments. These items are explained further below.

Among the similarities regarding the biographies of male and female sex offenders prior to their offenses, it was discovered that both groups had similar education levels and limited economic opportunities. However, the criminal histories between males and females were unequal. Males engaged in more violent offenses at greater frequencies than female offenders, whose prior crimes involved minor drug and traffic related incidents.

Within the contexts of their sex offenses, both similarities and differences appeared between the two groups. Both male and female offenders committed their crimes in relatively non-violent ways against young victims they knew, or have met before. However, the incidents perpetrated by male offenders resulted in more severe psychological consequences for the victims, as they were more often nonconsensual. Among other differences, a few female offenders committed their crimes in isolated incidents, but others also perpetrated their offenses over long durations of time. They victimized both male and female victims, who were of variable age ranges. Female

offenders also varied more in the offending methods used. For example, they offended with other perpetrators, and in some cases victimized their own children. Male offenders committed their crimes primarily against pre-teen or teenaged females in isolated incidents.

When comparing the sentencing recommendations of male and female sex offenders, it was discovered that the criminal justice system might take into account legal factors that are prominent among female offenders when providing sentencing recommendations. These factors included blameworthiness, admitting guilt and having a less extensive prior record. Comparatively, the male offenders either directed the blame towards the victims, or failed to acknowledge their participation in the crime. Treatment options were offered to female offenders more frequently that promoted personal growth, while male offenders were treated for deviancy-related issues, such as alcoholism, or were recommended the “standard treatment options” for sex offenders.

According to the CCOs interviewed, the standardized system of administering punishment recommendations did not take into account gender-specific characteristics. Many officers described possible “aggravating circumstances” among sex offenders, such as violating a position of trust, or failing to show remorse for their crimes. These circumstances were more frequently cited for male offenders than their female counterparts, and could influence differential sentencing recommendations. Further, some of the women were portrayed as being unaware of the consequences of their actions, while the men were seen to be more dangerous to others. However, the CCOs asserted that the standardized system of administering sentencing recommendations created a relatively fair system of punishment among every offender, regardless of gender differences among the offenders.

Theoretical implications

These findings indicated both unexpected findings regarding the ways in which males and females commit their crimes and how gender-related factors are perceived by CCOs when they write sentencing recommendations.

Prior research regarding the focal concerns hypothesis has shown that the severity of the offenders' crimes and the offenders' prior criminal record may result in more severe sentencing outcomes for male offenders. In this study, similar findings were shown among the offenders' prior records, as male offenders had more expansive criminal records and received less treatment options and more prison time in their sentencing recommendations. However, unexpected similarities emerged with regards to the ways in which both male and female offenders committed their crimes. There was rarely any use of a weapon or physical force. This counters many the theories on the gender differences of conducting crime and may be a characteristic of sex offending in general.

The impacts these offenses had between victims of male and female perpetrated crimes was also an unexpected finding. The crimes committed by male offenders were more frequently nonconsensual against all female victims and resulted in more severe psychological consequences for these victims. However, the victims of the female perpetrated crimes had fewer psychological consequences. This difference may indicate some gender-related differences among the effects of the crimes experienced between the victims of female offenders and the victims of male offenders. The victim's perceptions of these crimes should be further investigated for differential interpretations.

Further, the crimes committed by female offenders were more heterogeneous than those perpetrated by male offenders. This was also an unexpected finding, as female offenders did not appear to be minimizing the risk of being caught committing their offenses, as seen in other crimes (see Miller 1998). For example, they varied more in the offending methods used to victimized children with other perpetrators, in some cases victimized their own children. These crimes happened both in isolated incidents and over long durations of time. Comparatively, male offenders committed their crimes primarily against pre-teen or teenaged females in isolated incidents. The relative diversity with which female offenders commit their crimes should also be further investigated.

The male offenders' expansive criminal histories, the females' responses in the pre-sentence interviews, and the differential impacts these crimes had on the victims, may have influenced their different sentencing recommendations. However, these were gender related legal factors, which supports the focal concerns explanation for gender differences in sentencing recommendations. Many of the "aggravating circumstances" cited by CCOs were frequent among the male sex offenders' cases. They accepted responsibility for their actions less often, and blamed the victim for the incident more often than the female offenders. These responses by the male offenders may have given them more severe sentences as they communicated their lack of remorse toward their victims. Additionally, the victims of the females' offenses had less severe psychological impacts from the crimes than the victims of the crimes committed by male offenders. This pattern could have further guided the blame toward the male offenders, who had more frequent nonconsensual incidents with their victims.

Evidence supporting the chivalry/paternalism theory was found, but less frequently. It may be suggested that Deanna's sentence was a result of preferential

treatment, as her crime lacked *“any sign of sophistication”* and she *“did not truly understand the seriousness of her activity and what the possible consequences could have been.”* This response by the CCO might indicate that he saw Deanna as in need of more protection and help than punishment. This explanation is also supported by the fact that she had a child as a result of the offense. Her gender-specific status of being a mother was an extra-legal factor that contributed to the sentencing differences between her and Steven. However, this was only one case involving extra-legal factors.

There was also evidence corroborating the evil women hypothesis found in Bridgette’s PSI report. Not only was she a female sex offender, a status that maintains she stepped outside of her established gender role by committing a masculine-type crime, but she further violated gender roles by the way she commissioned her crime and by denying her participation in the event. Specifically, she committed a violent offense against an adult female in her victim’s home, using a weapon, showed no remorse for the victim and claimed not to remember the incident. Again, this might have been an exceptional circumstance among female offenders and does not strongly support the evil women hypothesis. Further, it is difficult to conclude her sentence was more severe than her male match, as Romey’s PSI report was missing pages.

In sum, female and male offenders conducted their crimes in similar non-violent ways against victims they knew. In the offenders’ PSI reports, the males had more expansive criminal histories, and the female offenders were more likely to show remorse for their criminal actions. Additionally, the impacts the crimes had on the victims also differentiated between the two groups of offenders. The differences between the female and male offenders’ reports showed that more *“aggravating circumstances,”* were apparent among the male offenders’ reports. These characteristics were legal factors, but

resulted in more prison time for male offenders and more treatment opportunities for female offenders. Therefore, the focal concerns hypothesis had the most supporting evidence in this study. There was some evidence supporting the chivalry/paternalism and the evil women hypotheses, but these items were few in number. Other related limitations will be described in the next section.

Strengths and limitations

This research study did succeed in providing preliminary support for the focal concerns hypothesis by directly comparing the sentencing recommendations of female sex offenders to their male counterparts. This study is unique in this process, as criminological research has primarily focused on male offenders, or has separated the two groups to note female offenders as exceptional offenders. Future studies should utilize this procedure as a way to isolate gender-related variables and contribute to the ongoing discussions of gender differences in criminal activities and punishment recommendations. A few examples of such studies are described below.

The evidence found in this study may also be less cogent in supporting the focal concerns hypothesis due to the limitations of the research design. First, the sampling frame from which the names of female and male sex offenders were found does not include every offender within the state. This factor not only reduced the number of sex offender PSI reports for the study, but also may have excluded certain groups of sex offenders. For example, offenders who have not been caught or charged for their crimes may be committing their crimes in ways that reduce the chances of getting caught, such as offenders who relocate frequently.

Additionally, the public records database reduced the number of cases and pages of female and male sex offender PSI reports. Specifically, two of the seven pairs of offenders could not be properly compared because the female sex offenders' PSI reports were lacking pages and details. The information provided in the PSI reports may have contributed to additional missing data as the procedures may have varied slightly between CCOs. These factors contributed to a small number of diverse cases, which do not represent the population of female offenders.

Future research

This report has laid the foundation for future studies comparing male and female offenders, regardless of the number of limitations, which are primarily due to missing information. Most importantly, this research design is limited in its number of cases and in a consistent amount of information to compare male and female sex offenders. Therefore, future studies can aim to produce more cases and perhaps better quality of PSI reports by contacting each county office for female and male PSI reports that were written by the same CCO. Additionally, this research study may include qualitative interviews with defense and prosecuting attorneys, and possibly the offenders themselves, to include their perceptions of gender differences and similarities in the criminal justice system. This process would produce further evidence that may support or challenge the focal concerns hypothesis.

Additionally, the co offender relationships between men and women in sex offenses and other criminal acts can be further investigated. These cases were few in number, but may contribute to research studies regarding gender roles in criminal offending.

The next step in the analysis of gender differences in sentencing is to compare the findings of this research design, which uses pre-sentence reports, to the gender differences apparent within courtroom sentencing. Little attention is given to these reports as data sources within the current research studies and the influence they have on courtroom outcomes. These sentencing recommendations include a standardized system of issuing punishments that includes “aggravating circumstances” that were frequently found among male sex offenders. However, these factors may be inconsistent within courtroom proceedings. The subjective perceptions of judges or juries may contribute to differential sentences between men and women in alternative ways. Further, the methods used by county CCOs can be compared across state lines to note any differences in the production of PSI reports that may contribute to alternative findings.

CONCLUSION

Similar to the media reports cited in the beginning of the study, the female sex crimes exhibited a large amount of diversity compared to the male perpetrated crimes. However, these reports were not able to highlight the rarity in which these offenses occur. In criminal activities and criminological research, the male offender has been the established typology of a criminal, which has sequestered research on female offending. The rarity in which females commit crimes no doubt contributed to this image, but it has also been the motivation behind the research study, as a female offender in many cases is treated as an exception to the standard in crime and punishment research.

The motivation of the present research was to compare the offending and background characteristics of male and female sex offenders. In doing so, this study has examined whether their cases are similar or different, and whether their behavior merits

similar evaluations by CCOs. The findings in this study do not imply that women are to be punished for the legalistic criteria that provides more treatment than incarceration, but questions might be asked among criminal justice agents regarding the gendered nature of certain “aggravating circumstances” that were shown in this study. Specifically, questions might be voiced regarding the treatment limitations among the male offenders who had more prior criminal charges. These recidivists might benefit more from treatment than prison time.

In sum, more comparative analyses between male and female criminal activities, and in subsequent criminal justice punishments, should be conducted. These analyses could then uncover these differential trends and patterns of the criminal justice system in recommending punishments for male and female offenders and might influence practices accordingly.

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APPENDIX A: Sex offenses that are sentenced using the standard range sentencing guideline as listed by Morishima (2004).

Child Molestation 2 (first two offenses)

Child Molestation 3

Communication with a Minor for Immoral Purposes

Custodial Sexual Misconduct 1

Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct

Failure to Register as a Sex Offender

Incest 1 (first two offenses)

Incest 2 (first two offenses)

Indecent Liberties (no forcible compulsion)

Patronizing a Juvenile Prostitute

Rape 3 (first two offenses)

Rape of a Child (statutory rape) 3

Sending or Bringing into the State Depictions of a Minor Engaged in Sexually
Explicit Conduct

Sexual Exploitation of a Minor (first two offenses)

Sexual Misconduct with a Minor 1

Sexually Violating Human Remains

Voyeurism

APPENDIX B: Notice of DOC Public Records redactions from PSI reports

The following items were redacted from the offender PSI reports:

VICTIM/WITNESS - Victim/witness names and/or relationships that would reveal identity and have been redacted.

SOCIAL SECURITY NUMBERS - Social security numbers have been redacted.

JUVENILE HISTORY – Some record(s) contained information on a juvenile, which is confidential, and may not be released to the public except by court order.

NON-CONVICTION DATA – Some record(s) contained non-conviction data, which has been redacted.

MEDICAL/MENTAL HEALTH/CHEMICAL DEPENDENCY INFORMATION -

Medical information is protected from disclosure and has been redacted

APPENDIX C: Code sheet

Coding sheet: 00__

1. Today's Date: _____ *2. Prosecuting county: _____
2. Date of report: _____
3. What was the investigating officer's name: _____
4. Offender name: _____

Demographic information

- *5. Offender gender: 1. F 2. M *6. Offender age at arrest for sex offense: _____
*7. Offender race:
0. Not listed 1. White
2. Black 3. Hispanic
4. Asian 5. Native American/Pacific Islander
6. Other: _____
8. What language does the offender speak?
0. Unknown/not listed 1. English 2. Other: _____
9. What language does the offender read and write?
0. Unknown/not listed 1. English 2. Other: _____
10. What is the offender's religious affiliation? (List) _____
11. Does the offender own firearms? 0. Unknown/not listed 1. no 2. yes
12. Is there a notice of a firearm restriction? 0. Unknown/not listed 1. no 2. Yes
13. Does the offender have any scars, marks, or tattoos? (if yes, explain.)
0. Unknown 1. No 2. yes _____

Physical, emotional or substance abuse

14. Is there evidence of adult abuse of offender? (if yes, explain.)
0. Unknown 1. No 2. Yes

15. Evidence of child abuse on offender or siblings growing up? (if yes, explain.)
0. Unknown 1. No 2. yes _____

16. Is there evidence of drug or alcohol abuse when committing the sex crime? (if yes, explain.)

- | | |
|---------------------------|-----------------------------------|
| 0. Do not know/not stated | 1. No, explicitly stated |
| 2. Yes, alcohol | 3. Yes, drugs (illegal and legal) |
| 4. Yes, drugs and alcohol | |

If yes (answer choices 2, 3, and 4) explain evidence: _____

Educational history

17. What is the offender's educational status?

- | | |
|---------------------------|----------------------------------|
| 0. Do not know/not stated | 1. High school dropout |
| 2. High school or GED | 3. Post-high school training/edu |
| 4. Some college | 5. Four year college degree |

Employment history

18. Was the offender employed at time of offense?

- | | | |
|------------|-------|--------|
| 0. Unknown | 1. No | 2. Yes |
|------------|-------|--------|

Comments: _____

19. Was the offender on state aid at time of offense? 0. Unknown 1. No 2. Yes

If yes, explain: _____

Family History

20. What is the offender's marital status?

- | | |
|-------------|------------------|
| 0. Unknown | 1. Never married |
| 2. Married | 3. Separated |
| 4. Divorced | 5. Widow/Widower |

21. What is the offender's living arrangement at the time the report was written?

- | | |
|------------|-----------------|
| 0. Unknown | 1. Living alone |
|------------|-----------------|

- 2. Spouse
- 3. Parents
- 4. Other: _____

22. Does the offender's family have a history of arrests or incarcerations? (if yes, explain.)

- 0. Unknown
 - 1. No
 - 2. Yes _____
-
-
-
-

24. Has the offender given birth or fathered a child? (if no, skip questions 25)

- 0. Unknown
- 1. No
- 2. Yes

25. Who cares for child/children ?

- 0. Do not know
- 1. defendant only
- 2. Child/children's mother or father and the defendant
- 3. Child/children's mother or father only (not including defendant).
- 4. Defendant's mother or parents/guardians
- 5. Other kin
- 6. Non-Kin
- 7. Social services
- 8. Children are present, but are grown

26. Who was the defendant living with at time of offense?

- 0. Do not know/not stated
- 1. Alone
- 2. Mother
- 3. Father
- 4. Mother and father
- 5. Female kin
- 6. Male kin
- 7. Various family members
- 8. Defendants child/children only
- 9. Mother or father of defendant's child
- 10. Partner or spouse
- 11. Partner or spouse and child/children
- 12. other: _____

Criminal History

27. Does the offender have a prior record of misdemeanor crime convictions, including both juvenile and adult crimes? (if yes, give the number and list/describe the 5 most recent convictions)

- 0. Unknown/not stated
- 1. No
- 2. Yes:

1. _____

2. _____

3. _____

4. _____

5. _____

28. Does the offender have a prior record of felony crime convictions, including both juvenile and adult crimes? (if yes, give the number and list/describe the 5 most recent convictions)

0. Unknown/not stated

1. No

2. Yes:

1. _____

2. _____

3. _____

4. _____

5. _____

29. Does the offender have a prior record of sex offense? (If yes, explain).

0. Unknown 1. No 1. Yes _____

_____.

30. Is there evidence of previous adult incarcerations? (Excludes pretrial detention)

0. Unknown 1. Never incarcerated
2. Incarcerated once 3. Incarcerated two or more times

If answered 2 or 3, explain: _____

_____.

31. What was the offender's age at first arrest or contact with juvenile or criminal system?

0. Unknown 1. List: _____

32. Is there any notice of a gang affiliation?

0. Unknown 1. No 2. Yes

Sex offense items: Offender(s)

33. Did the offender act alone or with others? (Skip questions 34 to 36 if the answer choice is 0 or 1).

0. Do not know 1. Acted alone
2. Acted with: (list number) _____ others

34. If co offenders were present, what is the relationship of the other(s) to the offender?

0. Do not know 1. Strangers
2. Acquaintances 3. Friends
4. Boyfriend or girlfriend 5. Spouse

35. What was the gender composition of the co-offenders?

0. Unknown 1. All female 2. All male 3. Mixed

36. What was the defendant's role? (Explain)

_____.

Victim-offender relations

37. How many victims were there?

- 0. Unknown
- 1. One
- 2. Two
- 3. Three or more

38. What was the relationship between the victim(s) and offender? (There may be more than one answer choice)

- 0. Unknown
- 1. Defendant knew the victim(s)
- 2. Defendant was related to the victim(s)
- 3. Defendant may have known the victims
- 4. Defendant did not know the victim(s)

Comments: _____

39. What was the gender composition of the victim(s)?

- 0. Do not know
- 1. Female
- 2. Male
- 3. Mixed

40. What was the race of the victim(s)

- 0. Do not know/not listed
- 1. White
- 2. Black
- 3. Hispanic
- 4. Asian
- 5. Native American/ Pacific Islander
- 6. Other: _____

41. Age of the victim(s)? (List) _____

42. What weapon was used?

- 0. Do not know/not listed
- 1. Gun
- 2. Knife
- 3. Fists
- 4. None
- 5. Other: _____

Comments: _____

43. Was there evidence of victim injury?

- 0. Do not know
- 1. Coerced sex
- 2. Other injuries
- 3. Death
- 4: None

Comments: _____

44. Where was the location of the incident?

- | | |
|-----------------------------|-----------------------------|
| 0. Do not know | 1. Street |
| 2. Commercial establishment | 3. Residence (offender's) |
| 4. Residence (victim's) | 5. Residence (other): _____ |
| 6. Other location: _____ | |

Offender statements

45. What details did the offender announce as a motive for their part in the crime?

- | | |
|----------------------------|--------------------------------------|
| 0. Unknown/not listed | 1. Family circumstances |
| 2. Financial circumstances | 3. Different perception of the crime |
| 4. Peer pressure | 5. Other: _____ |

Comments: _____

*46. What were the criminal counts the offender was charged with? (List first 5).

- 0. Unknown/not listed
- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

47. What were the different categories of offense charges at conviction? (List first 5).

- 0. Unknown/not listed
- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

48. What method of sentencing was recommended? (circle all that apply)

- | | |
|----------------------------------|--|
| 0. Unknown/not listed | 1. Fine, amount of: \$ _____ |
| 2. Probation | 3. Incarceration (1 to 5 years) |
| 4. Incarceration (6 to 10 years) | 5. Incarceration (more than 10 years) |
| 6. Treatment while in prison | 7. Community-based treatment (list length) _____ |

49. What were the CCOs justifications for this sentencing recommendation? (Put in order that reasons appear in report)?

- 0. Unknown/not listed
- 1. _____

- 2. _____

3. _____

4. _____

5. _____

50. Where there any other comments from the probation officer?

0. No 1. Yes _____

_____.

Post sentencing

51. What judge made the sentencing decision?
Unknown (list name) _____

*52. What level is the sex offender³⁰?
0. Unknown 1. two 2. three

53. Were there any other notes external to the psi? (If so, note the source of the note)

³⁰ The sex offenders in the study were drawn from a search of the Washington State Sex Offender Information Center Web site. This Web site restricts listings of sex offenders to level two and level three.

54. What was the offender's place of birth? (List) _____

55. Where was the location of the offender's first recorded crime? (List) _____

APPENDIX D: Qualitative interview questions

Basic psi info

How do you start writing the PSI? Do you start by investigating the offender? The offender's family? The victim?

What information are you looking for?

(Is their living situation, financial status or education accounted for? Why?

How is this information then used and who uses it?

What sort of training do you receive to write these reports?

About gender and crimes

How many female sex offender PSI's do you think you write every year?

Are they around the same length as a male's?

Are there any particular differences you have noticed when writing a psi for a female?

Are there any surprising similarities/differences between the two?

Of the female reports that you have seen or have written, what has been the typical scenario? Who was the victim? Was the victim related to the offender?

What crimes do males typically commit? females?

How about the male reports? Who is typically the victim?

What is the typical recommendation you give a male?

Is this any different from what you might typically give a female?

Why?

Why do you think males commit the majority of sex offenses?

Since the lion's share of sex offenses are committed by men, do you think this factor influences their sentence when they are caught? Or when females are caught? Why or why not?

If so, how does it influence their sentence?

About the on line registry

Do you think this registry is the best way to find out information on sex offenders?

Do you know how often this site is updated?

Who qualifies to have their information on this web site..

Relationship with other state offices

Do you communicate much with offices in other counties in WA state regarding offenders?

Are you familiar with alternative procedures used by those county offices?

Do you other offices would be more lenient or harsh toward female offenders?

APPENDIX E: Descriptions of female and male offenses and subsequent sentencing recommendations.

Pair one:

Bridgette: The victim had never met Bridgette before the victim opened her door to the offender. Bridgette told the victim she was selling magazines to keep youths off the streets. When the victim stated she wasn't interested in the magazines, Bridgette asked to use her phone. The victim allowed the stranger into her home. Once inside, Bridgette grabbed a pair of fabric scissors and threatened the victim with physical injuries. The offender tied the victim's hands together, coerced her into oral sex, raped her with a vibrator, and produced lacerations around her vagina and anus, and abrasions on her neck, abdomen, wrists and buttocks with the scissors. Bridgette poured rubbing alcohol on the victim's cuts, and took the victim's bankcard before leaving her residence. In her pre-sentence interview, Bridgette provided no statement, claiming she was under the influence of illegal drugs and could remember nothing of the crime. She received an exceptional sentence higher than the standard range for her crimes (116 months concurrent for both counts of burglary, 1st degree, and 2nd degree rape) due to "*the violent nature of the crime.*" She was also recommended to complete a sexual deviancy treatment program and participate in a work release program when under community placement for 36 months.

Romey: The offender was convicted of rape in the 2nd degree and rape of a child, 3rd degree. Romey served 20 months in prison and 12 months on community placement. He had two previous drug convictions. However, these convictions are not included in the

nearly 50 additional misdemeanor convictions he had before his sex offense charge. The majority of these charges were for thefts or assaults.

Pair two:

Karla: Karla admitted having sexual contact with several minor boys in her neighborhood. She had been warned several times when she was a minor by the police for this behavior, but continued to do it after her 18th birthday. She pled guilty to two counts of child molestation, 1st and 2nd degree, respectively, for having sex with an 11-year-old boy and a 14-year-old boy. She was not under the influence of drugs or alcohol, but claimed she was a “*sex addict*.” She was recommended a sentence within the standard range, 67 to 89 months, but a minimum amount of this range was advised. She was also recommended to 24 months in community placement.

Andrew: A seven-year-old child divulged to her mother that a transient had pulled down his pants and exposed himself to her. He then pulled down her pants and rubbed his penis against her groin area. This event happened at the child’s elementary school. Andrew denied the incident happened, claiming the victim fabricated the story because he had gotten into a fight with the victim’s grandfather prior to the crime. He pled guilty to one count of child molestation, 1st degree. Andrew was recommended to a standard range sentence of 57 to 75 months with the possibility of an exceptional sentence higher than 75 months because he “*was in a position of trust and took advantage of a child that he could intimidate*.” No specific length of time on community supervision was recommended.

Pair three:

Kathy: The offender was guilty of one count of indecent liberties for victimizing a male throughout a 12 year period before being arrested. No recommendation was provided in Kathy's PSI report due to missing pages.

Nathan: Eighteen-year-old Nathan had a sexual relationship with a female that started when the victim was 12 years old. There was no use of force, nor was there evidence of victim injury. The victim indicated that all three incidents of sexual contact were consensual. Nathan first denied all participation in the events, but later admitted to the sexual contacts. He had one count of 2nd degree child molestation and one count of TMVWOP. A description of the second count was provided in the PSI report. Nathan had a criminal history composed of one felony and three misdemeanors. He was recommended to a sentence at the low end of the standard range with 26 months for the first count and 5 months for the second count. The community placement duration was recommended to fall within the range of 36 to 48 months.

Pair four:

Deanne: After being plutonic friends for a long time, Deanne and her victim were drinking at a party hosted by Deanne and her sister. The male victim, who was a teenager, had intercourse with Deanne and as a result, Deanne became pregnant. There was no force used by either party. The offender had no juvenile or adult criminal history. She was charged with rape of a child in the the 3rd degree. A plea agreement was reached between the prosecutor and the defense attorneys where

Deanne would receive 30 days confinement, but those 30 days being converted into 240 hours of community service. However, the CCO recommended six months confinement, and that duration to be converted into 1440 hours of community service, or six months served by attending an educational program on employment and parenting skills. Deanne was also recommended to serve an additional 24 months on community supervision.

Steven: The 13-year-old victim and her boyfriend met Steven as they were walking on the beach while on vacation. Steven took the two juveniles back to the cabin where he was staying and provided them with alcohol. Later, the three went back to the beach where Steven removed the victim's pants, and had oral and vaginal intercourse with her. The victim's boyfriend stated he witnessed the rape, but was *"too intoxicated to do anything to stop it."* Steve admitted his participation in providing alcohol to the minors and the rape, but claimed the victim had been flirting with him throughout the evening. He also claimed the victim did not provide any resistance to his actions and that no force was used. Steven had five previous misdemeanor convictions, but no felonies. The CCO recommended Steven be confined for a minimum of 78 months, and a maximum of 102 months. The CCO recommended that the middle of this range, 90 months, would suffice Steven's treatment progression. He was also recommended to be in community custody for a period within the range of 36 to 48 months. The Special Sex Offender Sentencing Alternative (SSOSA) was also recommended to be a possibility if Steve is *"considered amenable to treatment."*

Pair Five:

Pamela: A homeless, Pamela pled guilty to child molestation in the 1st degree. The victims were three female minors aged between 6 and 11 years old, and one was a relative of Pamela. The offender would allow “tricks,” or clients, to sexually assault the victims for a fee. Pamela was recommended to serve 68 months in confinement and 24 months of community placement.

Marvin: Two female child victims, aged five and seven, were living at the same home as Marvin at the time of this offense. He molested the two, by vaginally raping them with his fingers. One victim also indicated he had touched her chest. Marvin had an adult criminal history of one felony, and 17 misdemeanors. He was in “*complete denial of touching or threatening either child*” and claimed their mother and their mother’s sister plotted against him because “*he would not supply their illegal drugs for free.*” Marvin was charged with two counts of child molestation in the 1st degree. A period of confinement in the middle of the standard range, 72 to 96 months, was recommended. This placed his confinement duration at 84 months to serve each count concurrently. Additionally, he was to serve 36 months on community custody. If Marvin admitted his culpability in the offense additional treatment plans would be made available to him.

Pair six:

Louanna: The offender admitted to thirty to forty molestations on a minor aged, male victim throughout a period of three years, which started when the he was three and a half years old. These acts included Louanna fondling the victim’s genitals

and attempting penile/vaginal intercourse. Louanna pled guilty to one count of child molestation, 1st degree. A plea bargain was struck between the prosecuting and defense attorneys, where both parties agreed to allow the SOSSA option. With this option she would serve 60 months in confinement, which would be suspended to 30 days, 30 days community service, and participation in treatment programs. The CCO recommended a standard range sentence, which was between 51 and 68 months and 12 months of community placement. The CCO recommended Louanna serve 60 months in jail, which was reduced to 90 days and 60 months on community supervision.

Vincent: For a few months Vincent lived with his victim and victim's family in the same home. One night, Vincent tried to take off the 5-year old victim's clothes while she was asleep. When she woke later, she found him on top of her, attempting vaginal intercourse. He was originally charged with one count of rape of a child, 1st degree and one count of 1st degree child molestation, but a plea bargain allowed him to only plea guilty to child molestation in the 1st degree. Vincent denied all participation in the event and claimed it did not happen. Later, he said he only claimed guilt because his lawyer said it would decrease his sentence. The CCO did not find Vincent likely to succeed in a SOSSA program. Instead, 75 months confinement, the highest end of the sentencing range, and 36 months on community supervision was recommended.

Pair seven:

Amanda: While the teenage victim was spending the night with Amanda and her husband, both the husband and Amanda took her clothes off, and her husband penetrated the victim's vagina with his fingers. He then performed oral sex on her and Amanda. After which, Amanda fondled her breasts and gave her husband a "blow job." Amanda admitted that the event occurred, but "*could not understand [why] she was partially responsible for what happened to the victim.*" Amanda pled guilty to one count of child molestation, 2nd degree. She had four previous misdemeanor charges, and was recommended to serve a standard range, between 15 and 20 months in confinement. Amanda was also found to be "*an acceptable candidate*" for community-based therapy (SSOSA). The 20 months she was to spend in confinement was suspended to six, and a standard amount of 24 months on community supervision was administered to Amanda.

Michael: Two girls, aged 13 and 14, reported to a police officer that a male they knew had molested them. One victim reported that early in the morning, she woke up to find one of Mike's hands reaching under her shirt and another hand going down the front of her pants. The victim resisted, Michael released her and the victim left the room. The other victim, who was staying at the house at the time, reported that Michael had also fondled her. Before arriving at the house that night, Michael had been drinking alcohol and possibly using illegal drugs. He had six prior felonies, five of those being burglary charges, and five misdemeanors. Michael was charged with one count of child molestation, 2nd degree. His standard range of confinement was 57 to 75 months. The CCO recommended the high end of this

range, 75 months, with 24 months on community supervision. Michael was eligible to participate in treatment programs while confined.