Female criminals are an understudied population, and this is particularly true for female sexual offenders. Female sexual offenders are different from male sexual offenders, and common risk assessment tools developed with men do not work with women. Yet we continue to know very little about women who offend sexually. The first phase of this large-scale study focuses on rates of sexual recidivism for women in California convicted of sexual offenses. Phase two will focus on the assessment of potential risk and protective factors for female sexual offenders.

Female Sex Offender Recidivism

An Empirical Analysis of Registered Female Sex Offenders in California

SARATSO

Female Sexual Recidivism:
An Empirical Analysis of Registered Female Sexual Offenders in California

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Female perpetrators of crime are one of the least researched populations in the field of criminology. Women have been routinely overlooked by criminologists and policymakers, which in part could be due to their small population relative to men, and this is particularly true for sexual offenders (Hassett-Walker, 2014). In addition, traditional social scripts place women in positions of trust that include being nurturers and protectors of children (Hayes & Baker, 2014), which initially made it difficult to believe that women would sexually offend and ultimately led to sexual offending by women being a controversial and concerning issue (Faller, 1987). Similarly, societal perceptions of sexual offending involve a male perpetrator victimizing a child or a woman (Faller, 1995; O'Connor, 1987; Vandiver & Walker, 2002).

This perception reduced the level of importance attached to research conducted on sexual offending by female perpetrators. Consequently, knowledge about female sex offenders remains limited (Cortoni, Hanson, & Coache, 2010). It wasn't until about the 1980s that published empirical research on female sex offenders began to appear (Vandiver & Walker, 2002). Since the 1980s, research on female sex offenders has relied on relatively small clinical or judicial samples or, in some cases, both (Vandiver & Walker, 2002). Criminal history records are also a primary source of data for research on sexual offending (Sandler & Freeman, 2009). However, these records significantly lack information pertaining to pertinent variables such as victim and accomplice information (Sandler & Freeman, 2009). Some studies have found that a mixture of samples from multiple populations allows for a more complete analysis (Bader, Scalora, Casady, & Black, 2008).

Specialists in the field are recognizing the need for additional research on female sex offenders because of the differences in characteristics and sexual recidivism rates when compared to male sex offenders (Bader, Welsh & Scalora, 2010; Cortoni, Hanson & Coache, 2010; Sandler & Freeman, 2009). Some consistent themes measured in prior research include perpetrator demographics,

criminal history, mental illness history, substance abuse history, co-offending, victim relationship, age, and gender, and recidivism rates. The factors associated with sexual reoffending among women are not entirely clear (Cortoni, Hanson & Coache, 2010). In order to identify the dynamics of sexual offending among women, researchers need to analyze systemic information regarding recidivism rates that are specific to the female sex offender population (Cortoni, Hanson, & Coache, 2010). Female sex offenders have a low level of sexual recidivism, which makes it difficult to accurately assess risk of reoffending (Bader, Welsh, & Scalora, 2010; Cortoni & Hanson, 2005). Current sex offender risk assessment tools are not appropriate for female sexual offenders and, if used, can overestimate the risk of sexual recidivism among female sex offenders (Cortoni, Hanson, & Coache, 2010). Gaining a more comprehensive understanding of recidivism among female sex offenders can aid in the development of training for law enforcement agencies, social service agencies, and treatment providers (Vandiver, 2006), as well as the development of a female specific sex offender risk assessment tool.

Characteristics of Female Sexual Offenders

Overall, women have lower levels of criminal activity (Cortoni, Hanson, & Coache, 2010). Women constitute approximately 17% to 23% of all adult offenders, 10% of all violent offenders, and 5% of all sexual offenders (as cited in Blanchette & Brown, 2006; Cortoni et al., 2009; Cortoni, Hanson, & Coache, 2010). However, similar to male sex offenders, research suggests that female sex offenders are often underreported (Cortoni, Hanson, & Coache, 2010; Sandler & Freeman, 2009). Why sexual offending by females would be underreported is a matter of speculation. The perception that women are not sexual aggressors may influence their victims to refrain from reporting the crime (Sandler & Freeman, 2009). In addition, the cultural gender role of women primarily involves caring for children, which permits physical contact with children (Ferguson & Meehan, 2005; Goth, 1979; Mayer, 1992; Young, 1997; Sandler & Freeman, 2009).

Perpetrator demographics. Research has found samples of female sex offenders to be predominantly White (Bader, Scalora, Casady, & Black, 2008; Bader, Welsh, & Scalora, 2010; Faller, 1987; Faller, 1995; Freeman & Sandler, 2008; Sandler & Freeman, 2009; Strickland, 2008; Vandiver & Walker, 2002). In addition, the mean age at perpetration in various studies ranges between the

mid-20s and the early-thirties, i.e.,28 years of age (Faller, 1995; Johansson-Love & Fremouw, 2009), 28.1 years (Sandler & Freeman, 2009), 28.4 years (Bader, Welsh, & Scalora, 2010), and 31 years (Freeman & Sandler, 2008; Vandiver & Walker, 2002). On average, female sex offenders are younger than male sex offenders at the time of their index sex offense (Faller, 1995). Demographics of female perpetrators have remained relatively consistent across varying sample sizes. In addition to age and race, research has found lower socioeconomic status among female sex offenders (Faller, 1987). Further research may reveal a more in-depth analysis of perpetrator demographics among female sex offenders and female sex offender recidivists.

Victim relationship and demographics. It is likely that victims of female sex offenders are related to their perpetrator. A study with a sample derived from the University of Michigan's Interdisciplinary Project on Child Abuse and Neglect (IPCAN) found 85% of the sample were the mother to at least one of their victims (Faller, 1987). If the victim was not the perpetrator's own child, it was common for the victim to be intra-familial, such as a stepchild, niece, nephew, boyfriend's child, neighbor's child, or grandchild (Faller, 1987). In a study looking at a sample of 106 male and female victims of sexual abuse perpetrated by women, the most common type of relationship was intra-familial (Kaufman, Wallace, Johnson, & Reeder, 1995). It is more common for female sex offenders to have an intra-familial relationship with their victim in comparison to male sex offenders (Johansson-Love & Fremouw, 2009). In addition, the victim's ethnicity and age vary across different studies. Some research found the majority of their sample had victims who were predominantly White (Bader, Scalora, Casady, & Black, 2008.) Studies show victims' average ages range from 6.4 years of age (Faller, 1987), 12 years of age (Sandler & Freeman, 2009), 12.8 years of age (Bader, Welsh, & Scalora, 2010), to 17 years of age (Vandiver, 2006). Empirical research has not yet verified a preferred victim gender among female sex offenders (Johansson-Love & Fremouw, 2009). Some research has found that the majority of their sample offended against males (Freeman & Sandler, 2008; Johansson-Love & Fremouw, 2009), while other research found the majority of their sample to have female victims (Faller, 1987; Faller, 1995). Further research is necessary to determine whether any conclusion can be drawn about commonalities among victims of female sex offenders.

History of mental illness, substance abuse, and victimization. Mental illness, substance abuse, and sexual victimization are highly prevalent among female sex offenders (Johansson-Love & Fremouw, 2009). It is common for female sex offenders to be abusers of drugs or alcohol and to have been victims of abuse (Vandiver & Walker, 2002). Of the 40 female perpetrators in Faller's study (1987), 55% had a substance abuse issue, 47.5% had a mental health related difficulty, and 47.5% suffered from sexual victimization during childhood (Faller, 1987). Of the 31 female sex offenders in Johansson-Love and Fremouw's study (2009), 45.2% had histories of sexual victimization, 32.2% had a history of alcohol abuse, and 41.9% had a history of drug abuse. In Strickland's (2008) study, female sex offenders had higher rates of childhood trauma and sexual abuse histories in comparison to female non-sexual offenders. High rates of childhood trauma and sexual abuse are presumed to be significant etiological factors associated with the future of sexual offending as adult women (Christopher, Lutz-Zois, & Reinhardt, 2007; Strickland, 2008). Further research should be conducted regarding histories of mental illness, substance abuse, and victimization due to their potential substantial influence on future sexual offending among adult women.

Prior criminal history and facts of the offense. A comparative study of 390 male sex offenders and 390 female sex offenders found female sex offenders to have many fewer prior arrests in comparison to male sex offenders (Freeman & Sandler, 2008). A study of 40 cases of female sex offenders found that the majority of female sex offenders had only one sex offense, which was typically their first criminal offense (Vandiver & Walker, 2002). Seventy-three percent of the sample from this study did not have a criminal history prior to their sexual offense (Vandiver & Walker, 2002). If female sex offenders have a prior criminal history, it is most commonly for non-sexual offenses (Bader, Welsh, & Scalora, 2010). Prior research has found that sexual abuse of a child is the most common sexual offense perpetrated by female offenders (Sandler & Freeman, 2009), which is similar to male sex offenders. Research suggests that there is no significant difference between male and female sex offenders in regards to the type of sexual offense committed (Kaufman, Wallace, Johnson, & Reeder, 1995). However, female sex offenders are more likely to exploit their victim(s) (Kaufman, Wallace, Johnson, & Reeder, 1995). The role women play in committing a sexual

offense influences various factors associated with their sexual offense. A comparative study conducted on 62 male and female sex offenders and 62 male and female violent offenders found female offenders to be more likely to be coerced into criminal activity by a co-offender (Johansson-Love & Fremouw, 2009). Female sex offenders who have a co-offender are more likely to commit forcible sodomy and possession of pornography (Vandiver, 2006). In addition, female sex offenders who co-offend are more likely to have female victims and co-offend with a male (Vandiver, 2006). Co-offending with a male accomplice suggests that the female perpetrator may have acted in a more passive role during the sexual offense (Vandiver & Walker, 2002).

Recidivism Rates

Over the years, knowledge about sexual recidivism by male sex offenders has greatly advanced, generating empirically validated risk factors and risk assessment tools. In contrast, knowledge about sexual recidivism by female sex offenders remains highly limited (Cortoni, Hanson, & Coache, 2010). Rates of recidivism among female sex offenders can be difficult to determine (Cortoni, Hanson, & Coache, 2010). Female sex offenders make up a very small percentage of the sex offender population and an even smaller percentage of the sex offender population that recidivates. Some research has suggested that sexual offending among women goes underreported (Cortoni, Hanson, & Coache, 2010; Sandler & Freeman, 2009). Prior research predominately utilizes reconviction rates to measure recidivism among female sex offenders (Bader, Welsh, & Scalora, 2010). However, offenses that are not reported or that do not result in conviction are not counted in the recidivism rates, which limits the population size relevant to sexual recidivism among female sex offenders (Bader, Welsh, & Scalora, 2010). Furthermore, data drawn from criminal justice or judicial populations can underestimate female sex offenders because these populations only capture officially recorded offenses (Vandiver & Walker, 2002). Small sample sizes have also limited earlier research on sexual recidivism by female sexual offenders.

All studies of sexual recidivism by female offenders revealed low rates of sexual recidivism. A study conducted by Sandler and Freeman (2009) with a large sample of 1,466 female sex offenders yielded only 32 sexual recidivists, which

represents a 2.2% rate. A meta-analysis conducted by Cortoni, Hanson, and Coache (2010) with a combined sample size of 2,416 female sex offenders had 77 sexual recidivists, a 3.2% rate. Sexual recidivism is the least prevalent of all types of recidivism (Cortoni, Hanson, & Coache, 2010; Sandler & Freeman, 2009). In the large sample studied by Sandler and Freeman (2009), 29.5% of female sexual offenders recidivated with any crime, 13.9% recidivated with a felony, and 6.3% recidivated with a violent felony.

A few studies have attempted to identify sexual recidivism risk factors for female sexual offenders; however, identified risk factors have often not been validated by other studies. Sandler and Freeman (2009) identified three risk factors associated with sexual reoffending among women: (1) prior convictions with child victims, (2) prior misdemeanor convictions, and (3) increased age of the female sex offender. Additional risk factors include sexually preoccupation, access to victims, lack of acknowledgement of the offender's risk level, and drastic changes in dysphoric moods (Hanson & Harris, 2000). In addition, sexual recidivists have been found to have long histories of diverse sexually deviant behavior, prior treatment failure, antisocial lifestyles, poor childhood experiences, and reduced intelligence (Hanson & Harris, 2000). Of those who recidivated in Sandler and Freeman's study (2009), the average age ranged between 31 and 40 years of age at the time of their sexual re-offense.

History of mental illness, substance abuse, and physical and sexual victimization are factors that influence higher rates of recidivism among female sex offenders (Christopher, Lutz-Zois, & Reinhardt, 2007; Johansson-Love & Fremouw, 2009; Strickland, 2008). A comparative study of 61 female sex offenders and 81 female non-sexual offenders found a higher risk of recidivism among adult female sex offenders who experienced a longer duration of childhood sexual abuse (Christopher, Lutz-Zois, & Reinhardt, 2007). In addition, female sex offenders were found to be ten times more likely to reoffend with a non-sexual offense rather than a sexual offense (Cortoni, Hanson, & Coache, 2010). Non-sexual criminal history was a common factor among the sexual recidivists (Bader, Welsh, & Scalora, 2010; Sandler & Freeman, 2009). In addition, non-sexual criminal history among female sex offenders is commonly non-violent (Sandler & Freeman, 2009). Female sex offenders with a prior criminal history of low-level non-sexual offending were found to be at higher risk of reoffending if

they begin their sexual offending later in life (Sandler & Freeman, 2009). Non-sexual recidivism among female sex offenders should be a primary focus of concern for evaluators of risk (Cortoni & Hanson, 2005).

Limitations of Prior Literature

Research on female sexual offenders has been extremely limited in comparison to research on male sex offenders (Christopher, Lutz-Zois, & Reinhardt, 2007). Initial research on female sexual offenders focused on differences between male and female sexual offenders. In contrast, research on male sexual offenders focused on empirical identification of risk factors for future sexual offending and the development of actuarial risk assessment tools. Currently, we do not have well-validated risk factors for female sexual offenders.

Two key limiting factors in the empirical validation of risk factors for female sexual offenders are the generally small, unrepresentative samples used in many studies sizes in that research and the low level of sexual recidivism rates among female sex offenders (Sandler & Freeman, 2009). Prior research has struggled to obtain large enough sample sizes of female sex offenders (Christopher, Lutz-Zois, & Reinhardt, 2007). In addition, research on female sex offenders is minimal because of the limitations on availability of data or due to its inaccessibility (Sandler & Freeman, 2009; Vandiver, 2006). Researchers have struggled with statistical analyses and defining standards of sexual recidivism among female sex offenders when they are such a small percentage of the sexual offender population.

Future research should use large and fully representative samples from states that have large populations, such as California and Texas (Vandiver & Walker, 2002). Large sample sizes will aid in the process of identifying key factors associated with recidivism among female sex offenders (Cortoni & Hanson, 2005; Cortoni, Hanson, & Coache, 2010). In addition, research in more racially diverse states or countries would be greatly beneficial in order to develop treatment specific to female sex offenders (Johansson-Love & Fremouw, 2009). California is a prime candidate for this type of research due to its large and diverse population. Additional research is required in order to pursue the development of a valid risk oriented treatment and risk assessment tool (Bader, Welsh, & Scalora, 2010).

There is a great need for female specific sex offender treatment (Hassett-Walker, Lateano, & Benedetto, 2014; Strickland, 2008).

The Current Study

The current study utilizes the very large and diverse population of registered female sexual offenders in California as of 2016. The study has two phases. In the first phase, we will determine the rate of sexual recidivism for female sexual offenders in California and look for patterns in sexual recidivism rates across time and across subpopulations, such as female sexual offenders receiving probation versus prison sentences. In the second phase, we will attempt to empirically identify risk factors for continued sexual offending applicable to female sexual offenders.

Method

Sample

An exhaustive sample of all female sex offender registrants in California on June 30, 2016, was used. These registrants included those there for sexual offenses in California as well as those for federal or out-of-state sexual offenses. Transgendered sexual offenders were removed from the sample because it was too difficult to determine from the records how the offender self-identified (female, male, or transgendered). In addition, it was believed that this would provide greater clarity in understanding sexual recidivism of female sexual offenders. The resulting sample of 1,699 included female sexual offenders sentenced to probation (*n*=717) and to prison (*n*=982) and then later paroled. The racial/ethnicity representation within the sample was African American/Black 14.1%, Asian 1.8%, Hispanic/Latina 22.2%, Native American 0.8%, Pacific Islander 1.1%, White 59.0%, Unknown 1.0%.

Procedures

A list of all female sexual offenders registered in California was pulled on June 30, 2016. After making the adjustments described in the previous section, data were collected from California, federal, and out-of-state criminal history records, as well as from the California Sex Offender Registry. Supplemental data were collected from reports gathered from police departments, sheriff's departments, district attorney's offices, probation departments, California

Department of Corrections and Rehabilitation (CDCR), California and out-of-state courts, and out-of-state sex offender registries.

For the purposes of this study, the index sexual offense was defined as the first sexual offense of sufficient severity to place the offender on the registry. Sexual recidivism was defined as any formal charge or conviction for a sexual offense that occurred *after* arrest for the index sexual offense. Sexual recidivism was subdivided into new contact sexual offenses, such as "lewd or lascivious acts with a child under 14" (Penal Code § 288(a), and non-contact sexual offenses, such as "indecent exposure" (Penal Code § 314).

Though not the specific focus of this study, data on non-sexual recidivism were also collected. Non-sexual recidivism was subdivided into new non-sexual, violent offenses, such as "robbery" (Penal Code § 211), and new non-sexual, non-violent offenses, such as "petty theft" (Penal Code § 484).

Results

Results of the recidivism analyses are presented in Table 1. As indicated there, 883 women (51.97% of the total sample) had no recidivating offenses of any kind. Focusing on sexual recidivism, a total of 77 women (4.53% of the total sample) across the two subsamples recidivated with one or more sexual offenses. The ratio of women sexually recidivating with at least one contact offense (52) versus non-contact only offenses (25) was about 2:1 for the total sample. For the prison/parole subsample, the ratio of contact (15) to non-contact only (3) sexual recidivists was 5:1, and the ratio was about 1.7:1 for the probation sample (37 contact offense sexual recidivists versus 22 non-contact only sexual recidivists). Although the ratio of contact to non-contact sexual recidivists was lower for the probation subsample, the overall rate of sexual recidivism was more than twice as high in the probation subsample (6.01%) as for the prison/parole subsample (2.51%). This is at least in part due to the greater time at risk in the community and, perhaps, to the lesser sanctions. Also of note, the vast majority of female sexual recidivists (90%) also had non-sexual recidivating offenses and female sexual offenders were vastly more likely to have a non-sexual recidivating offense (nearly 50%) than a sexual one (less than 5%).

There also was a distinct pattern in sexual recidivism rates across time, as indicated in Figure 1. Base rates of sexual recidivism for female sexual offenders in California have declined with each decade, ranging from a high of about 10.1% for those convicted for their index sexual offense before 1980 to a low of about 2.1% for women convicted of their index sexual offense between 2010 and 2016. Given that our sample included women receiving probation or prison sentences for their index sexual offenses, the 2.1% rate for the most recent cohort of women may be attenuated by more limited time at risk for a new sexual offense. However, the rate of about 3.6% for women convicted of their index sexual offense between 2000 and 2009 would be far less affected in that way. This decline in base rates of sexual recidivism for women over the last thirty years is consistent with similar declines in sexual recidivism base rates observed for male offenders.

Discussion

The present study used an exhaustive sample 1,699 women convicted of a sexual offense between 1950 and 2016 that was of sufficient severity to warrant sex offender registration. This is one of the largest and most diverse samples used to examine female sexual offenders. Phase one of this research was to determine sexual recidivism rates in California for female sexual offenders. As described earlier, 77 of the 1,699 female sexual offenders in the sample were charged with a new sexual offense occurring after arrest for the index sexual offense, for an overall sexual recidivism rate of 4.53%. In addition, the data indicated that sexual recidivism rates were substantially higher for older cohorts and substantially lower for more recent cohorts. Whereas women with index sexual offenses before 1980 sexually recidivated at a 10.1% rate and those with index sexual offenses between 1980 and 1989 sexually recidivated at a 7.9% rate, women with index sexual offenses between 2000 and 2009 sexually recidivated at a 3.6% rate and those with an index sexual offense between 2010 and 2016 sexually recidivated at a 2.1% rate. Although the 2.1% rate may be an underestimate given the limited time at risk for the women in the most recent cohort, the 3.6% rate for the 2000 to 2009 cohort is a very solid estimate of current rates of sexual recidivism for female sexual offenders in California, and it is very similar to the rates reported in the large-scale study by Cortoni, Hanson, and Coache (2010). This decline also mirrors the well-documented decline in sexual recidivism base

rates for male sexual offenders, though the comparable values at each point are substantially higher for men compared to women.

Phase two of this project will examine the data to determine if there are any risk factors that elevate sexual recidivism rates for women in our sample or protective factors that lower the rate of sexual recidivism for women in our sample. These analyses will require a major restructuring of our data set and the collection of additional data. Given the general failure for risk and/or protective factors to *consistently* emerge in research published to date, we have little reason to expect that our results will be different or substantial. In fact, given how low contemporary sexual recidivism rates are for female sexual offenders, any emergent risk and/or protective factors from our research would more likely help identify a group of female sexual offenders with an extraordinarily low likelihood of sexual recidivism rather than a group with a high likelihood of sexual recidivism. Until such time that a risk assessment tool for women is successfully developed and validated, which we believe is unlikely, we recommend that all female sexual offenders in California be considered low risk unless there is prima facie, compelling evidence to the contrary. Examples of such evidence would include statements of intent to reoffend, an established persistent pattern of offending despite multiple detections and sanctions (three or four offenses with intervening sanctions at least), and severe mental illness that dramatically reduces self-regulations skills and the ability to inhibit acting on deviant sexual urges.
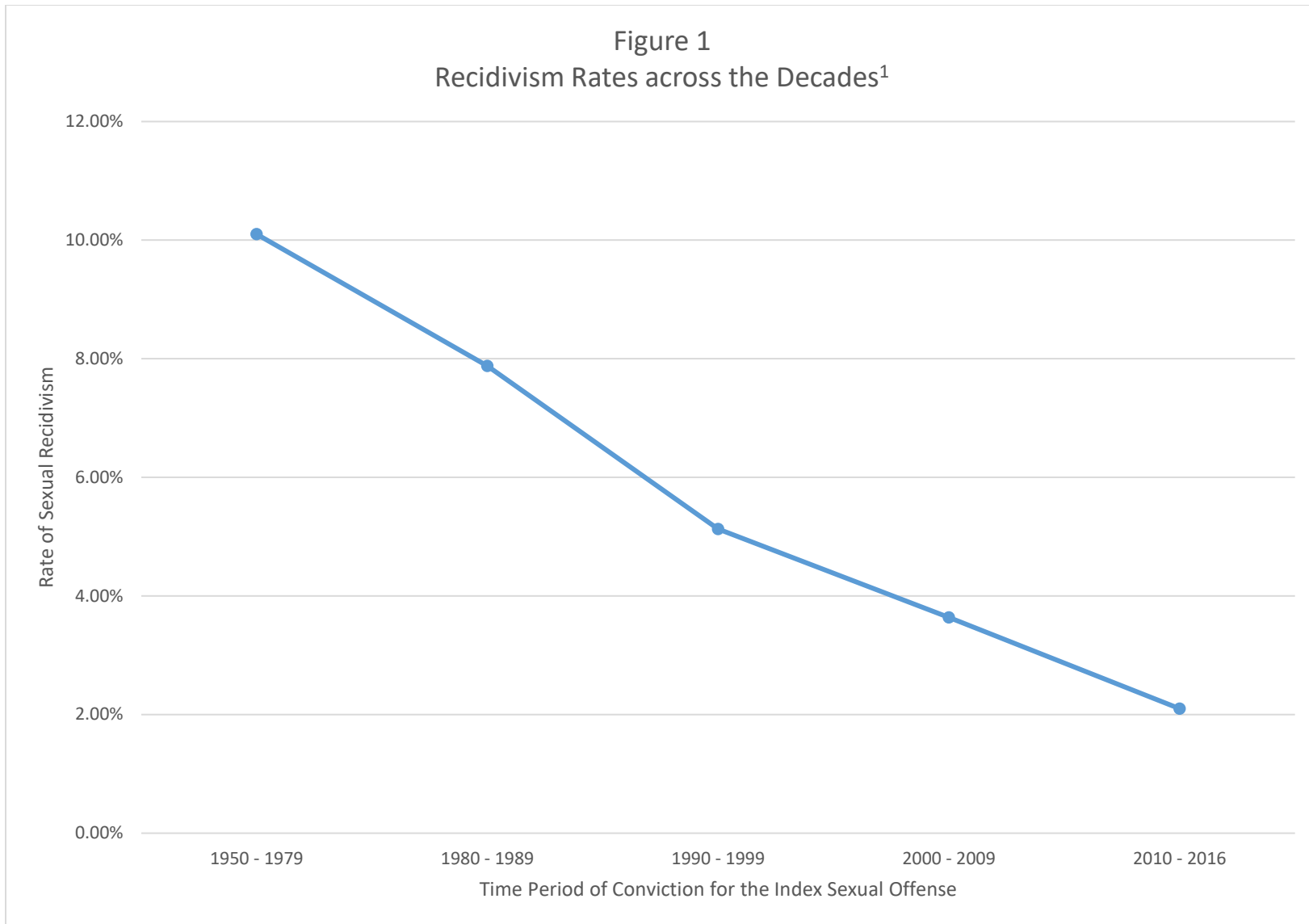
Table 1

Sexual and Non-Sexual Recidivism Rates

Type of Recidivism	Prison/Parole (n = 717)		Probation (n = 982)		Total Sample (N = 1,699)	
	n	%	n	%	N	%
No Recidivism of Any Kind	386	53.84%	497	50.61%	883	51.97%
Total Sexual Recidivism[1]	18	2.51%	59	6.01%	77	4.53%
Contact	15	2.09%	37	3.77%	52	3.06%
Non-Contact	3	0.42%	25	2.55%	28	1.65%
Total Non-Sexual Recidivism[2]	332	46.30%	492	50.10%	824	48.50%
Violent	8	1.12%	20	2.04%	28	1.65%
Non-Violent	324	45.19%	472	48.07%	796	46.85%

[1]Three women from the probation subsample sexually recidivated with both contact and non-contact sexual offenses. That is the reason that the total sexual recidivists is 59 instead of 62.

[2]Duplicates across non-sexual recidivism subcategories were not removed in the calculation of totals.

Figure 1
Recidivism Rates across the Decades[1]

[1]Due to their relatively small number, women convicted of their index sexual offense between 1950 and 1979 were combined into the first subgroup of female sexual offenders for this figure

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