
Delaware Sex Offenders

Profiles and Criminal Justice System Outcomes

January 2008



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Statistical Analysis Center

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Background: Our Changing Ways and Knowledge of Sex Offenders

Rape Law Reform and Sex Offense Reporting

Historically, sexual assault laws reflect our changing societal customs and desires for safety, retribution and rehabilitation. Consequently, laws, crime reporting, methods of investigation, prosecution and punishment of sexual assault have evolved significantly over the past 30 years. Criminal sexual behavior that in the past might have been handled as a misdemeanor, addressed privately, or even considered a mental health issue, is now more likely to be prosecuted as a felony. Moreover, our ability to confront perpetrators of sexual assault has improved as changes in rape laws and rules of evidence have shifted from a focus on the actions of the victim more towards the behavior of the defendant.

The Rape Law Reform movement, starting in the late 1960s, gained widespread attention for the topic of rape. Feminists along with victims' rights groups called attention to the problem of rape reporting, and called for laws to change to focus more on the perpetrator's behavior instead of the victim's appearance, societal place, and/or previous sexual history (Clay-Warner and Burt 2005). These changes in laws were intended to increase the reporting of rapes and sexual assaults, and increase the prosecution and conviction of perpetrators (Bachman and Paternoster 1993; Horney and Spohn 1991).

From the mid 1970s to the mid 1980s, all states passed legislation or changed existing laws to adhere to rape law reforms. These changes resulted in an increase of prosecution and conviction of sex offenders, but not to the extent intended. Horney and Spohn (1991) in their research of six U.S. urban jurisdictions found no increase in conviction rates of rapists (p. 131); however, when compared to robbery and assault nationally, Bachman and Paternoster (1993) found that the likelihood of an arrested rapist going to prison increased by over 200 percent from the pre-reform era (1979-1986) to post reform era (1987-1991) (p. 568). In addition, there was a small increase in the sanctions for acquaintance rapes versus stranger rapes in the criminal justice system (Bachman and Paternoster 1993, p.574).

Reporting of a rape or sexual assault either by the victim or a third party is the main way to bring the sex offense to the attention of a police agency. However, it is common knowledge that a small proportion of rapes and sexual assaults are reported when compared to the number of incidences that occur. The underreporting of rape and sexual assaults is directly related to the victim's fear of reprisal from the perpetrator, treatment of the victim in the criminal justice system, victim blaming, and the severity of the incident (Bachman and Paternoster, 1993; Estrich, 1987; Horney and Spohn 1991). Rape and sexual assault reporting when compared to robbery and assault has increased slightly over the past three decades with response to the rape law reforms in

the mid and late 1970s (Bachman and Paternoster, 1993), but still only about 20 to 30 percent of all sex offenses are reported to police agencies (Turley, Sept. 2000, Tjaden and Thoennes Jan. 2006). This is especially the case when the victim knows his/her perpetrator. In fact, with the increase of reporting rape and sexual assaults compared to robbery and assault, the proportion of acquaintance rapes reported did not increase significantly (Bachman and Paternoster, 1993). Thus, one important fact to remember when viewing this study, and any sex offense study, is that research can only be done on sex offenses that have been reported to a law enforcement agency or only about 20 to 30 percent of all sex offenses.

In addition, statistics thirty years ago reported a very incomplete profile of victims of sex offenses as research primarily focused on stranger and adult female rapes (Abbey 2003). Where old statistics reflected law enforcement activity of the day, the statistics in this study provide a much more realistic profile of victim and offender relationships. Most victims of sexual assault tend to be under sixteen years old, while the offenders' average age is mid-thirties, but often they are older (Tjaden and Thoennes 2006).

Tougher Sex Offender Penalties

Laws regarding sex offender penalties have also evolved resulting in more severe penalties and restrictions for sex offenders. In some states, sex offenders released from prison may face subsequent life-long civil institutional commitment. In many locations across the country, expansive community containment practices have been implemented including, special intensive supervision for sex offenders while on probation or parole, the use of global positioning satellite tracking system (GPS), internet restrictions, public access to the sex offender registry and neighborhood notification. In addition, laws have been established placing residency restrictions on sex offenders specifying how far they must live or remain from schools, day cares, parks and other places where children may gather. However, Delaware avoided the initiative to expand the geographical distance where a sex offender can live from 500 to 1,300 feet of a school¹ while Colorado and other states are beginning to discuss the limitations of sex offender residential restrictions, and what these restrictions do and do not accomplish (Colorado Department of Public Safety March 2004). In some jurisdictions, the boundaries have been extended so far that convicted sex offenders cannot legally live in any urban setting. The unintended consequence of these tougher "x feet of" residence laws is that sex offenders are pushed into more rural settings causing an unfair burden on citizens in those areas, and furthermore, there are insufficient police and probation resources to monitor these dispersed sex offenders. Another unintended consequence is the increase of sex offenders who report their residence as homeless because returning to their prior residence is restricted, making it far more difficult for police agencies to track these offenders. In addition to intensive supervision and residency restrictions, the federal government has recently upped the ante by adding the threat of loss of federal grant funds for a laggard implementation of

¹ Del. S.B. 23, 144th General Assembly (2007)

the Adam Walsh Act of 2006² that toughens sex offender registry requirements, and provides funds for states that expeditiously implement these requirements.

Following in the footsteps of Colorado and Iowa, and several other states, in 2007, Delaware established a Sex Offender Management Board.³ By January 2009, this board will develop standards for sex offender programs, tracking sex offenders' rehabilitation and increased monitoring. Sharing in this responsibility of overseeing sex assault laws and their effectiveness is the Sentencing Accountability Commission. Sex offender management boards are an operational way to formalize what we do with sex offenders, and evaluate the success of these activities from public safety and rehabilitation perspectives.

Together, the increased awareness and tougher prosecution of sex crimes has had a material impact on the size and operation of prisons, jails and probation programs. In the 1980s, as states began to mandate stricter sex offense laws and prosecution, the number and type of sex offenders serving time in prison changed to reflect this new emphasis. In Washington State, when rape of a child became a felony and sentencing guidelines required at least some prison time, not only did the rate of imprisonment double, but the profile of the offenders shifted dramatically to older males who knew or were related to the victimized children (OFM, State of Washington Feb. 1986). Over time, society has gained more insight into the characteristics of sex crimes, sex offenders and victims, and realizes to a greater extent that most of the victims of sex offenses are children (Tjaden and Thoennes Jan. 2006). This perhaps is the greatest motivator for our heightened desire for public safety and protection from sex offenders.

Focus on Sexual Predators

In getting tough on sex offenders, much of the public's attention has focused on the real, but relatively rare, sexual predator. While the meaning of the term "sexual predator" varies, the concept denotes situations where a male stranger does extreme sexual harm to an innocent child or female (Quinn et al 2004). These situations are real and when the offender is apprehended he or she can be charged with Rape 1st degree, a felony A offense. If convicted of this offense, the offender can be sentenced up to life in prison. For repeat sexual predators, we have the 2006 Jessica's Law⁴ which can result in the offender being charged with a more serious felony or double sentencing terms which may also result in a life sentence. In addition, if an offender is eligible, our habitual offender laws can be used for a sexual predator that can also result in life in prison without the possibility of release. In other words, when it comes to sexual predators we catch, we are well guarded in potential ways to protect the public. For instance, in 2006, eight out of nine offenders convicted of a felony A sex offense in Delaware received either a life or "virtual" life term (Spencer Price, DelSAC 2007). A "virtual" life term occurs when the aggregate sentences for all the charges in the case

² Adam Walsh Act 2006 (PL 109-248)

³ Del. S.B. 90, 144th General Assembly, 76 Del. Laws ch. 88 (2007)

⁴ Del. H.B. 404, 143rd General Assembly, 75 Del. Laws ch. 438 (2006)

exceed an offender's life expectancy. As for post sentencing relief, the Delaware Pardon Board has no record of leniency for these types of cases.

Sexual Predators Aren't the Only Problem

Despite media attention and political activity, only a few sex crimes fit the classical sexual predator description. More often than not, a victim of a sex offense knows his/her perpetrator. The important thing to remember is that the seriousness of the crime and the harm done by the sex offender is not diminished because the victim knows the offender; instead, the terror of being victimized by a stranger is traded for the betrayal of someone thought to be a friend, family member, or someone in a trusted position of authority.

The establishment and periodic tightening of sex offender registration laws are designed to increase our trust and confidence. Delaware registration requirements allow both law enforcement and the community to keep track of offenders by monitoring where they live and work, and aid in locating offenders when sex crimes are reported. To some degree, these registration requirements are beginning to prove themselves ineffective. To begin, one of the fastest growing sex offender crimes identified in this report is a sex offender "failing to register." Currently, over 10 percent of the Superior Court sex offender cases are "failure to register or re-register as a sex offender."⁵ As the reporting requirements increase under the new Adam Walsh bill,⁶ it is expected that this type of offense will continue to increase. Another important aspect of our false security is that we do not know who most of the sex offenders are. Approximately 80 percent of sex crimes are not reported to police (Tjaden and Thoennes Jan. 2006). The National Institute of Justice Report (Tjaden and Thoennes Jan. 2006) reports that only 19 percent of adult females and 13 percent of adult males report rape to law enforcement agencies (p.33). So, while the sex offender registration tends to have us focusing "out there," we should also be more aware of our more immediate social environment that includes friends, acquaintances and family members who are the most likely to be the unknown offender.

Sex Offenders as an Anti-Social Network

In our criminal justice system, we tend to primarily think of one crime, one offender, and one victim. In our mental health system, we tend to counsel people's problems client by client. This focus on individuals and single events often fails to recognize the role that social networks play in the life of a sex offender. While some sex offenders are socially isolated and extremely secretive, there is also evidence that social networking plays a significant role among sex offenders. Hanson and Scott's (1996) study shows a strong correlation between knowing other sex offenders, approving of illegal behavior, and an individual's involvement in sex assault (p.253-

⁵ Title 11 §4121

⁶ Del. S.B. 60, 144th General Assembly, 76 Del. Laws ch. 25 (2007)

255). Interestingly, Hanson and Scott's (1996) study shows that non-sex offenders do not associate with sex offenders who victimize children, yet they may know sex offenders who victimize adults (p.256). Therefore, the social network that encourages the sexual assault of children tends to be exclusive. A local example of this type of social networking is the series of arrests during the Spring of 2007 when nine Delaware men under the age of 30 were arrested for possessing, orchestrating and participating in internet child pornography by watching the sexual assault of a minor female (Sanginiti, *The News Journal*, June 20, 2007). The Delaware Department of Corrections has also identified similar networking of multi-generational family and friend relationships that foster sexual assault (Laurie Pezick, DOC, SOMB Presentation Nov. 2007). Having a much better understanding about sex offenders' associates may result in improvements in public safety. Hanson and Scott (1996) point to the possible unintended consequences of group counseling for sexual molesters and how such meetings can lead to new friendships that result in the inadvertent support of sexual assault (p.256-257). Unfortunately, data regarding sex offender conspiracy is not currently part of Delaware's information collected, and so, is not in this report.

Sex Offender Recidivism

Fear of sex offender recidivism is the foundation of the Adam Walsh Act⁷ resulting in the tightening of state sex offender registration and notification activities. U.S. Attorney General Alberto Gonzales explains, "Too often sex offenders continue to harm children even after previous conviction (DOJ Press Release May 17, 2007)." However, in the world of criminal recidivism, sex offender recidivism rates appear to be an anomaly, and are difficult to interpret. For instance, adult sex offenders have low sex offense recidivism rates. The Department of Justice, Bureau of Justice Statistics (Langan et al, 2003) study of sex offenders released from prison in 1994 shows that only 5.3 percent of them were rearrested for a new sex crime after being at risk three years (p.24). Similarly, in the study of Delaware adult sex offenders (Huenke et al, July 2007) released from prison in 2001, only 3.8 percent of them were rearrested for a new sex crime after being at risk three years (p.11). In a very extensive recidivism study in Ohio (Black et al 2001), only 8 percent of sex offenders released from prison return to prison for a new sex offense after being at risk 10 years (p.11).

Yet, there is a bewildering contrast when these adult sex offender recidivism rates are viewed in light of the 2007 Delaware Juvenile Level V (incarceration) and Level IV (24 hour programs) sex offender study (Rodriquez-Labarca and O'Connell June 2007). Twenty-seven percent of the juvenile sex offenders are rearrested for a new sex offense or failure to register as a sex offender offense within three years of release (p. 10). After five years at risk, 41 percent of the juvenile sex offenders were rearrested for a new sex crime or failure to register as a sex offender offense(p. 10). It is striking that sentenced juvenile sex offenders have a recidivism rate about ten times higher than their adult sex offender Level V (incarceration) prison counterparts. Also interesting to note is that 27 percent of the offenders in the Delaware adult sex offender study had sex

⁷ Adam Walsh Act 2006 (PL 109-248)

offenses in their prior criminal history (Huenke et al July 2007, p.7). Likewise, this study finds that 34 percent of the offenders with a 2004 sex offense disposition have a prior sex offense arrest. These comparisons imply that until significant time is served in prison (about four and one half years on average in Delaware), sex offense recidivism remains fairly high (Huenke et al July 2007). Interestingly, the Langan et al (2003) study shows that the longer the time served in prison, the lower the recidivism rate for child molesters (p.19).

Is post-prison sex offense recidivism really as low as reported by official statistics? If so, it might be expected that post-prison recidivism for sex offenders for any crime would also be very low. However, this is not the case. Sex offenders are very likely to be arrested for non-sex crimes after release from prison or conviction. In the BJS (2003) study, 43 percent of the sex offenders released from prison were rearrested within three years for any crime. In Delaware, adult sex offender recidivism is 55 percent for any crime (Huenke et al 2007, p.13), and 68 percent for any new crime for juvenile sex offenders (Rodriquez-Labarca and O'Connell June 2007, p.11).

In most cases, a convicted sex offender has nothing to gain by reporting his/her own sexual criminal acts. Where a sex offender's treatment should involve an honest assessment of the individual's deviant sexual fantasies and behavior to be effective, such disclosure may result in further prosecution and punishment. We also know that a very high percentage of sexual assaults go unreported by the victim (Tjaden and Thoennes Jan. 2006). This may be why we react as if the very low post-prison sex offense recidivism rates belie reality. The enhanced sex offender registration and notification programs represent one way that we try to ensure protection, and to locate offenders when sex assault reports come in. Oddly, the Washington State (Schram and Milloy 1995) study shows that community notification has no impact on increasing arrests for sexual assault, though it does result in an increase of arrests of sex offenders for non-sex related crimes (p.19). Thus, increased surveillance, while likely to increase the discovery of new crimes committed by sex offenders, does not ensure catching sex offenders for new criminal sexual acts; however, if incapacitation results from arrests for other offenses, the practice may still be effective in reducing sex offense recidivism.

The secrecy of a sex offender's life has led Colorado to develop treatment and monitoring programs for sex offenders released to their community, which includes the use of routine polygraph examinations as a way to expand their knowledge of sex offenders' activities. (Colorado Sex Offender Management Board, June 2004). The Colorado approach to treatment and public safety are not well served unless sex offenders are forthcoming about their deviant sexual activity. "Just as the offender's current offense may not accurately reflect his level of dangerousness, the information he self-reports will most likely reflect what he is willing to disclose rather than what professionals need to know (English and Heil 2006, p.15)." To gain a step toward more personal freedom in Colorado, sex offenders must complete at least two non-deceptive polygraph tests. Not only is knowledge of sex offender activity more complete in Colorado, using this knowledge appears to be associated with a better understanding of sex offender behavior, both pre and post-conviction, and victim types (English et al

2000). An answer to the surprisingly low “official” sex offender recidivism numbers may be that when polygraph results are compared to the official records, the actual sex offenses in Colorado increases from a median of two to a median of thirty-six, a ratio of 18 to 1 for actual versus official sex offenses (Simon et al 2004).

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Introduction

Research on sex offenders has gained widespread attention in the past several decades. Media sensationalism and the exposure of sex offense cases, especially those involving children, contribute to the current environment of fear. However, important questions still remain unanswered by research, the media and the criminal justice system. Who are the typical sex offenders? Who are their victims or potential victims, and what can be done to protect the victims?

One may infer from media reports that the typical sex offender is an individual who has already committed a sex offense, is a stranger to the victim, or an authority figure. For example, recent national headlines include a 29 year-old sex offender who pretended to be a 12 year-old boy, and enrolled in four different middle schools. Or, there are the cases in which individuals are preying on children via the internet, and driving hundreds of miles to engage in sexual acts with these children (Dateline NBC, *To Catch A Predator*).

Truth be known, there is no map, set of guidelines, or picture of a typical sex offender. Much research has reiterated this important point. Previous research provides insights into the sentencing, treatment and recidivism of sex offenders as well as the impact of sex offender laws passed in recent legislative sessions in state and federal government.

This study provides a more complete background of serious sex offenses in Delaware so that we can better understand the effectiveness of our sex offender public safety efforts and penalties as well as the possibilities for rehabilitation and reduction in recidivism. This report seeks to identify a profile of Delaware sex offenders. The purpose of this study is to identify the state of Delaware's sex offender population for a given year, providing detailed information on Delaware's sex offenders regarding age, sex, race, relationship to victims, criminal history, conviction, sentencing and recidivism.

Sample of Delaware Offenders

This study's sample consists of 385 individuals who had a Delaware Superior Court disposition in the calendar year 2004 where there was at least one sex offense charge in the case. A disposition represents the closing of a case because of conviction, dismissal, or transfer to another court. A 2004 disposition does not mean that the arrest took place in 2004. An arrest could have been made in these cases several years before, but due to case processing, trial continuances, and evidence gathering, the case was not disposed of until 2004.

This sample of 385 offenders contains sex offenders who have been previously convicted of a sex crime, offenders arrested in the past for a sex offense who have not been convicted, and offenders never previously arrested for a sex offense. This group of Delaware offenders contains 78 sex offenders who failed to register as sex offenders with a 2004 disposition. Although Failure to Register or Re-register as a Sex Offender is not technically a sex offense,⁸ it is included in this study because of its association with sex offender status, the emphasis of registration as a protective measure, and the frequency with which non-compliance occurs. The remaining 79.7 percent of the offenders have a new sex offense arrest event resulting in a 2004 disposition.

The overwhelming majority of the sample is male with only six female offenders. Age of offenders at the time of the sex offense incident ranges from 11 to 79 years with the largest group of offenders between the ages of 22 and 25 years old (18.4 percent). More than 75 percent of the sample was between the age of 18 and 40. More than half of the offenders (61.2 percent) are under the age of 35. The remaining 38.8 percent of offenders were 36 or older at the time of the sex offense incident. In addition, the majority of the sample is white (53.7 percent), while the rest of the sample is Black (45.5 percent) or Asian (0.8 percent).

⁸ Title 11 §4120

Section 1: Sex Offender Arrest History

The sex offense charges for this sample of sex offenders with a 2004 disposition range from misdemeanor Indecent Exposure to felony Rape in the first degree. In their arrest history, the 385 offenders account for a total of 5,665⁹ Delaware arrest events. An arrest event includes all charges associated with arrests on one day. One arrest event may have only one charge, or many charges. Offender arrest events range from 1 to 101 arrest events with an average of 14.7 arrest events per person. Thirty of the offenders or 7.8 percent of the sample had only one arrest event, which includes the sex offense arrest disposed of in 2004. Of these offenders, 92.2 percent had one or more prior arrest events preceding this sex offense arrest. Almost half (47.8 percent) of the sample had 10 or less arrest events, while the remaining offenders (52.2 percent) had more than 10 arrest events. Of the 385 offenders, 99.2 percent had at least one arrest event with a felony as the highest charge. Only three offenders had no arrest events with a felony charge. Table 1 displays the summary of felony and misdemeanor arrest events by offenders' number of total arrest events.

Sex Offender Arrest History Highlights

- * Average number of prior arrests is 15
- * 52 percent were arrested more than 10 times
- * 51 percent have prior non-sex violent felony arrests
- * 35 percent have prior sex offense arrests
- * 25 percent have prior deadly weapons arrests

Table 1: Profile of Offender Prior Arrest History

Number of Total Arrest Events	Total Number of Individuals	Percent	Felony History	Percent	Misdemeanor History	Percent
1	30	7.8%	30	100%	0	0%
2-5	74	19.2%	73	98.6%	65	87.8%
6-10	80	20.8%	78	97.5%	80	100%
11-15	60	15.6%	60	100%	60	100%
16-20	48	12.5%	48	100%	48	100%
21-30	45	11.7%	45	100%	45	100%
31-40	27	7.0%	27	100%	27	100%
41-50	12	3.1%	12	100%	12	100%
51 or more	9	2.3%	9	100%	9	100%
Total	385	100%	382	99.2%	346	89.6%

⁹5,665 arrest events applies to all arrest events including the sex offense arrest with a 2004 disposition that occurred in the state of Delaware as of December 2006. Individuals in the sample may have more arrest events in other states. A previous study of convicted Delaware sex offenders found almost one third of the offenders have an arrest in another state prior to his/her sex offense arrest (Huenke et al, p.7, 2007).

As Table 2 shows, 34.8 percent or 134 of the offenders had at least one sex offense arrest prior to his/her sex offense resulting in a 2004 disposition. In fact, 25.7 percent had one prior sex offense arrest event, while 6 percent had two, 2.1 percent had three, and one offender had five separate prior sex offense arrest events.¹⁰ Of the 134 offenders with a prior sex offense arrest, 78 had a 2004 disposition for failure to register as a sex offender, and therefore, are previously convicted of a sex offense. Moreover, the 78 failure to register and 5 additional offenders have a prior sex offense conviction, which indicates 21.6 percent of the entire sample had a previous sex offense conviction. The remaining 51 offenders (38.1 percent) had no prior sex offense conviction. Table 2 describes the total number of prior sex offense arrests by type of 2004 disposition arrest.

Table 2: Number of Prior Sex Offenses by Known Repeat Sex Offenders

Total Number of Prior Sex Offenses	Total Number of Individuals (Column)		Failure to Register as a Sex Offender (Row)		Sexual Offense with a Victim (Row)		Sex Offense with no Victim (Row)	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1	99	73.9%	59	59.6%	38	38.4%	2	2.0%
2	23	17.2%	12	52.2%	10	43.5%	1	4.3%
3	8	6.0%	4	50.0%	4	50.0%	n/a	n/a
5	1	0.7%	n/a	n/a	1	100%	n/a	n/a
At Least One¹¹	3	2.2%	3	100%	n/a	n/a	n/a	n/a
Total	134	100%	78	58.2%	53	39.6%	3	2.2%

Table 3 shows that 361 out of 385 offenders (93.8 percent) had at least one violent sex offense felony charge in his/her arrest history which includes the current arrest event. Of the 24 offenders without a violent sex offense felony, 3 offenders' sex offenses for which they were required to register occurred out of state, and 10 offenders had misdemeanor sex offenses. Nine of these 24 offenders had misdemeanor sex offenses with an accompanying non-sexual felony charge, and two offenders had non-violent felony sex offenses. Almost one quarter of the sample had a deadly weapon felony charge in his/her history, and over half of the sample (51.4 percent) had a violent felony charge in their history other than the violent sex offense and violent deadly weapon charge.¹² Table 3 displays the breakdown of violent felony charges versus the number of arrest events.

¹⁰ Three offenders had at least one prior sex offense arrest event that occurred out of state because the offenders' 2004 dispositions were for failure to register as a sex offender with no sex offense arrest history in Delaware. Other offenders may also have sex offense convictions outside the state of Delaware.

¹¹ These three sex offenders are from another state. They had a 2004 disposition for failure to register as a sex offender, but their registered sex offense occurred in another state.

¹² The violent charge history is not exclusive to the number of arrest events. One individual could have one arrest event resulting in a violent sex offense charge, violent deadly weapon charge and a violent felony charge. See Appendix A for the specific statutes that signify violent felonies.

This table, controlling for the total number of arrest events of the 385 offenders, illustrates the extent of violent behavior and the use of deadly weapons. Generally, offenders with more extensive criminal histories are more inclined to violence and use of deadly weapons. For instance, once an offender has been arrested more than twenty times, which accounts for almost one in four offenders, more than half of the offenders have used a deadly weapon, and 92.5 percent have committed some other violent felony.

Table 3: Total Number of Violent Arrest Events by type of Violent Felony

Number of Arrest Events	Total		Violent Sex		Violent Deadly		Other	
	Number of Individuals	Percent (Column)	Offense Felony History	Percent (Row)	Weapon Felony History	Percent (Row)	Violent Felony History	Percent (Row)
1	30	7.8%	30	100%	0	0%	2	6.7%
2-5	74	19.2%	70	94.6%	5	6.8%	13	17.6%
6-10	80	20.8%	70	87.5%	15	18.6%	31	38.6%
11-15	60	15.6%	57	95%	15	25%	32	53.3%
16-20	48	12.5%	46	95.8%	13	27.1%	34	70.8%
21-30	45	11.7%	42	93.3%	21	46.7%	42	93.3%
31-40	27	7.0%	26	96.3%	14	51.9%	24	88.9%
41-50	12	3.1%	12	100%	7	58.3%	11	91.7%
51 or more	9	2.3%	8	88.9%	6	66.7%	9	100%
Total	385	100%	361	93.8%	96	24.9%	198	51.4%

Exclusive of the previously stated types of arrest charges, 80.5 percent of the offenders had a least one traffic arrest as seen in Table 4. Traffic arrests include all Title 21 traffic charges except DUIs, which are accounted for in either the felony or misdemeanor history (Table 1). Fifty percent had at least one Violation of Probation/Parole (VOP) arrest, and 24.7 percent had at least one Failure to Register as a Sex Offender arrest. Failure to Register as a Sex Offender became an illegal act with the state's passing of SB 355 on June 27, 1996.¹³ Sex offender registration requirements became even more rigid with the Governor's signing of Senate Bill 60, Delaware's Adam Walsh Act, in June 2007,¹⁴ which requires that high risk sex offenders appear in person to the Delaware State Police every 90 days for life, moderate risk every 6 months, and low risk sex offenders annually. All three of these types of arrests involved no other charges in the arrest event but traffic, VOP or Failure to Register as a Sex Offender charges, respectively. Table 4 summarizes the number of traffic, VOP and Failure to Register arrests by the number of arrest events.

¹³ Del. S.B. 355, 138th General Assembly, 70 Del. Laws ch. 397 (1996)

¹⁴ Del. S.B. 60, 144th General Assembly, 76 Del. Laws ch. 25 (2007) (Adam Walsh Act)

Offenders with double digit numbers of prior arrests also have a very high likelihood of being stopped for traffic violations (nearly 100 percent), and are more likely to be caught violating their probation. Offenders with at least eleven prior arrests have more than a 50 percent chance of being arrested for violation of probation, and offenders with 20 prior arrests have nearly a 100 percent chance of being arrested for a VOP.

Table 4: Offender Arrest Events for Traffic, VOP and Failure to Register as a Sex Offender

Number of Arrest Events	Total Number of Individuals	Percent (Column)	Traffic Arrest History	Percent (Row)	VOP Arrest History	Percent (Row)	Failure to Register as a Sex Offender History	Percent (Row)
1	30	7.8%	0	0%	0	0%	0	0%
2-5	74	19.2%	48	64.9%	15	20.3%	4	5.4%
6-10	80	20.8%	70	87.5%	37	46.3%	9	11.3%
11-15	60	15.6%	53	88.3%	32	53.3%	14	23.3%
16-20	48	12.5%	48	100.0%	33	68.8%	18	37.5%
21-30	45	11.7%	44	97.8%	43	95.6%	25	55.6%
31-40	27	7.0%	26	96.3%	26	96.3%	14	51.9%
41-50	12	3.1%	12	100%	11	91.7%	4	33.3%
51 or more	9	2.3%	9	100%	9	100.0%	7	77.8%
Total	385	100%	310	80.5%	208	54%	95	24.7%

Section 2: The Victims

Along with offender information, victim information for each offender's sex offense arrest that produced a 2004 disposition was also retrieved for analysis when available. One-fifth of the sample has a 2004 sex offense disposition for failure to register as a sex offender, and 2.3 percent of the offenders or 7 cases are for possession of child pornography, for which there is no specified victim but "society." When the victim is viewed as "society," there is no specific victim information available. These "society" as the victim cases comprise 22.3

percent of the cases, or all the cases of child pornography possession and failure to register as sex offenders in this sample. The remaining 77.9 percent of the offenders have a new sex offense arrest with a victim. One additional case is not included for the purpose of age and sex of the victim because the information is not available. Victim's race is not always available, and so will not be used for this analysis.

Victims of Sex Offenders Highlights

- * Most victims of sex offenders are juveniles (77 percent under 18)
- * 46 percent are between the ages of 12 and 15
- * 89 percent are female
- * Most victims know their assailants (87 percent)
- * 56 percent are victims of known non-family members
- * 13 percent of offenders are strangers to the victim

When evaluating the victim information, one must remember that not only is there no "typical" offender, but there is also no "typical" victim. Victims' ages for this study range from 2 months old to 84 years old. Age is based on the age of the victim at the time of sex offense incident, as opposed to when the offense was reported. According to Delaware law, no one under the age of 12 is legally able to consent to any sort of sexual act at any time,¹⁵ and anyone under the age of 16 is not able to consent to a sexual act with an individual who is four or more years older than the victim.¹⁶

While there is no typical sexual assault victim, it is important to realize that the majority (76.9 percent) of victims are under the age of 18 with only 17.9 percent of the victims over the age of 18. Almost half of the victims are between age 12 and age 15 (45.5 percent). More specifically, 25.4 percent of the victims are under 12 years old, and 71.2 percent are under the age of 16. The majority of victims are female (89 percent), with the remaining victims being 8.7 percent male, and in 2.3 percent of the cases there is both a female and a male victim. In 89 percent of the cases there is only one reported victim; however, in the remaining 11 percent, there is more than one victim with 8 percent having two victims, 2 percent having three victims, 0.7 percent having four victims, and the remaining 0.3 percent having five victims. Chart 1 illustrates the breakdown of victim ages, and Chart 2 describes the age and sex make-up of the victims.

¹⁵ Title 11 §761(j)

¹⁶ Title 11 §761(j)

Chart 1: Age of Victims of Sex Offenses

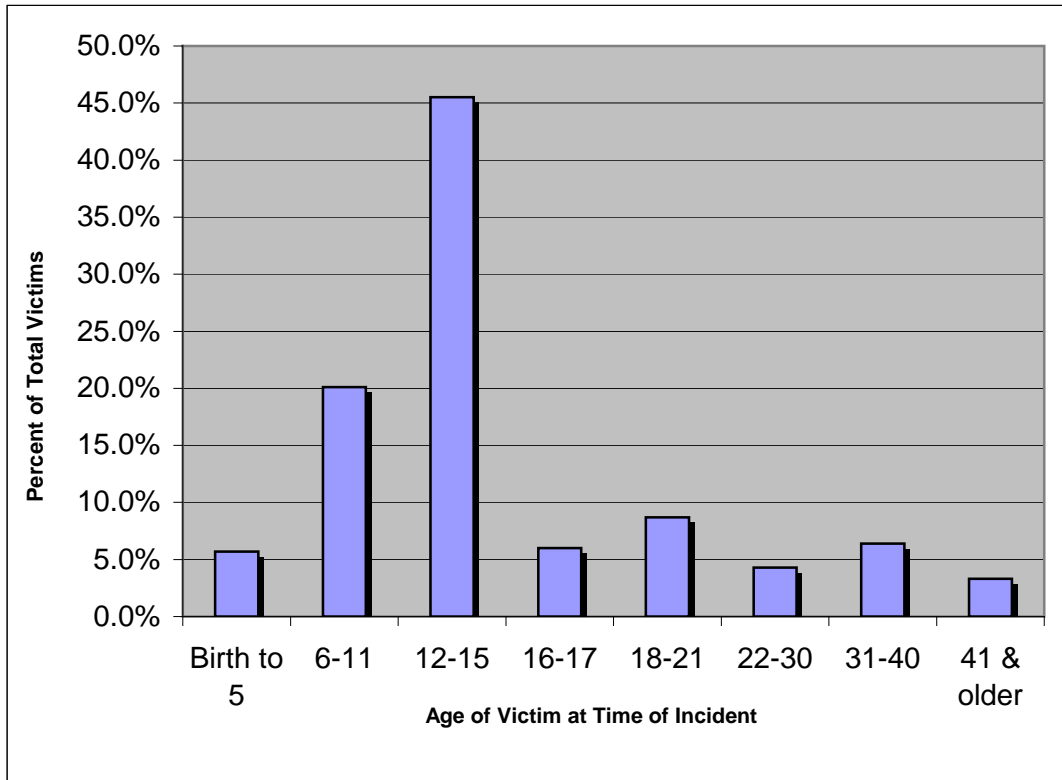
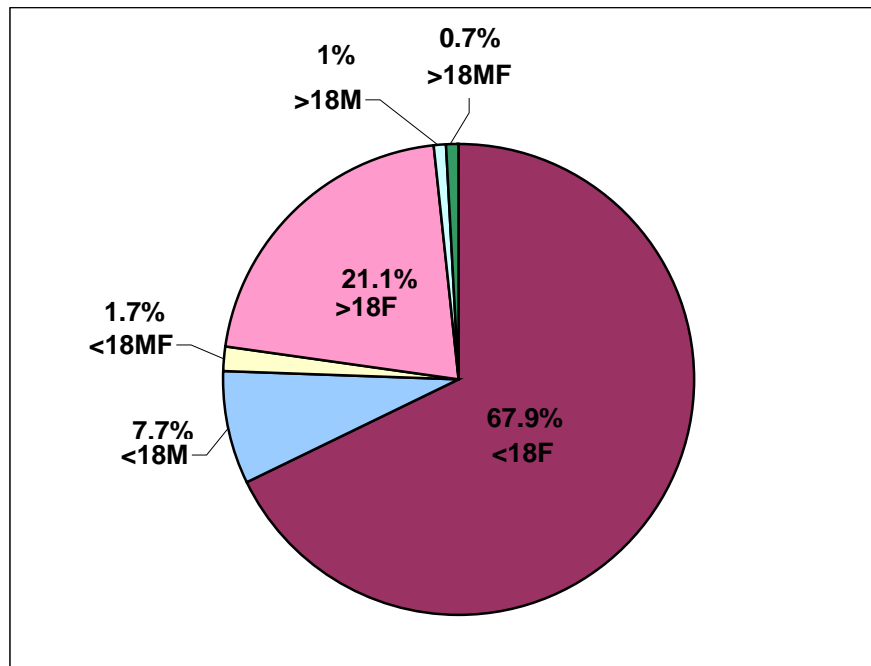


Chart 2: Age and Sex of Victims



Sexual Offenses with a Victim

“Society” as a victim of a sex offense does not involve a specific individual; therefore, failure to register as a sex offender and possession of child pornography cases are excluded from the following analysis. The following offender-to-victim information is based on the 300, or 77.9 percent of the total cases where the victim is an individual.

Of the remaining cases in which a victim is involved, 89 percent involve some sort of sexual contact while only 11 percent have no sexual contact. No contact cases involve such acts as sexual solicitation of a child, sexual harassment and invasions of privacy of a sexual nature (e.g. videotaping a neighbor getting dressed/undressed). The majority of cases involve some type of penetration (61.7 percent), while 27.3 percent involve sexual contact without penetration. Penetration cases are split between rape (46 percent) and statutory rape (15.7 percent).

Definitions of Sex Offense Types

Penetration: Any act of sexual penetration without a victim's consent

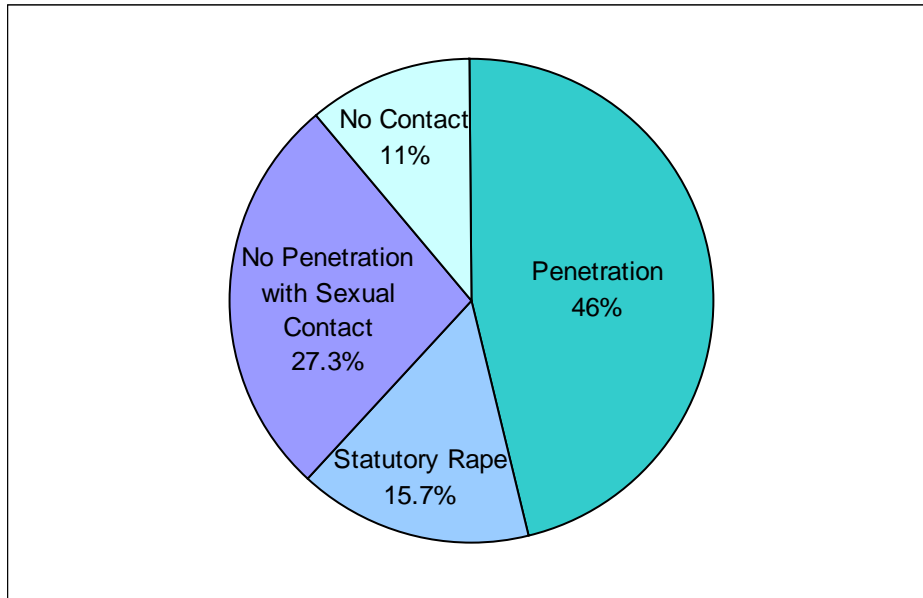
Statutory Rape: Sexual penetration with the victim's consent, but where a victim is too young to legally consent¹⁷

No Penetration with Sexual Contact: Any unlawful sexual contact without penetration

No Contact: Sex offenses that do not involve physical sexual contact between victim and offender such as indecent exposure, invasion of privacy and sexual solicitation

¹⁷ Statutory Rape cases were identified using both the statute for Rape 4th, Title 11 §770, and arrest information to determine that a consensual sexual relationship existed between the offender and the victim.

Chart 3: Types of Sex Offenses with a Victim



The relationship to the victim in each case has been broken down into subcategories containing family, non-family, authority figures, and strangers. The relationship categories and subsections are based on who the offender is in relation to the victim, which is shown in Table 5. The family category subsections contain the sections of father/step-father, mother, grandfather/step-grandfather, husband, and other family member. Known non-family relationships include boyfriend/ex-boyfriend, friend/acquaintance of friend, acquaintance, acquaintance of family member, and neighbor. In the authority figure category are the subsections babysitter/acquaintance of babysitter, and nurse/caretaker/teacher. The last category includes only those cases in which the offender is a stranger to the victim.

Based on these categories, 55.7 percent of the cases involve known non-family members, while the remaining cases involve a family member 25.7 percent of the time, a stranger 12.7 percent of the time, and an authority figure in 6 percent of the cases. Clearly the largest group of offenders is known non-family members, with an acquaintance relationship in 22 percent of all cases, followed closely by the boyfriend/ex-boyfriend subsection at 15 percent of all the cases. Friends of family members, mainly pertaining to the victim's mother's boyfriend as the offender, make-up 9.7 percent with friend at 6 percent and neighbor at 3 percent of the total cases. The family member category is broken down as father/step-father at 12.3 percent, other family members at 8.3 percent, husbands at 2.3 percent, grandfather/step-grandfather at 2 percent and mother at 0.7 percent of the total cases. Strangers make up the second smallest category at 12.7 percent, or 38 of the 300 total cases. Authority figures comprise the smallest category of offenders with 4.3 percent of these being babysitter/acquaintance of babysitter and 1.7 percent as nurse/caretaker/teacher of the total cases.

Table 5: Offender-Victim Relationship by Type of Relationship

Offender-Victim Relationship		Number of Victims	Percent of Total Victims
Non-Family	Acquaintance	66	22%
	Boyfriend/Ex-Boyfriend	45	15%
	Friend of Family Member	29	9.7%
	Friend	18	6.0%
	Neighbor	9	3.0%
Total Non-Family		167	55.7%
Family	Father/Step-Father	37	12.3%
	Other Family	25	8.3%
	Husband	7	2.3%
	Grandfather/Step-Grandfather	6	2.0%
	Mother	2	0.7%
Total Family		77	25.7%
Authority Figure	Babysitter/Acquaintance of Babysitter	13	4.3%
	Nurse/Caretaker/Teacher	5	1.7%
Total Authority Figure		18	6.0%
Stranger	Stranger	38	12.7%
	Total Stranger		38
Grand Total		300	100%

Table 6 displays in detail the types of sexual assault for the different offender to victim relationships. Interestingly, sexual assaults involving authority figures are the least likely to occur, yet still very dangerous. While authority figures account for only 6 percent of the victim cases, 61.1 percent of the events involve penetration. Stranger and family member sexual assaults tend to involve penetration; 52.6 percent and 53.2 percent, respectively. Sexual assaults committed by known non-family members involve a lower percentage of penetration (39.5 percent). Within this group of offenders, acquaintances and boyfriend/ex-boyfriends tend to be the most frequent. In fact, statutory rape is almost exclusively committed by boyfriend/ex-boyfriends and acquaintances. The largest percentage group of no contact sex crimes occurs with strangers, and typically involves sexual solicitation of a child.

Table 6: Sex Offense Type by Offender-Victim Relationship

Offender-Victim Relationship		Type of Sex Offense				Total
		Penetration	Statutory Rape	No Penetration with Sexual Contact	No Contact	
Non-Family	Acquaintance	22	17	19	8	66
	Boyfriend/Ex-Boyfriend	15	25	4	1	45
	Friend of Family Member	16	3	8	2	29
	Friend	9	1	6	2	18
	Neighbor	4	0	1	4	9
	<i>Total Non-Family</i>	66	46	38	17	167
	<i>Percent Non-Family</i>	39.5%	27.5%	22.8%	10.2%	100%
Family	Father/Step-Father	18	0	15	4	37
	Other Family	13	0	12	0	25
	Husband	7	0	0	0	7
	Grandfather/Step-Grandfather	2	0	4	0	6
	Mother	1	0	0	1	2
	<i>Total Family</i>	41	0	31	5	77
	<i>Percent Family</i>	53.2%	0	40.3%	6.5%	100%
Authority Figure	Babysitter/Acquaintance of Babysitter	9	1	3	0	13
	Nurse/Caretaker/Teacher	2	0	2	1	5
	<i>Total Authority Figure</i>	11	1	5	1	18
	<i>Percent Authority Figure</i>	61.1%	5.6%	27.8%	5.6%	100%
Stranger	Stranger	20	0	8	10	38
	<i>Total Stranger</i>	20	0	8	10	38
	<i>Percent Stranger</i>	52.6%	0	44.4%	26.3%	100%
Total		138	47	82	33	300
Total Percent		46%	15.7%	27.3%	11%	100%

Section 3: Offender to Victim Age

In addition to the offender-victim relationship, it is important to look at the offender's age versus the victim's age. As previously stated, this group of new sex offense arrestees shows that the majority of victims are between 12 and 15 years of age. The offender's who commit crimes against this age group range from 16 to 72 years old with the largest group of offenders falling between ages 18 and 21. The next largest groups of offenders are between 36 and 40 and 22 to 25, respectively. It is interesting to note that 55 percent of offenders who sexually assault youths between 12 and 15 are more than 10 years older than their victims. A more specific breakout of the offender versus victim age matrix can be seen in Table 7.

Offender to Victim Age Highlights

- * 89 percent of the offenders are older than their victims
- * The average age of an offender is 33
- * The average victim age is 16
- * When the victim is 12 to 15 years old, the average age of the offender is 31

Victim to Offender Age Patterns

In 89.6 percent of the sex offense cases, the offender is older than his/her victim. The average offender age is 32.7, and the average victim age is 15.9. The age disparity of 16.8 years is an important dimension of sexual assault that highlights the vulnerability of the victims. The cells shaded green in Table 7 illustrate the victims who are younger than their offenders. The gray cells indicate a minimal age difference between the offender and victim, and the blue shaded cells show the victims who are older than their offenders.

89.6% of offenders are older than their victims
7.0% of offenders are about the same age as their victims
3.3% of offenders are younger than their victims

Table 7: Age of Offender versus Age of Victim

		Victim's Age at the time of the Incident							Total	
		Birth to 5	6-11	12-15	16-17	18-21	22-30	31-40		41 and older
Offender's Age at the time of the Incident	11-14	1	7	0	0	0	0	0	0	8
	15-17	3	2	2	0	2	0	0	1	10
	18-21	4	6	32	3	5	0	1	0	51
	22-25	2	7	28	1	3	2	1	1	45
	26-30	1	9	11	1	4	2	2	0	30
	31-35	1	8	14	3	5	2	5	1	39
	36-40	1	6	29	6	1	4	3	1	51
	41-45	2	7	8	2	1	1	3	3	27
	46-50	0	1	5	1	4	0	3	1	15
	51-55	1	3	3	1	0	1	0	1	10
	56-60	1	0	2	0	1	0	0	0	4
	61-65	0	2	1	0	0	1	0	1	5
	66-70	0	0	0	0	0	0	1	0	1
71-80	0	2	1	0	0	0	0	0	3	
Total		17	60	136	18	26	13	19	10	299

Victims less than 12 years old

Twenty-five percent of sex offenses involve victims less than 12 years of age. In this study, the group consists of 77 out of 299 cases. The average age of the offender is 28.7 with a victim age 5 or younger. When the victim is between 6 and 11 years old, the offender's average age is 33. The majority of victims under the age of 12 are female (76.3 percent), while 19.7 percent of victims are male, and 3.9 percent of the cases involve both male and female victims. Remarkably, over half (57.7 percent) of all the male victims in this sample are found in this young age group of victims under 12 years old. Penetration occurs in 50 percent of the cases with a female or male victim under 12 years old, while 39.5 percent involve no penetration with sexual contact, and the remaining 10.5 percent of cases involve no contact. With regards to offender-to-victim relationship, 44.7 percent of the offenders for this age group are family members, and 38.2 percent are known non-family. In addition, 10.5 percent of the offenders are authority figures, and 6.6 percent are strangers.

Victims 12 to 15 years old

Twelve to fifteen year olds are by far the most likely victims of sex offenses. Of the 299 sex offense cases with victims that have come to the attention of the police, 45.8 percent of the cases involve a victim between the ages of 12 and 15. The average age of offenders who victimize this age group is 31.2 years old, with the average age difference between victim and offender being 17.5 years. The majority of victims are female (92.7 percent), with 8 male victims (5.8 percent), and 2 cases (1.5 percent) involving both male and female victims. Although there are eight male victims 12 to 15 years old, 23 of the total 26 male victims in this study are under the age of 15. Twelve

to fifteen year old victims are victimized by penetration 33.6 percent of the time, statutory rape 30.7 percent of the time, and are involved in cases with no penetration but sexual contact 25.5 percent. Just over 10 percent of the cases with victims 12 to 15 involve no contact sex offenses. The majority of offenders for this age group are known non-family members (67.2 percent). Offenders for the remaining cases involving victims 12 to 15 are family members (21.2 percent), authority figures (4.4 percent) and strangers (7.3 percent).

Victims 16 and older

Victims age 16 or older account for 28.8 percent of all victims of sex offenses. In this group, the most likely victim tends to be at the younger end of the spectrum, more specifically between the ages of 16 and 21 with 44 or 51.2 percent, of the total 86 cases involving a victim 16 or older. The offenders who victimize this age group are on average 35.7 years old. The majority of victims are female (94.2 percent) and are violated through penetration (62.8 percent), followed by no penetration with sexual contact (19.8 percent), no contact sex offenses (11.6 percent), and statutory rape (5.8 percent). Offenders with victims aged 16 or older are mostly known non-family (53.5 percent), followed by family members (16.3 percent) and authority figures (4.7 percent). The largest amount of stranger sex offenses occur in this group of victims at 60.5 percent of the total cases involving a stranger as the offender.

Sex Offense Arrest with No Victim

As already discussed, the sample of sex offenders is divided into those with a victim and those with no specified victim. Offenders with no specified victim include both offenders charged with Failure to Register as Sex Offenders, and also those charged with Possession of Child Pornography.¹⁸ The age breakdown for these offenders is similar to the cases with victims. The majority of these offenders fall between the ages of 18 and 40 with the largest group between 22 and 25 (30.6 percent). The next largest groups are between 26 and 30 (18.8 percent) and 18 to 21 (17.6 percent), respectively. Offenders charged with child pornography possession range in age from 18 to 65 with one offender falling in each age group.

Although there is no victim involved in an arrest for those failing to register as sex offenders, there was more than likely a victim for the case for which he/she now has to register. When information was available, it was used to examine the offender-victim relationship and the victim's age of the time of the incident for those offenders failing to register as sex offenders. Table 8 describes the offender-victim relationship for these offenders, and Table 9 describes the victim's age at the time of the incident when available. When the offender-to-victim relationship and age profile of the victims involved in the original sex crimes are examined, the interpersonal patterns for offenders who violate their sex offender registration are very similar to offenders prosecuted for new crimes.

¹⁸ Title 11 §4120; Title 11 §1109, §1110, §1111

Table 8: Offender-Victim Relationship for Original Sex Crime for Failure to Register as Sex Offenders

	Offender-Victim Relationship	Number of Cases	Percent
Missing Information	Out State Conviction	3	3.8%
	No Info on Original Sex Case	1	1.3%
	Total Missing Information	4	5.1%
Non-Family	Acquaintance	34	43.60%
	Friend of Family Member	15	19.20%
	Boyfriend/Ex-Boyfriend	11	14.10%
	Friend	2	2.60%
	Total Non-Family	62	79.50%
Family	Other Family Member	8	10.30%
	Father/Step-Father	1	1.30%
	Total Family	9	11.6%
Authority Figure	Babysitter/Acquaintance of Babysitter	2	2.6%
	Total Authority Figure	2	2.6%
Stranger	Stranger	1	1.3%
	Total Stranger	1	1.3%
	Total	78	100%

Table 9: Age of Victim at time of Registered Sex Offense for Offenders with a 2004 Disposition for Failure to Register as a Sex Offender

Age of the Victim	Number of Cases	Percent
No Victim Age Information	7	9%
Birth to 5	6	7.7%
6-11	18	23.1%
12-15	40	51.3%
16-21	5	6.4%
36-40	2	2.6%
Total	78	100%

Section 4: Conviction of Sex Offenders

The conviction of sex offenders is yet another important key to understanding how we, as a society, interact with sex offenders. An important aspect of understanding conviction and sentencing of sex offenders in Delaware is looking at the initial charges at the time of arrest, versus the charges at the time of the conviction.

Plea-bargaining is an important tool used in conviction and sentencing, and applies to all types of offenders and crimes. Plea-bargaining is the legal process through

which a defendant pleads guilty to a charge, sometimes of a lesser class than originally charged, in exchange for some sort of less severe punishment. Sex offense cases sometimes involve non-sex offense charges that can result in complex plea and conviction patterns. In this study, cases are examined from three perspectives. The first configuration includes cases where only sex crimes are charged in the case. Sex offense only cases account for 277 of the 385 cases or 71.9 percent of the Superior Court sex offense cases. The second type of case involves both sex offense and non-sex offense charges, but where the sex offense(s) is the most serious charge in the case. This type of case accounts for 80 or 20.8 percent of the total cases. The third group consisting of 28 or 7.3 percent of the cases involves both sex offenses and non-sex offenses but the non-sex offense(s) is more serious than the sex offense charge.¹⁹

Table 10 shows the matrix of the initial most serious sex offense charge at arrest versus the most serious sex offense charge at the time of conviction for cases involving only sex offenses. Table 11 does the same for cases with a mix of sex offenses and non-sex offenses where the sex offense is the most serious charge in the case, and Table 12 provides the same matrix for cases where the sex offense and non-sex offense is equal to or less serious than the associated non-sex offense.

The “cascade effect” shown in the charge versus conviction matrices in Tables 10-12 summarizes the nexus of available investigative resources, viability of the witnesses and evidence, and the resources available to take cases to trial. Given the seriousness of sex crimes, charges at conviction often do not meet society’s expectations; however, practicalities of the American adversarial system and limited prosecutorial processes result in a high percentage of Superior Court cases concluding in pleas of guilty in exchange for a less severe sentence.

Conviction of Sex Offenders Highlights

- * 84 percent of Superior Court sex offender cases result in conviction
- * 53 percent of the convictions retain the most serious charge from arrest to conviction while 47 percent of the convictions are for reduced charges
- * Cases with juvenile victims have an 85 percent conviction rate; those with an adult victim have a 43 percent conviction rate

¹⁹ The specific crimes that are summarized by felony type can be found in Appendix B for both arrest and conviction.

Table 10 shows that for 277 sex offense only cases indicted in Superior Court, there is a conviction rate of 83.8 percent. Six cases result in not guilty at trial, and 39 cases (14.1 percent) are dismissed or nolle prosequi. This very high conviction rate also illustrates the 124 cases (44.8 percent) in which the most serious sex charge results in a conviction for the same level of severity (blue cells). However, 108 cases (39 percent) are disposed of at a less serious charge by either trial, or more likely, plea agreements. In other words, for cases in which a conviction is reached, 53.4 percent of the cases retain the highest charge at arrest, and 46.6 percent result in a conviction with reduced charges.

As shown in Tables 11 and 12, when sex and non-sex offenses are involved in a case, the conviction rate decreases. Table 11 shows a 63.8 percent conviction rate when there are both sex and non-sex offenses in a case, but the sex offense remains the most serious charge. This conviction rate is 20 percent lower than cases involving only sex offenses. Thirty-six percent of these sex offenses are either found not guilty at trial or dismissed or nolle prosequi at disposition. This is more than double that of cases involving only sex offenses. In addition, only 21.3 percent of the sex offenses at arrest remain the same level of severity at conviction (blue cells). The remaining 42.5 percent of cases involving both sex and non-sex offenses with the sex offense as the most serious charge are convicted at less serious sex offenses.

The conviction rates of Table 12 are even lower than those in Table 11. Just over 60 percent of the cases involving both sex and non-sex offenses where the sex offense is as equally severe or less serious than the non-sex offenses are either found not guilty at trial or dismissed or nolle prosequi. In only 28.6 percent of the cases, the sex offenses at arrest are convicted at the same level of severity at disposition (blue cells). The remaining 10.7 percent of cases are convicted at a lower level of severity than was charged at arrest.

Not surprisingly, the cascade effect related to plea-bargaining is clearly pronounced for the most serious cases. The 75 felony A (Rape 1st degree) offenders are facing the probability of life in prison, or are otherwise facing significant prison time. Sixteen percent of the felony A cases were convicted at the initial level of severity in 2004. As low as this may seem, it is double that of the felony A sex crime conviction rate in 1993 and 1994, which was 8.5 percent (DeLSAC 1995). The felony B sex offense conviction rate as a felony B was also higher in 2004. In 2004, 25.6 percent of the felony B sex offense cases are convicted of a felony B sex crime compared to 3 percent in 1993 and 1994 (DeLSAC 1995). Clearly, while many serious cases still result in plea agreements, the severity of conviction is much higher than a decade ago.

Table 10: Most Serious Sex Charge at Arrest versus Most Serious Sex Charge at Conviction for Cases involving only Sex Offenses

		Most Serious Sex Offense Charge at Conviction										Total
		Felony A	Felony B	Felony C	Felony D	Felony F	Felony G	Misdemeanor A	Unclassified Misdemeanor	Case Trial Not Guilty	Case Dismissed or Nolle Prosequi	
Most Serious Sex Offense Charge at Arrest	Felony A	7	16	8	-	-	3	1	-	3	5	43
	Felony B	-	18	14	1	-	8	9	3	-	10	63
	Felony C	-	-	25	1	-	4	8	2	-	6	46
	Felony D	-	-	-	3	2	-	-	-	-	-	5
	Felony E	-	-	-	-	-	-	-	-	1	-	1
	Felony G	-	-	-	-	-	69	16	12	2	16	115
	Misdemeanor A	-	-	-	-	-	-	1	1	-	1	3
	Unclassified Misdemeanor	-	-	-	-	-	-	-	-	-	1	1
	Total	7	34	47	5	2	84	35	18	6	39	277

Table 11: Most Serious Sex Charge at Arrest versus Most Serious Sex Charge at Conviction for Cases involving both Sex Offenses and Non-Sex Offenses where the Sex Offense is the Most Serious Charge

		Most Serious Sex Offense Charge at Conviction										Total
		Felony A	Felony B	Felony C	Felony D	Felony F	Felony G	Misdemeanor A	Unclassified Misdemeanor	Case Trial Not Guilty	Case Dismissed or Nolle Prosequi	
Most Serious Sex Offense Charge at Arrest	Felony A	5	5	5	1	1	-	4	-	3	9	33
	Felony B	-	3	3	1	-	2	2	1	-	7	19
	Felony C	-	-	5	-	-	1	3	1	-	3	13
	Felony D	-	-	-	1	-	-	-	-	-	0	1
	Felony F	-	-	-	-	-	-	1	-	-	2	3
	Felony G	-	-	-	-	-	3	3	-	-	4	10
	Misdemeanor A	-	-	-	-	-	-	-	-	-	1	1
	Total	5	8	13	3	1	6	13	2	3	26	80

Table 12: Most Serious Sex Charge at Arrest versus Most Serious Sex Charge at Conviction for Cases involving Sex Offenses and Non-Sex Offenses when the Sex Offense is Equal to or Less Serious than the Most Serious Charge in the Case

		Most Serious Sex Offense Charge at Conviction					Total	
		Felony D	Felony F	Felony G	Misdemeanor A	Unclassified Misdemeanor		Case Dismissed or Nolle Prosequi
Most Serious Sex Offense Charge at Arrest	Felony B	-	-	-	-	-	3	3
	Felony C	-	-	-	-	-	2	2
	Felony D	1	-	-	-	-	-	1
	Felony F	-	1	-	1	-	2	4
	Felony G	-	-	1	1	-	6	8
	Misdemeanor A	-	-	-	2	1	2	5
	Unclassified Misdemeanor	-	-	-	-	3	2	5
	Total	1	1	1	4	4	17	28

Conviction Rate of Sex Offenders by Offender-Victim Relationship

Sex offense convictions can also be analyzed by victim characteristics. Table 13 shows the conviction percent for offenders by type of offender-victim relationship. The overall conviction rate of these 385 offenders is 76.4 percent. When conviction rates by the “general” offender-victim relationship categories (society, non-family, family, authority figure and stranger) are compared, there is very little difference in the conviction rate. The conviction rates for each of these categories does not vary by more than one or two percentage points from the overall average. Known non-family members as a group have the lowest conviction rate (74.3 percent). Offenders who are family of the victim or who are strangers have similar conviction patters with 76.6 percent and 76.3 percent, respectively. However, when subtypes of offender to victim relationships are compared there are some very important differences.

The conviction rate for offenders with a victim varies from 14.3 percent to 92.3 percent, and cases involving no victim range from 76.9 percent to 100 percent. Those offenders arrested for possession of child pornography have the highest conviction at 100 percent. The lowest conviction occurs in situations where a husband is the perpetrator at only 14.3 percent. The next group where a conviction is most difficult to obtain are cases where the mother is the offender (50 percent). In addition to husbands and mothers, the boyfriend/ex-boyfriend group and the cases involving a nurse/ teacher/caretaker have low conviction rates at 60 percent each.

Table 13: Sex Offender Convictions by Type of Offender-Victim Relationship

Offender-Victim Relationship		Number of Total Individuals Arrested	Number of Individuals Convicted	Conviction Percent
Society	Failure to Register as a Sex Offender	78	60	76.9%
	Possession of Child Pornography	7	7	100%
	Total Society	85	67	78.8%
Non-Family	Acquaintance	66	51	77.3%
	Boyfriend/Ex-Boyfriend	45	27	60.0%
	Friend of Family Member	29	25	86.2%
	Friend	18	15	83.3%
	Neighbor	9	6	66.7%
	Total Non-Family	167	124	74.3%
Family	Father/Step-Father	37	31	83.8%
	Other Family Member	25	21	84.0%
	Husband	7	1	14.3%
	Grandfather/Step-Grandfather	6	5	83.3%
	Mother	2	1	50.0%
Total Family	77	59	76.6%	
Authority Figure	Babysitter/Acquaintance of Babysitter	13	12	92.3%
	Nurse/Caretaker/Teacher	5	3	60.0%
	Total Authority Figure	18	15	83.3%
Stranger	Stranger	38	29	76.3%
	Total Stranger	38	29	76.3%
Total		385	294	76.4%

Conviction of Sex Offenders by Victim Age

In addition to the offender-victim relationship, it is also interesting to look at the age of the victim by conviction percent. As Table 14 shows, offenders who commit sex offenses against children, or victims under the age of 18 are convicted 85.3 percent of the time, while those offenders choosing adult victims are convicted less than half of the time (44.1 percent). This large difference in convictions between juvenile and adult victims may be attributed to the increased attention in both legislation and the media on sexually violent predators of children, and the failure to rehabilitate these offenders. The Jason Wetterling Crimes Against Children

and Sexually Violent Offender Registration Act (1994)²⁰ required states to create and implement a sex offender registry. Megan’s Law (1996)²¹ tried to curb public concern regarding sexually violent predators who prey on child victims by notifying the public when a sex offender resides in their area. Many states have also introduced more laws concerning child sex assault victims since the passing of the Wetterling Act. Delaware, in particular, passed a “Dangerous Crime Against a Child” law in 1995²² which specifies that any sexually violent crime conviction against a child under the age of 14 shall also be guilty of a class B felony, and any subsequent conviction will result in a mandatory life sentence. The public fear of sexually violent repeat offenders has driven legislation to increase penalties for sex crimes against children, and may attribute to the large number of convictions for sex offenses against children.

Table 14: Sex Offender Convictions by Victim Age Group

Victim Age	Total Number of Individuals Arrested	Number of Individuals Convicted	Conviction Percent
Juvenile Victim (Under 18)	231	197	85.3%
Adult Victim (18 or Older)	69	30	43.5%
No Victim	85	67	78.8%
Total	385	294	76.4%

Offender-Victim Relationships for Convicted Cases

Charts 4 and 5 display victim sex and age by offender-victim relationships for convicted cases. Chart 4 shows juvenile victims, or victims under the age of 18 by the type of offender-victim relationship. Convicted offenders who committed crimes against both males and females are found exclusively within victims under the age of 18, and are either family or known non-family members to the victims. Over 55 percent of juvenile female sex assault victims are violated by a known non-family member, while 30 percent are violated by a family member. As well, known non-family members commit the majority of sex assaults against male juvenile victims and sex assaults involving both a juvenile female and juvenile male victim. Although the majority of victims are female, juvenile male victims represent more convicted cases where the offender is an authority figure or a stranger.

²⁰ U.S. H.R. 3355, 103rd Congress (1994); Public Law 103-322; Del. Title 11, §4120, 137th General Assembly, 69 Del. Laws, ch. 282 (1995)

²¹U.S. H.R. 2137, 104th Congress (1996); Public Law 104-145; Del. H.B. 352, 139th General Assembly, 71 Del. Laws ch. 203 (1997)

²² Title 11 §779 (70 Del. Laws, ch. 124, §1; 71 Del. Laws, ch. 467, §7)

Chart 5 describes adult victims by their relationship to the offender. Adult male victims are found only where the offender is either known non-family or a stranger. Female adult victims are victimized most often by known non-family members and strangers.

Chart 4: Juvenile Victims by Gender and Type of Offender-Victim Relationship for Convicted Cases

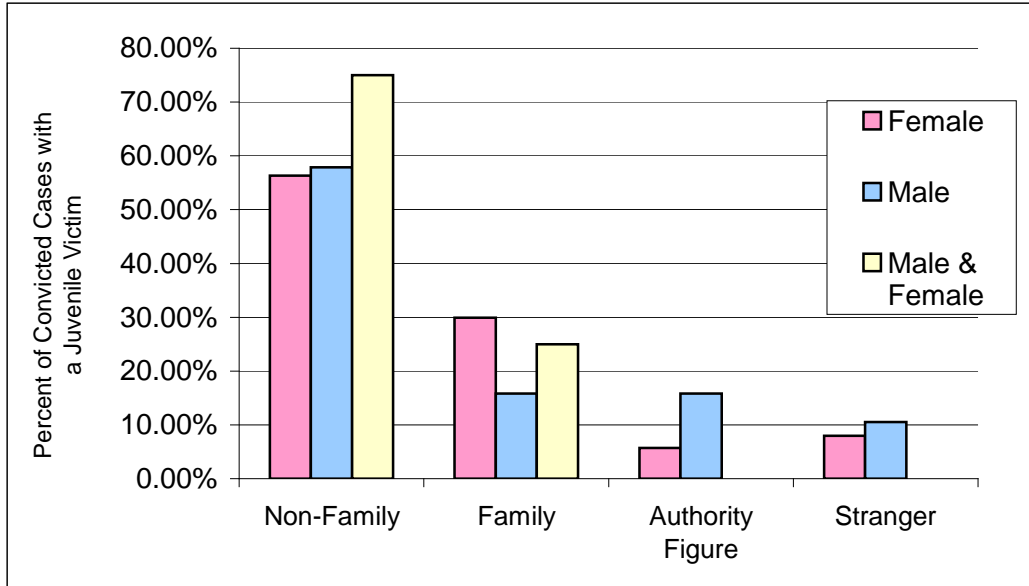
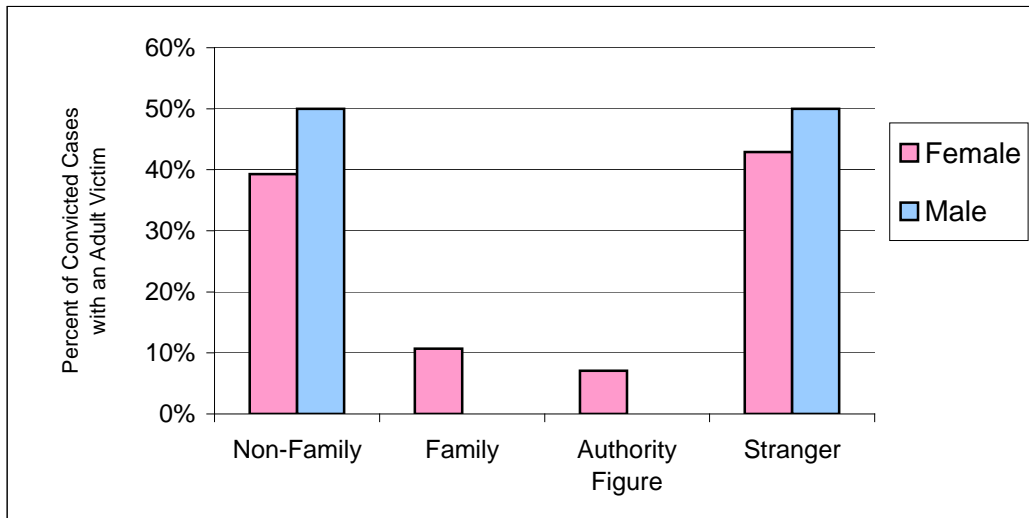


Chart 5: Adult Victims by Gender and Type of Offender-Victim Relationship for Convicted Cases



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Section 5: Sentencing of Sex Offenders

A Brief Overview of Sentence Types

Upon conviction, many different types of sentences can be handed down by the Delaware Superior Court. For the purposes of this study, seven categories of punishment have been created. These categories, ranked by severity, are:

Level V Life or Virtual Life: A life term in Delaware involves incarceration for the duration of the offender's natural life. A virtual life term consists of sentences where the aggregate of the Level V time to be served for a case exceeds an offender's life expectancy, generally, 75 years of age.

Level V Prison: Prison terms are terms greater than one year at a Level V facility. These cases are generally comparable to prison terms in other states.

Level V Treatment: Treatment sentences generally involve the suspension of a longer period of Level V time for the successful completion of a treatment program. Generally, sex offenders are sentenced to a treatment program known as Family Problems, which lasts a minimum of 18 months in a Level V facility. Sometimes, an offender may be sentenced to a treatment program in addition to Level V time. In these cases, the offender must both successfully complete the treatment program, and remain in a Level V facility per their sentence terms.

Level V Jail: Jail terms include terms of one year or less. These cases are comparable to sentences in county jails in other states.

Level V Time Served: In some situations, an offender's incarceration will be considered as his time in pre-sentenced detention. When an offender is held in detention at a Level V facility prior to his/her case disposition, the offender may be sentenced to "time served."

Level IV: This level of punishment is defined as quasi-incarceration, and includes a term at a work release center, a violation of probation center, or electronic home confinement.

Probation (Level III, Level II, Level I): Level III probation is intensive probation. Level II is standard probation, and Level I is administrative probation.

Sentence Terms for Sex Offenders

As shown in the prior section of this study, plea-bargaining can affect the level of criminal severity for which a person may be convicted. As shown in this section, it also affects the severity of the sentence. Table 15 provides an overview of the severity of the sex offense crime at conviction, and the severity of the sentence. In addition, Table 15 includes the average length of time in years the sex offenders were sentenced based on type of sex offense crime conviction and category of sentenced severity.

Sentencing of Sex Offenders Highlights

- * 24 percent receive a prison term greater than one year, and 20 percent receive a jail term of less than one year
- * 55 percent go to Level IV or probation
- * 49 percent of sexual penetration cases go to prison
- * 13 percent of sexual contact cases go to prison

Thirty-nine percent of sex offenders were sentenced to Level V time ranging from one month to life as the highest level of incarceration. Four of these sex offenders received a Level V treatment sentence. Level IV sentences applied to 8.9 percent of the offenders with a minimum time of 3 months to 3 years. Offenders sentenced to probation made up 46 percent of the sex offense cases with probation time ranging from 6 months to 9.5 years. However, these Level V, Level IV and probation sentences are not exclusive categories. In Delaware, it is common for post Level V sentences to be followed by “flow down” sentences to Level IV, Level III and so on. The previous percentages are based solely on the highest level of incarceration received at sentencing for the most serious sex offense conviction. In addition, some offenders were sentenced to time served which is served at a Level V facility, but is not counted in this study as Level V Prison or Level V Jail, but instead as “Time Served.” In fact, 5.8 percent of the sex offenders were sentenced to credit for time served as his/her Level V sentence. One offender was found guilty but mentally ill, and another offender was transferred to Family Court with no record of a sentence. These offenders are excluded from Table 15.

Table 15: Average Sentence Length in Years for Most Serious Sex Offense at Conviction by Level of Highest Institution Sentenced

		Most Serious Sex Offense at Conviction							Total Number of Offenders Sentenced	Percent	
		Felony A	Felony B	Felony C	Felony D	Felony F	Felony G	Misdemeanor A			Unclassified Misdemeanor
Highest Level of Incarceration	Level V Life or Virtual Life	2 (persons)				1 (person)			3	1.0%	
	Level V Prison	19.67	6.18	4.21	5.50	2.00			67	22.9%	
	Level V Treatment			11.50	8.00	2.00			4	1.4%	
	Level V Jail			0.74	0.83	0.50	0.31	0.40	40	13.7%	
	Time Served	0.59			0.41			0.65	0.12	17	5.8%
	Level IV	1.60	1.60	0.73	0.50	0.75	0.37			26	8.9%
	Probation			1.82	1.00	1.25	1.18	0.93	0.83	135	46.2%
Total Number of Offenders Sentenced		12	41	60	9	4	91	52	23	292	100%

Table 16 shows the prior arrest history of convicted sex offenders by the type of facility sentenced. Prior arrest history plays a role in sentencing terms. Prior arrests for these convicted sex offenders include felony, misdemeanor, traffic, and violation of probation/parole arrests. It is interesting to note that these convicted sex offenders are very active in criminal activity. In fact, 88.2 percent have a prior arrest history. These offenders' average 12.5 prior arrest events, with lifers and Level V prisoners having the highest average prior arrests, 19 and 13.6, respectively. Of all the convicted sex offenders, 36.6 percent were arrested for a prior sex offense. For convicted sex offenders sentenced to Level V Prison, Treatment or Jail terms, over 85 percent have prior arrests, and 40 percent have a prior sex offense arrest.

Table 16: Prior Arrest History by Highest Institution Sentenced for Most Serious Sex Offense Conviction

	Total Number of Convicted Offenders	Number of Offenders w/Prior Arrests	Average Number of Prior Arrests	Total Number of Prior Arrests	Number of Offenders with a Prior Sex Offense Arrest	Percent w/Prior Sex Offense History
Level V Life or Virtual Life	3	3	19	57	1	33.3%
Level V Prison	67	60	13.6	813	26	38.8%
Level V Treatment	4	4	12	48	4	100.0%
Level V Jail	40	35	12.7	444	15	37.5%
Time Served	17	15	13.4	201	9	52.9%
Level IV	26	21	13.4	281	10	38.5%
Probation	135	120	11.6	1386	42	31.1%
<i>Totals</i>	292	258	12.5	3230	107	36.6%

Sentences by Type of Sex Crime Committed Against a Victim

Sentencing terms for convicted offenders are based on the crime(s) he/she is convicted of, and not the crime originally charged at arrest. However, many times these crimes differ greatly in degree and type. Tables 17, 18, 19, 20 and 21 illustrate the highest level of incarceration for which each convicted sex offender with a victim was sentenced by the type of crime he/she was originally charged at arrest. The types of crimes committed include penetration, statutory rape, no penetration with sexual contact, and no contact sex crimes. Table 22 shows the sentencing terms for individuals charged with Failure to Register as a Sex Offender, or Possession of Child Pornography.

As tables 18, 19, 20 and 21 illustrate, known non-family is the largest group of offenders for each type of sex offense. Known non-family make-up 45 percent of all penetration cases, 97.5 percent of statutory rape cases, 42.9 percent of no penetration with sexual contact cases, and 59 percent of all no contact cases. Family members are the next largest group of offenders consisting of 29 percent penetration cases, 41.3 percent of no penetration with sexual contact cases, and 18.2 percent of all no contact cases. Family members are exclusive to these three categories of offenses, and do not exist in statutory rape cases. Strangers outnumber family members only in no contact sex offense cases. Strangers, like family members are excluded from statutory rape cases, but comprise 17 percent of penetration cases, 9.5 percent of no penetration with sexual contact, and 22.7 percent of no contact cases. Authority figures comprise 10 percent of penetration cases, 2.5 percent of statutory rape cases, and 6.3 percent of no penetration with sexual contact cases. No authority figure offenders occur in no contact sex offense cases.

Showing sentencing patterns for sexual penetration cases, Table 18 is the only table that includes life and virtual life sentences. Life sentences for all three offenders involved Rape 1st charges at the time of arrest. The offender who received a life sentence, was a stranger to his adult female victim, and was convicted of Rape 1st and Rape 2nd. One virtual life offender, a stranger to an adult female victim, was convicted of three counts of Rape 1st, and received a 25 year sentence per count for a total of 75 years in prison. The second virtual life offender, the babysitter of a 4 year-old female victim, was convicted of three counts of Unlawful Sexual Contact 2nd, all class G felonies. This offender received 15 years per count for a total of 45 years in prison; however, this particular offender had been previously convicted two different times for sex offenses, with at least one previous case involving a victim under the age of 16, and was declared a habitual offender on the current sex offense conviction.

As shown in the following tables, those who receive Level V Prison terms (greater than one year) as the highest level of incarceration are most likely to commit a sex offense that involves penetration (71.4 percent). In addition, known non-family of the victim is the largest group to receive Level V Prison time (50.8 percent) compared to other offender-victim relationships. Three offenders received treatment sentences. Two of the offenders were known non-family, and one was a stranger to his/her victim, and all three victims were between the ages of 12 and 15. Each offender with a treatment sentence was also convicted of a previous sex offense.

Of the offenders sentenced to Level V Jail sentences (one year or less), 42.3 percent were family members and 46.2 percent were known non-family members. The type of sex offenses charged to these offenders at arrest are fairly evenly distributed across the categories, with the largest group of offenses involving penetration (38.5 percent). All the victims for offenders who receive Jail sentences are under the age of 18, and three offenders (11.5 percent) had been arrested for a sex offense previously, with two of these offenders being convicted previously.

Just under half of all time served sentences were for cases involving no penetration with sexual contact at the time of arrest (46.2 percent), and the largest group is again known non-family (69.2 percent). The victims were all under the age of 18 except for one adult victim whose perpetrator was her boyfriend/ex-boyfriend. In addition, five offenders (38.5 percent) were previously arrested for a sex offense, and three (23.1 percent) were convicted of their previous sex offenses.

Level IV sentences, which include Level IV Home Confinement, Work Release, Half Way House, and Violation of Probation Centers, seem to be given mostly to known non-family members (70.6 percent), and those who commit a sex offense involving penetration (64.7 percent). Similar to offenders who received Time Served sentences, all victims but one was under the age of 18. Only one out of the 17 offenders (5.9 percent) sentenced to Level IV had a prior sex offense arrest and was convicted of the prior sex offense.

Probation sentences run across all relationships and sex offense types; however, no penetration with sexual contact offenses received probation more than other sex offense types (44 percent), and also those offenders who are known non-family to the victim (56 percent). Eighty-five percent of the victims are under the age of 18, with only 15 victims 18 or older. In addition, only 6 (6 percent) offenders had previously been arrested for a sex offense, and only 2 of the 6 were previously convicted of a sex offense.

Table 17: Highest Level of Incarceration at Sentencing by Type of Sex Offense at Arrest when Sex Offense Involves a Victim

Type of Sex Offense at Arrest	Highest Level of Incarceration at Sentencing							Total
	Life or Virtual Life	Level V Prison	Level V Treatment	Level V Jail	Time Served	Level IV	Probation	
Penetration	3	46	1	10	4	11	25	100
Statutory Rape	0	7	1	7	2	5	18	40
No Penetration with Sexual Contact	0	8	0	5	6	1	43	63
No Contact	0	3	1	4	1	0	13	22
Total Sentences	3	64	3	26	13	17	99	225
Percent	1.3%	28.4%	1.3%	11.6%	5.8%	7.6%	44.0%	100%

**Table 18: Sentences for Penetration Sex Offenses at Arrest
by Offender-Victim Relationship**

Offender-Victim Relationship	Sentences							Total	
	Life or Virtual Life	Level V Prison	Level V Treatment	Level V Jail	Time Served	Level IV	Probation		
Non-Family	Acquaintance	0	6	0	3	0	3	5	18
	Friend of Family Member	0	6	0	1	1	2	3	13
	Friend/Acquaintance of Friend	0	2	0	0	0	1	4	7
	Neighbor	0	2	0	0	1	0	1	4
	Boyfriend/Ex-Boyfriend	0	2	0	0	0	1	0	3
	<i>Total Non-Family</i>	0	18	0	4	2	7	13	44
Family	Father/Step-Father	0	10	0	2	0	2	1	15
	Other Family Member	0	6	0	2	1	0	1	10
	Mother	0	0	0	1	0	0	0	1
	Grandfather/Step-Grandfather	0	0	0	0	0	1	1	2
	Husband	0	0	0	0	0	0	1	1
<i>Total Family</i>	0	16	0	5	1	3	4	29	
Authority Figure	Babysitter/Acquaintance of Babysitter	1	4	0	1	1	0	2	9
	Nurse/Caretaker/Teacher	0	0	0	0	0	0	1	1
	<i>Total Authority Figure</i>	1	4	0	1	1	0	3	10
Stranger	Stranger	2	8	1	0	0	1	5	17
	<i>Total Stranger</i>	2	8	1	0	0	1	5	17
Total Penetration Sentences		3	46	1	10	4	11	25	100
Percent Penetration Sentences		3%	46%	1%	10%	4%	11%	25%	100%

Table 19: Sentences for Statutory Rape Sex Offenses at Arrest by Offender-Victim Relationship

Offender-Victim Relationship		Sentences					Total	
		Level V Prison	Level V Treatment	Level V Jail	Time Served	Level IV Probation		
Non-Family	Boyfriend/Ex-Boyfriend	3	1	3	2	3	9	21
	Acquaintance	4	0	2	0	1	7	14
	Friend of Family Member	0	0	1	0	1	1	3
	Friend/	0	0	0	0	0	1	1
	<i>Total Non-Family</i>	7	1	6	2	5	18	39
Authority Figure	Babysitter/Acquaintance of Babysitter	0	0	1	0	0	0	1
	Total Authority Figure	0	0	1	0	0	0	1
Total Statutory Rape Sentences		7	1	7	2	5	18	40
Percent Statutory Rape Sentences		17.5%	2.5%	17.5%	5%	12.5%	45%	100%

Table 20: Sentences for No Penetration with Sexual Contact Sex Offenses at Arrest by Offender-Victim Relationship

Offender-Victim Relationship		Sentences					Total
		Level V Prison	Level V Jail	Time Served	Level IV	Probation	
Non-Family	Acquaintance	2	0	2	0	8	12
	Friend of Family Member	2	1	1	0	4	8
	Friend	1	0	0	0	4	5
	Boyfriend/Ex-Boyfriend	0	0	1	0	1	2
	<i>Total Non-Family</i>	5	1	4	0	17	27
Family	Father/Step-Father	1	0	0	1	10	12
	Other Family Member	0	4	1	0	6	11
	Grandfather/Step-Grandfather	0	0	0	0	3	3
	<i>Total Family</i>	1	4	1	1	19	26
Authority Figure	Babysitter/Acquaintance of Babysitter	0	0	0	0	2	2
	Nurse/Caretaker/Teacher	0	0	0	0	2	2
	<i>Total Authority Figure</i>	0	0	0	0	4	4
Stranger	Stranger	2	0	1	0	3	6
	<i>Total Stranger</i>	2	0	1	0	3	6
Total No Penetration with Sexual Contact Sentences		8	5	6	1	43	63
Percent No Penetration with Sexual Contact Sentences		12.7%	7.9%	9.5%	1.6%	68.3%	100%

Table 21: Sentences for No Contact Sex Offenses at Arrest by Offender-Victim Relationship

Offender-Victim Relationship		Sentences					Total
		Level V Prison	Level V Treatment	Level V Jail	Time Served	Probation	
Non-Family	Boyfriend/Ex-Boyfriend	0	0	0	0	1	1
	Acquaintance	2	1	1	0	3	7
	Friend of Family Member	0	0	0	0	1	1
	Friend	0	0	0	0	2	2
	Neighbor	0	0	0	1	1	2
<i>Total Non-Family</i>		<i>2</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>8</i>	13
Family	Father/Step-Father	0	0	2	0	2	4
	<i>Total Family</i>	<i>0</i>	<i>0</i>	<i>2</i>	<i>0</i>	<i>2</i>	4
Stranger	Stranger	1	0	1	0	3	5
	<i>Total Stranger</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>3</i>	5
Total No Contact Sentences		3	1	4	1	13	22
Percent No Contact Sentences		13.6%	4.5%	18.2%	4.5%	59.1%	100%

Sentences by Type of Sex Crime Committed Without a Victim

As seen in Table 22, of the offenders with an original charge of Failure to Register as a Sex Offender or Possession of Child Pornography at the time of arrest, 26.8 percent receive a sentence at Level V with the shortest Level V term being one month, and the longest aggregate term being 6.5 years. The majority of offenders who receive Level V sentences are sentenced to one year or less (77.8 percent), with 3 offenders (16.7 percent) receiving Level V Prison, and one offender receiving a treatment sentence. Only four offenders (5.9 percent) receive a Time Served sentence. The remaining offenders receive a Level IV sentence (13.4 percent), with the overall majority of Failure to Register and Possession of Child Pornography offenders receiving a sentence of Probation (53.7 percent). Probation sentences for failing to register or possession of child pornography range from four months to 30 years. Again, the same conditions apply for non-exclusive levels and time served. Approximately 18.8 percent of failure to register or possession of child pornography offenders had some credit for time served. All 60 of the offenders convicted of failure to register/re-register as a sex offender were previously convicted of a sex offense. In addition, 3 (42.9 percent) of the 7 offenders convicted of child porn charges were arrested previously for a sex offense. One individual was not convicted of his prior sex offense arrest; another was convicted twice previously for possession of child pornography, and one offender was previously convicted of a contact sex crime.

Table 22: Sentences by Highest Level of Incarceration Sentenced for Failure to Register as a Sex Offender and Possession of Child Pornography

	Level V Prison	Level V Treatment	Level V Jail	Time Served	Level IV	Probation	Total
Failure to Register/Re-Register as a sex offender	1	1	12	4	8	34	60
Possession of Child Pornography	2	0	2	0	1	2	7
Total	3	1	14	4	9	36	67
Percent	4.5%	1.5%	20.9%	6.0%	13.4%	53.7%	100%

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Section 6: Sex Offender Tier Designation

According to Delaware's implementation of the Jacob Wetterling Act (1994),²³ offenders who are convicted of specified sex offenses after June 27, 1994²⁴ are required to register as a sex offender no less than

forty-five days prior to release from a Level IV or Level V facility, or at the time of sentencing for those offenders sentenced to probation. These specified offenses in Delaware include all contact sex crimes,²⁵ and the non-contact sex crimes of Sexual Solicitation and Sexual Exploitation of a Child, Indecent Exposure 1st degree, Violation of Privacy,²⁶ and Promoting and/or Profiting from Prostitution of person less than 18 years old in the 1st or 2nd degree.²⁷

In addition to contact and non-contact sex crimes, sex crimes involving society as the victim like Dealing in and/or Possessing Child Pornography²⁸ also require registration. Risk assessment tier designation occurs at three levels. Risk Assessment Tier III offenders are high risk offenders, while Risk Assessment Tier II are moderate risk offenders, and Risk Assessment Tier I are low risk offenders.²⁹

Sex Offender Tier Designation Highlights

- * There are three possible tier assignments: Tier III (high risk), Tier II (moderate risk), and Tier I (low risk)
- * Most convicted sex offenders required to register at Tier II (40 percent)
- * 23 percent required to register at Tier III, and 22 percent required to register at Tier I
- * 15 percent of offenders are not required to register because the sex offense plead to an offense not requiring registration

Sex offender tier designation for the purposes of registration is yet another important component in both the plea bargaining and sentencing processes of sex offense cases. To obtain a conviction in a sex offense case, depending on the strength of evidence in the case, occasionally the offender is given a plea bargain in which he/she pleads to a non-sex crime in order to avoid registering as a sex offender. In some cases, this could mean a plea of guilty to endangering the welfare of a child when the offender was originally charged with unlawful sexual contact. Still, in other cases, it can be as extreme as being charged with Rape 2nd or Rape 3rd, and pleading to an assault charge. In the current sample of Delaware offenders arrested for a sex offense, this occurs in 34 of 226 cases or 15 percent of the convictions with a victim.

Table 23 displays the tier designation of the convicted offenders in this sample by both the type of sex offense at arrest and by the victim's age. As Table 23 shows, the majority of offenders are assigned to Tier II, or moderate risk (40.3 percent). Of the 197 offenders

²³ U.S. H.R. 3355, 103rd Congress (1994); Public Law 103-322; Del. Title 11, §4120, 137th General Assembly, 69 Del. Laws, ch. 282 (1995)

²⁴ Title 11 §4120 and Title 11 §4121

²⁵ Title 11 §766, §767, §768, §769, §770, §771, §772, §773, §776, §777, §778, §779, §779, §780

²⁶ Title 11 §1335(a)(6) and Title 11 §1335(a)(7): Two specific subsections applying to the dressing or undressing of an unaware victim when there is an expectation of privacy (e.g., dressing rooms, bathrooms, locker-rooms, bedrooms, etc.)

²⁷ Title 11 §1352(2) and Title 11 §1353(2)

²⁸ Title 11 §1100, §1108, §1109, §1110, §1111, §1112, §1112A

²⁹ Title 11 §4121

convicted of a sex offense against a juvenile, 88 (44.7 percent) are assigned to Tier II with the remaining offenders assigned to Tier III (22.3 percent) and Tier I (20.8 percent). In 12.2 percent of the juvenile victim sex offense cases, the offender is not convicted of a sex offense that requires registration. Almost half of penetration offenders with a juvenile victim receive Tier II for registration purposes. The majority of offenders who receive a Tier III assignment commit penetration sex offenses against a juvenile victim.

With regards to an adult victim, only 10.3 percent of offenders were assigned to Tier II. More offenders with adult victims were assigned to Tier I (27.6 percent) and Tier III (27.6 percent). Forty percent of the penetration cases for offenders with an adult victim were assigned to Tier III. Thirty-four percent, or 10 out of 29, of the sex offense cases involving an adult victim are not required to register because the conviction offense is not a sex offense requiring registration.

Table 23: Tier Designation at Sentencing by Sex Offense Arrest and Victim Age

Type of Sex Offense at Arrest		Tier Designation at Sentencing				Total
		Tier III	Tier II	Tier I	Not Required to Register	
Juvenile Victim (Under 18)	Penetration	32	42	8	3	85
	Statutory Rape	2	28	8	2	40
	No Penetration with Sexual Contact	7	13	20	15	55
	No Contact	3	5	5	4	17
	Total Juvenile Victim	44	88	41	24	197
Percent Total Juvenile Victim (Row)		22.3%	44.7%	20.8%	12.2%	100%
Adult Victim (18 and older)	Penetration	6	3	3	3	15
	No Penetration with Sexual Contact	2	0	4	2	8
	No Contact	0	0	1	5	6
	Total Adult Victim	8	3	8	10	29³⁰
Percent Total Adult Victim (Row)		27.6%	10.3%	27.6%	34.5%	100%
Total Tier Assignments		52	91	49	34	226
Percent Total Tier Assignments (Row)		23.0%	40.3%	21.7%	15.0%	100%

³⁰ One convicted sex offender with an adult victim is excluded from this table because he/she has not yet been tiered, and is still serving time in a Level V facility.

Similar to offenders with victims, offenders convicted of a sex offense when there is no victim present are primarily assigned to Tier II. Table 24 illustrates offenders with either a failure to register as a sex offender conviction or a child pornography conviction and his/her Tier assignment. The majority of offenders convicted of child pornography offenses were assigned to Tier 2 (57.1 percent) with 28.6 percent assigned to Tier III and 14.3 percent assigned to Tier I.

Offenders who failed to register as sex offenders were assigned to their respective tiers when they were convicted of the original sex offense for which they must register. Almost sixty percent of failure to register/re-register sex offenders were assigned to Tier II, followed by 18.3 percent at Tier I, and 16.7 percent at Tier III. Four offenders were not assigned a Tier. These four offenders were convicted of a sex offense prior to registration requirements. Although Delaware’s Megan’s Law³¹ was implemented in 1997, offenders convicted of a sex offense requiring registration between June 21, 1996 and March 1, 1999³² were made to register, but were not assigned to a specific tier.³³

Table 24: Tier Designation at Sentencing by Sex Offense Arrest by Offense Conviction for Failure to Register as a Sex Offender and Possession of Child Pornography

Type of Sex Offense at Arrest		Tier Designation at Sentencing				Total
		Tier III	Tier II	Tier I	No Tier	
Society	Failure to Register as a Sex Offender	10	35	11	4	60
	Possession of Child Pornography	2	4	1	0	7
	Total	12	39	12	4	67
	Percent Total	17.9%	58.2%	17.9%	6.0%	100%

³¹ Del. H.B. 352, 139th General Assembly, 71 Del. Laws ch. 203 (1997)

³² Title 11 §4122

³³ Title 11 §4120(4)(a), Title 11 §4121

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Section 7: Sex Offender Recidivism

Sex offender recidivism is a topic that has received increased attention in the past decade. The occurrence of sex offender recidivism has driven both federal and state legislature and led to the passing of such laws in the state of Delaware as Megan's law (1997),³⁴ Jessica's law (2006),³⁵ and the Adam Walsh Child Protection and Safety Act.³⁶ With regards to this study of Delaware sex offenders, there are 195 individuals who could possibly recidivate.³⁷ The date to recidivate, or the at-risk date, for Delaware sex offenders is the first possible date the offender was out of 24-hour restricted custody which includes all Level V and some Level IV facilities after his/her conviction of a sex offense.

Sex Offender Recidivism Highlights

- * For sex offenders at-risk for at least two years, 86 percent have been re-arrested
- * 61 percent have been rearrested two or more times
- * 31 percent rearrested for a new felony
- * 3 percent rearrested for a new sex crime

Some individuals were at-risk as early as the day of sentencing for his/her sex offense with a 2004 disposition because the offender was not sentenced to Level V or held at a Level V or Level IV 24-hour custody facility. Sixty-five of the convicted Delaware sex offenders are not able to recidivate because 62 sex offenders are still serving Level V time for their 2004 disposed sex offense case, and three offenders cases were transferred to Family Court with no information regarding their release date available. Of the remaining 195 sex offenders, time available to recidivate ranges from one and a half months to just under 3 years.³⁸ Approximately 80 percent of the 195 sex offenders at-risk to recidivate were arrested for a new crime including violation of probation offenses. In addition, post arrest events for sex offenders ranged from no arrests to 26 separate arrest events. Table 25 displays the number of post arrest events versus the amount of time the sex offender was "at risk" after release from Level V or Level IV 24-hour supervision.

³⁴ Del. H.B. 352, 139th General Assembly, 71 Del. Laws ch. 203 (1997)

³⁵ Del. H.B. 404, 143rd General Assembly, 75 Del. Laws ch. 438 (2006)

³⁶ Del. S.B. 60, 144th General Assembly, 76 Del. Laws ch. 25 (2007)

³⁷ Recidivism is based on those convicted of sex offenses which require sex offender registration, and whose sentences were available for analysis.

³⁸ "Time Available to Recidivate" is calculated by subtracting the at-risk date from 12/31/2006, which is the last day arrests for the offenders in this study were recorded.

Table 25: Sex Offender Recidivism by Number of Post Arrest Events for All Charges

	Total Sex Offenders At-Risk	Number of Post Arrest Events				Total Number of Sex Offenders Rearrested	Percent Rearrested	
		1	2-5	6-10	11 or more			
Time Available to Recidivate	1 day to 6 months	3	1	1	0	0	2	66.7%
	> 6 months to 1 year	7	2	3	0	0	5	71.4%
	> 1 year to 1.5 years	7	2	3	0	0	5	71.4%
	> 1.5 years to 2 years	31	7	11	1	0	19	61.3%
	> 2years to 2.5 years	70	17	25	8	3	53	75.7%
	> 2.5years to 3 years	77	19	35	6	2	73	94.8%
Total	195	48	78	15	5	157	80.5%	

As seen in Table 26, the longer the convicted sex offenders are at risk, the more likely he/she is to have a new arrest in Delaware. Of the 195 at risk offenders, 80.5 percent were arrested for a new crime, which includes all felony, misdemeanor, sex offense and violation of probation/parole offense arrests. In addition, 29.2 percent were arrested for a new felony after release, and 55.9 percent were arrested for a new misdemeanor offense. Offenders who were at-risk more than one and a half years, but less than 2 years tend to have lower recidivism rates than their counterparts who were at-risk both shorter and longer times in all types of new arrests except sex offense arrests. This group of offenders has the highest rate of committing a new sex offense after release, which includes only those sex offense arrests that occurred when the offender was at-risk. Offenders who were at-risk more than two and half years but less than three years have the second highest new sex offense arrest rate at 3.9 percent. Moreover, a total of six convicted sex offenders, or 3.1 percent, were arrested for a new sex offense after their release for the period of time examined. Although this number seems low based on 195 eligible at-risk sex offenders, it again must be noted that many sex offenses go unreported. Almost half of the at-risk offenders were arrested after release for violation of probation, which includes any violation that occurred while the offender was at-risk.

In addition to the 195 at risk sex offenders convicted of a sex offense through his/her 2004 Superior Court disposition, there are 18 sex offenders that failed to register resulting in a 2004 disposition who are also at risk. The 2004 dispositions for these 18 offenders were either nolle prosequi or dismissed. There are also an additional 5 sex offenders previously convicted of a sex crime whose 2004 dispositions resulted in a non-conviction of a sex offense. These additional 23 sex offenders have previously been convicted of a sex offense, and so, are at risk for recidivism. Table 27 displays post arrest patterns for individuals who were already convicted of a sex offense prior to his/her 2004 sex offense disposition.

Similar to those who were convicted on their 2004 sex offense disposition, 78.3 percent of the previous convicted sex offenders not convicted on their 2004 dispositions were rearrested for a new crime after release. Over half (69.7 percent) were rearrested for a misdemeanor, and 37.1 percent were rearrested for a felony. Three offenders were rearrested for a new sex offense after release (13 percent), and 30.4 percent were arrested for a violation of probation. Interesting to note is that recidivism only occurs for offenders who served more than 6 months, but less than a year, and those who served more than 2 years. The offenders who served up to 6 months, or who served one to two years were not arrested for any new crimes.

Table 26: Recidivism of Sex Offenders by Type of New Arrest

At-Risk Time	Total Number of Sex Offenders		Any New Crime		Felony		Misdemeanor		Any New Sex Offense		Violation of Probation	
		Percent of all at-risk		Percent		Percent		Percent		Percent		Percent
1 day to 6 months	3	1.5%	2	66.7%	2	66.7%	1	33.3%	0	0%	0	0%
> 6 months to 1 year	7	3.6%	5	71.4%	2	28.6%	5	71.4%	0	0%	3	42.9%
> 1 year to 1.5 years	7	3.6%	5	71.4%	2	28.6%	3	42.9%	0	0%	4	57.1%
> 1.5 years to 2 years	31	15.9%	19	61.3%	5	16.1%	12	38.7%	2	6.5%	12	38.7%
> 2years to 2.5 years	70	35.9%	53	74.3%	22	31.4%	40	57.1%	1	1.4%	35	50%
> 2.5years to 3 years	77	39.5%	62	80.5%	24	31.2%	48	62.3%	3	3.9%	42	54.5%
Total	195	100%	146	74.9%	57	29.2%	109	55.9%	6	3.1%	96	49.2%

**Table 27: Recidivism of Previously Declared Sex Offenders not found guilty of 2004
Disposition by New Arrest Type**

A-Risk Time	Number of Sex Offenders At Risk		Any New Crime		Felony		Misdemeanor		Any New Sex Offense		Violation of Probation	
		Percent		Percent		Percent		Percent		Percent		Percent
1 day to 6 months	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
> 6 months to 1 year	1	4.3%	1	100%	1	100%	1	100%	0	0%	1	100%
> 1 year to 1.5 years	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
> 1.5 years to 2 years	0	0.0%	0	0%	0	0%	0	0%	0	0%	0	0%
> 2years to 2.5 years	7	30.4%	4	57.1%	1	14.3%	4	57.1%	0	0%	1	14.3%
> 2.5years to 3 years	15	65.2%	13	86.7%	7	46.7%	11	73.3%	3	20.0%	5	33.3%
Total	23	100%	18	78.3%	9	37.1%	16	69.7%	3	13.0%	7	30.4%

Section 8: Discussion

The Severity of the Problem: Reporting Sex Offenses

Many sex offenses go unreported, and so there is a large variety of offenders who have not been caught, and victims who have not come forward. Therefore, results of this study must be viewed within the limitations of the unknown sex offender, and cannot be generalized to the entire sex offender population, but only those sex offenders who have been arrested in Delaware.

Although the majority of sex offenses that occur are not reported to authorities, the rate of reporting all violent crimes which includes sexual assaults has increased significantly in the past 30 years (BJS 1993, 2000 and Hart and Rennison 2003). Increased reporting of sexual offenses can be attributed to many factors. The rape reform laws of the 1980s helped establish guidelines within the criminal justice system to enable a victim to retain privacy when reporting a sexual offense. In addition, requirements of third party reporting has also increased. Teachers, doctors and other professionals are required by law to report any and all suspicions of child abuse, neglect and/or sexual abuse. Delaware, in particular, established Child Advocacy Centers in 1996, which aid in the reporting of child abuse offenses including child sexual abuses. These centers have specialists on hand to interview child victims in order to gain accurate and timely information regarding a sex assault to aid in the reporting and arrest of a sex offender. By 2003, a Child Advocacy Center was established in each county in the State of Delaware.

In addition to the reporting of sex offenses with a victim, reporting of sex offenses without a victim has also increased. Previously never reported, crimes involving child pornography have become a “hot button” issue in the past 20 years. Although no specified victim but society is identified in child pornography crimes, there always exists the underlying fact that somewhere there is a child victim. With this in mind, in 1995, the Federal Bureau of Investigation began the Innocent Images National Initiative to try to find and arrest individuals creating, transmitting, and/or distributing child pornography. Since then, many states have formed their own initiatives to combat child pornography. Delaware has recently turned over several cases involving the distribution and possession of child pornography for federal prosecution because of the 2-year U.S. Department of Justice’s Project Safe Childhood Initiative, leading to harsher punishments. In addition, in October 2007, Delaware’s Attorney General, Beau Biden, announced that Delaware was the recipient of federal funds to purchase equipment and train members to combat internet crimes against children (Jackson, The News Journal, October 4, 2007).

Curbing the Fear of Sexual Predators

Given the significant efforts to increase sex offense reporting, sexual assaults remain largely underreported in our society, and thus, a large piece of the puzzle regarding sex offender issues is missing. However, much of the recent federal and state level legislature has focused on the imprisonment and monitoring of sex offenders in the community revealing the social concern that sex offenders are likely to recommit sex offenses.

In Delaware, such laws have passed in the previous two legislative sessions. Some laws apply to the severity of punishment for crimes against children, such as HB 404³⁹ which indicates an automatic life term for a felony class A or felony class B sex offense against a child under the age of 14 or a second or subsequent felony class A or felony class B sex offense against a victim no matter his/her age. Other laws seek to protect society by making sex offenders verify their addresses more often.⁴⁰ In general, these types of laws illustrate the societal idea that all sex offenders are alike; however, this study clearly shows that sex offenders come in both sexes, and all races, ages and relationships.

Where do we go from here?

More in-depth studies need to be done in Delaware in order to better characterize Delaware's sex offender population over a longer time span. In-depth studies regarding sex offender treatment and actual recidivism (not just official) will help Delaware lawmakers more accurately target and rehabilitate sex offenders. In addition, more detailed information is needed regarding reporting rates of sex offenses in Delaware, and how to improve and increase sex offense reporting and arrests. This information will enable substantial generalizations about Delaware's sex offender population.

This study provides a more complete background of serious sex offenses in Delaware so that we can better understand the effectiveness of our sex offender public safety efforts and penalties, as well as the possibilities for rehabilitation and reduction in recidivism. Though our sex offender laws, prosecution, and community containment have improved over the past decade, their success, costs and effectiveness are just now beginning to be understood. More research is necessary to understand the world of sex offenders. In addition to research, education is a needed component of sex offender management. Society as a whole needs to be educated as to the characteristics and methods of a sex offender. Parents need to understand that most sex offenders are those for whom the victim already knows, and less likely to be the stranger down the street that is a registered sex offender for sexually assaulting his own child. Society also needs to understand that the sex offender registry, while good in theory, does not in any way illustrate those offenders that have not yet been convicted, and thus, introduces a false sense of security. With the triad of increasing sex offense reporting, the introduction and implementation of laws regarding sex offender management, and improving public education, our society will hopefully see a decline in sex offenses in the future. Currently, 1 in 4 girls is sexually abused and 1 in 6 boys is sexually abused before the age of 18 (Simpson et al 2004 and Dube et al 2005). These astounding statistics further exemplify innocence-robbing sex offenses that plague our society's youth and maintain a vicious cycle of violence.

³⁹ Del. H.B. 404, 143rd General Assembly, 75 Del. Laws ch. 438 (2006), (Jessica's Law)

⁴⁰ Del. S.B. 60, 144th General Assembly, 76 Del. Laws ch. 25 (2007), (Adam Walsh Act)

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Appendix A

Violent Sex Offenses:

Title 11, Chapter 5

- §768 Unlawful Sexual Contact in the 2nd degree
- §769 Unlawful Sexual Contact in the 1st degree
- §770 Former Unlawful Sexual Penetration in the 3rd degree or Rape in the 4th degree
- §771 Former Unlawful Sexual Penetration in the 2nd degree or Rape in the 3rd degree
- §772 Former Unlawful Sexual Penetration in the 1st degree or Rape in the 2nd degree
- §773 Former Unlawful Sexual Intercourse in the 3rd degree, or Rape in the 1st degree
- §774 and §775 Repealed; Previously Rape 2nd and Rape 3rd, respectively
- §776 Sexual Extortion
- §777 Bestiality
- §778 Continuous Sexual Abuse of a Child
- §1108 Sexual Exploitation of a Child
- §1109 Unlawfully Dealing in Child Pornography
- §1112A Sexual Solicitation of a Child

Violent Deadly Weapon Offenses:

Title 11, Chapter 5

- §1442 Carrying a Concealed Deadly Weapon (Subsequent Offense)
- §1444 Possessing a Destructive Weapon
- §1445 Unlawfully Dealing with a Dangerous Weapon
- §1447 Possessing a Deadly Weapon during the Commission of a Felony
- §1447A Possessing a Firearm during the Commission of a Felony
- §1448(e) Possession of a Deadly Weapon by Persons Prohibited (Firearm or Destructive Weapon Purchased, Owned, Possessed or Controlled by a Violent Felony)

Other Violent Offenses:

Title 11, Chapter 5

- §513 Conspiracy 1st Degree
- §602 Aggravated Menacing
- §604 Reckless Endangering 1st degree
- §605 Abuse of a Pregnant Female in the 2nd degree
- §606 Abuse of a Pregnant Female in the 1st degree
- §612 Assault in the 2nd degree
- §613 Assault in the 1st degree
- §614 Assault on a Sports Official
- §615 Assault by Abuse
- §617 Criminal Young Gangs
- §629 Vehicular Assault in the 1st degree
- §630 Vehicular Homicide in the 2nd degree
- §630A Vehicular Homicide in the 1st degree
- §631 Criminally Negligent Homicide
- §632 Manslaughter
- §633 Murder by Abuse or Neglect in the 2nd degree

Appendix A (Con't)

- §634 Murder by Abuse or Neglect in the 1st degree
- §635 Murder in the 2nd degree
- §636 Murder in the 1st degree
- §645 Promoting Suicide
- §779 Dangerous Crime against a Child
- §782 Unlawful Imprisonment in the 1st degree
- §783 Kidnapping in the 2nd degree
- §783A Kidnapping in the 1st degree
- §802 Arson in the 2nd degree
- §803 Arson in the 1st degree
- §825 Burglary in the 2nd degree
- §826 Burglary in the 1st degree
- §831 Robbery in the 2nd degree
- §832 Robbery in the 1st degree
- §835 Carjacking in the 2nd degree
- §836 Carjacking in the 1st degree
- §846 Extortion
- §1250 Assault in the 1st degree against a Law-Enforcement Animal
- §1253 Escape after Conviction
- §1254 Assault in a Detention Facility
- §1256 Promoting Prison Contraband (Deadly Weapon)
- §1302 Riot
- §1304 Hate Crimes
- §1312A Stalking
- §1338 Bombs, Incendiary Devices, Molotov Cocktails and Explosive Devices
- §1339 Adulteration (Causing Injury or Death)
- §1353 Promoting Prostitution in the 1st degree
- §1455 Engaging in a Firearms Transaction on Behalf of Another (Subsequent Offense)
- §1449 Wearing Body Armor during the Commission of a Felony
- §1503 Racketeering
- §3533 Aggravated Act of Intimidation
- Title 16, Chapter 2***
- §1136 Abuse/Mistreatment/Neglect of a Patient
- Title 16, Chapter 47***
- §4751 Manufacture/Delivery/Possession with Intent to Deliver a Controlled or Counterfeit Substance, Manufacture or Delivery Causing Death
- §4752 Manufacture/Delivery/Possession with Intent to Deliver a Controlled or Counterfeit Substance, Manufacture or Delivery
- §4752A Unlawful Delivery of a Non-controlled Substance
- §4753A Trafficking in Marijuana, Cocaine, Illegal Drugs, Methamphetamine, LSD or Designer Drugs
- §4754A Possession and Delivery of a Non-controlled Prescription Drug
- §4761 Distribution to Minors
- §4767 Distribution, Delivery or Possession of a Controlled Substance within 1000 feet of School Property
- §4768 Distribution, Delivery or Possession of a Controlled Substance within 300 feet of a Park or Recreation Area
- §4773 Delivery of Drug Paraphernalia to a Minor
- Title 31, Chapter 39***
- §3913 Abuse/Neglect/Exploit/Mistreat an Infirm Adult

Appendix B
Specific Crimes by Felony Type

Specific Crimes by Felony Type at Arrest

Felony A	Felony B	Felony C	Felony D	Felony E	Felony F	Felony G	Misdemeanor A	Unclassified Misdemeanor
Rape 1st	Rape 2nd	Rape 4th	Unlawfully Dealing in Child Pornography	Unlawful Sexual Penetration 3rd (Old Statute)	Unlawful Sexual Contact 1st	Unlawful Sexual Contact 2nd	Unlawful Sexual Contact 3rd	Sexual Harassment
	Rape 3rd	Sexual Solicitation of a Child				Violation of Privacy (a6)	Indecent Exposure 1st	Indecent Exposure 2nd
	Continuous Sexual Abuse of a Child					Failure to Register as a Sex Offender		
	Sexual Exploitation of a Child					Sexual Offenders Prohibitions from School Zones		
	Unlawfully Dealing in Child Pornography, 2nd or subsequent conviction							

Appendix B (Con't)
Specific Crimes by Felony Type

Specific Crimes by Felony Type at Conviction⁴¹

FA	FB	FC	FD	FE	FF	FG	MA	M
Rape 1st	Rape 2nd	Rape 4th	Unlawfully Dealing in Child Pornography	Aggravated Menacing	Stalking	Unlawful Sexual Contact 2nd	Unlawful Sexual Contact 3rd	Sexual Harassment
Unlawful Sexual Penetration 1st	Rape 3rd	Sexual Solicitation of a Child	Stalking		Unlawful Sexual Contact 1st	Violation of Privacy (a6)	Indecent Exposure 1st	Indecent Exposure 2nd
	Continuous Sexual Abuse of a Child		Assault 2nd		Endangering the Welfare of a Child	Failure to Register as a Sex Offender	Endangering the Welfare of a Child	Offensive Touching
	Sexual Exploitation of a Child				Possession of Child Pornography	Sexual Offenders Prohibitions from School Zones	Endangering the Welfare of an incompetent person	
	Unlawfully Dealing in Child Pornography, 2nd or subsequent conviction					Endangering the Welfare of a Child	Violation of Privacy (a2)	
							Violations Criminal Solicitation 3rd Assault 3rd Terroristic Threatening Unlawful Imprisonment 2nd	

⁴¹ All crimes listed are plead down from sex offenses. Shaded cells indicate crimes that do not require Sex Offender Registration.