

## RESEARCH ARTICLE OPEN ACCESS

# Bias in Sentencing Men for Sexual Offenses Against Minors: Male Victims Bring More Punitive Sentences Than Female Victims

Shawn M. Rolfe<sup>1,2</sup>  | Bruce Rind<sup>3</sup> | Thomas K. Hubbard<sup>1</sup>

<sup>1</sup>William A. Percy Foundation for Social and Historical Studies, Chico, California, USA | <sup>2</sup>Boston University - School of Medicine, Massachusetts, USA | <sup>3</sup>Independent Researcher, Leipzig, Germany

**Correspondence:** Shawn M. Rolfe ([rolfe@wapercyfoundation.org](mailto:rolfe@wapercyfoundation.org))

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## ABSTRACT

Prior theoretical and empirical research examining the influence of sex on sentencing has been primarily concerned with the sex of the offender, as opposed to the victim. The present study drew on a convenience sample of males ( $n = 1190$ ) in state and federal correctional facilities across the country, examining minimum sentences in relation to crime type. The analysis focused on individuals convicted of contact or enticement sexual offenses against minors ( $n = 380$ ), finding that adult male offenders were sentenced to longer sentences when involved with male versus female victims. When victims were aged 14–17, male victims yielded a median minimum sentence of 30 years, twice that for female victims (15 years). For younger age groups, the difference narrowed. These findings suggest that prejudicial sentencing is not limited to race/ethnicity but also includes sexual orientation. Future research should continue to examine victim sex in sex offense punishment. Policy implications are discussed.

## 1 | Introduction

The extant research on sentencing decisions has primarily focused on all offenders rather than specific types of offenders. Research has been particularly scant on the sentencing decisions for those convicted of sexual offenses other than that they tend to receive lengthy terms of incarceration (Budd and Desmond 2014; Cohen and Jeglic 2007; Greenfeld 1997). Beginning in the 1980s and since, people committing crimes of a sexual nature have been viewed harshly by the public and the criminal justice system (Gruber 2023; Jenkins 2004, 2006). Unlike other offenders, those convicted of a sex crime often face further formal criminal justice sanctions long after their release from custody and/or probation, such as the sex offender registry, community notification, residency restrictions, and other management schemes. Because of the highly negative view surrounding this specific

population of offenders and the potential for prejudicial effects (Gruber 2023; Stuppel 2014), it is essential to understand judicial sentencing decisions in this area more clearly. Prior research on sentencing individuals convicted of sexual offending has primarily focused on the offender's sex, age, and race. The current study broadens the scope by examining the victim's age and sex in sexual offenses against minors by adult males: this constitutes a key extralegal factor in sentencing decisions.

## 2 | Literature Review

### 2.1 | Theoretical Perspective of Focal Concern

Over the past few decades, various theories on sentencing practices within our criminal justice system suggest that fully

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informed sentencing decisions by judges rarely occur (Albonetti 1991; Kramer and Ulmer 2009). In most cases, shortcuts or “patterned responses” are used by judges as bases for their sentencing decisions (Albonetti 1991, 17). Most notably, the offenders’ attributes should appear susceptible to rehabilitation and not pose a risk to public safety. For example, Albonetti (1991, 257) argued that a “stable and enduring offender disposition to commit future criminal activity” would unmistakably be considered by judges for sentencing purposes. In addition to perceived recidivism risk and rehabilitation potential, judges may impose lengthier sentences based on the offenders’ race and gender stereotypes (Steffensmeier and Demuth 2000, 2006).

Albonetti (1986), (1987), (1991) argued that focal concern among practitioners’ decisions was based on a “bounded reality” to reduce “uncertainty” and obtain guilty pleas or verdicts when cases had little to no physical evidence. Steffensmeier et al. (1998) further developed focal concern theory regarding judges’ sentencing decisions by incorporating additional offender and jurisdictional characteristics. Based on their research, a judge’s decision-making process fits within three primary concepts: (a) culpability and offender blameworthiness, (b) the perceived dangerousness of the offender and protection of the community, and (c) practical and resource constraints faced by decision-makers in the justice system (see Lapsey et al. 2023). Moreover, judges rely on a “perceptual shorthand” to evaluate “who is dangerous and who is not” (Steffensmeier et al. 1998, 767) because of limited time, resources, and knowledge about the offender’s prior moral or criminal history and their likelihood to re-offend in the future. Offender characteristics, such as race, age, and sex, are used within the perceptual shorthand by judges to deliver quick sentencing decisions. Other criminal justice actors, such as law enforcement, use perceptual shorthand to ensure essential factors relevant to prosecutors’ charging decisions are covered. In contrast, the prosecutor uses this method to secure a guilty plea or verdict at trial. These are a few examples of how commonplace perceptual shorthand is used throughout our criminal justice system.

Several studies have supported sentencing outcomes through the lens of the focal concerns framework. Judicial assessment has primarily been driven by blameworthiness and “overall” community threat as components of legal factors (Doerner and Demuth 2010; Kramer and Ulmer 2009; Steffensmeier and Demuth 2006). Other studies have found that stereotypes also influence sentencing decisions. For example, drug-related charges and longer sentencing practices disproportionately affected black men amid the crack cocaine epidemic of the 1990s (Curry and Corral-Camacho 2008; P. Kautt and Spohn 2002). Another similar stereotype pertains to Hispanic men as drug traffickers with a variety of violent offending behaviors (Steffensmeier and Demuth 2000). Though prior research supports the focal concern perspective in influencing sentencing outcomes, research on those who commit sexual offenses is incomplete. However, we do know that our criminal justice system and the public do not see such offenders in the same light as non-sexual offenders but rather as a separate group that must be severely punished and monitored for the rest of their lives (Gruber 2023; Stuppel 2014).

## 2.2 | Sentencing People Convicted of a Sexual Offense—A Special Population

Over the past 40 years, a plethora of laws have been passed across the United States to increase sentencing, as well as to monitor the whereabouts of people convicted of sex crimes. Such laws have taken effect at a rapid pace since the 1990s due to the national attention to sensationalistic cases involving a small number of children (e.g., Jacob Wetterling, Megan Kanka) killed by individuals previously convicted of crimes of a sexual nature (Sample and Bray 2003). The premise for sex offender laws came to be the perceived threat of “sexually violent predators” as a homogenous group (Simon 1996). A common myth about sexual offending behavior involves older men with prior sex offense convictions engaging with underage females unknown to them (e.g., stranger danger) (Craun and Theriot 2009; Levenson et al. 2007; Shelby and Hatch 2014). A study by Sample and Bray (2003, 62) stated that “these stories help create an image of the sex offender as a compulsive recidivist who continues to present a danger to society despite any efforts at rehabilitation or reform.” The myths and misconceptions (Socia and Harris 2016) tied to those who sexually offend are further exacerbated by the media (Galeste et al. 2012; Jenkins 2004), which, in turn, perpetuate public demand for a punitive response (Pickett et al. 2013).

Since the 1980s, there has been a heightened relationship between fear and punishment entrenched in the public’s mindset against people who commit sex crimes. Therefore, we cannot expect judges to be unaffected by the pressures to sentence such individuals within their communities. Research has found that judges in Texas, California, and the Midwest share the same views as the public regarding individuals who commit sexual offenses. Moreover, judges have acknowledged that such individuals are among their more complicated cases and are some of the worst types of criminals to come before them (Nhan et al. 2012; Bumby and Maddox 1999). This widely held belief has led some judges to find other unconventional means (e.g., treatment) to increase punishment beyond the standard sentencing guidelines for individuals convicted of sexual offenses. It appears that geographical locations also play a role in sentencing outcomes. According to Ulmer (2012, 14), “substantial evidence exists that what kind of sentence one gets, and the factors that predict why one gets it, in significant part depends on where one is sentenced.” Prior research has indicated that court communities influence sentencing outcomes (Johnson 2006; P. M. Kautt 2002; Kramer and Ulmer 2009; Ulmer 1997; Ulmer and Johnson 2004). Court actors develop working relationships due to their shared workplace, like most people working in a non-judicial environment (Eisenstein et al. 1988; Eisenstein and Jacob 1977). As a result of court communities, research has found that courts develop their standard procedures for processing cases, including sentencing norms. Thus, the severity of sentencing, or lack thereof, varies across courts around the country (P. M. Kautt 2002).

It is no secret that the label “sex offender” produces a considerable degree of prejudice against this population from most socioeconomic backgrounds within the United States. However, most people’s ideology is filled with misconceptions about sexual offenses and those who commit such acts (Gruber 2023;

Quinn et al. 2004; Stupple 2014). These misconceptions are further flamed by the media and legislators who create management schemes for those convicted of sexual offenses. Therefore, it should come as no surprise that misconceptions about such individuals have infiltrated the varying tenets of our criminal justice system, from law enforcement to our courts. Case in point: In 2002, the U.S. Supreme Court ruled (*McKune v. Lile*) that the public sex offender registry was constitutional and not punitive. In support of this ruling, Justice Kennedy wrote that sex offenders had a frightening and high risk of recidivism... estimated to be as high as 80% (Ellman and Ellman 2015). The origins of this claim did not come from a peer-reviewed study but rather from a non-peer-reviewed article published in *Psychology Today* in 1986. The article was geared toward specific treatment for sex offenders and was never meant to homogenize this offending behavior (Freeman-Longo and Wall 1986). Since then, numerous studies have established the recidivism rate for all sexual offending behaviors to be around 7% or less, which is lower than all other types of offenses except homicide (see Jonas and Scher 2019, for a review).

Overall, the extant research has shown that the public's mindset is consistent with that of judges regarding the myths, misperceptions, and punitiveness toward those within our society convicted of a sexual offense. The only difference between judges and the communities they serve is that judges make sentencing decisions. Moreover, while judges are supposed to be impartial, the punitive attitude toward this specific population cannot be ignored. As a result, external factors would be expected to influence judicial decisions throughout this sentencing decision-making process.

### 2.3 | Impact of Extralegal Factors on Sentencing Decisions

When sentencing offenders, judges are expected to consider legal factors such as prior record, severity of the offense, and aggravating and mitigating circumstances. One of the tenets of sentencing is to ensure equitable fairness, which could be possible if judges solely relied on legal factors. However, judges often rely on extralegal factors that should be considered irrelevant in their sentencing decisions (Spears and Spohn 1997). Prior research has isolated several different extralegal factors that impact judicial decisions. The most common ones are defendant characteristics such as age, race, and sex (Albonetti, 1991; Freiburger 2010; Freiburger and Hilinski 2013; Steffenmeier et al. 1993, 1998). Victim characteristics (e.g., victim-offender relationship, the victim's sex, age, race, and negative victim characteristics) have also been examined to determine whether they affect the judges' sentencing decisions (Curry et al. 2004; Franklin and Fearn 2008; Kingsnorth et al. 1998; Maxwell et al. 2003; Miethe 1987; Simon 1996; Spohn and Spears 1996). Thus, the scales of justice are most likely to tip toward certain types of offenders receiving lengthier sentences.

Prior research has examined whether there are sex biases in sentencing for sexual offending behavior. The findings suggest that men are sentenced more punitively than women under certain conditions. For example, Sandler and Freeman (2011)

found that, based on over 20 years (1986–2005) of arrest and sentencing data for sex crimes in New York, males were more likely to be sent to prison than women. Another example is a study by Embry and Lyons Jr (2012) examining the National Corrections Reporting Program sentencing data between 1994 and 2004. They found that longer sentences were given to men than to women for most categories of sexual offenses, especially those against minors (Hassett-Walker et al. 2014).

In 2018, Rydberg et al. (2018) examined the severity of sentencing outcomes between violent offenders and those convicted of a sexual offense in Pennsylvania. They found that the most punitive sentences were given to recidivist offenders who were older white men and sexually offended a minor under the age of 13. More recently, Shields and Cochran (2020) matched similar sex offense crimes between male and female offenders and found that females were given more lenient sentences despite having, at times, more serious sexual offenses. Their analysis concluded that judges' decision-making processes were predicated on irrelevant extralegal factors, assuming that sentencing should be fair across the board regardless of the offender's sex. However, male offenders are likelier to have a prior criminal record.

An extralegal factor that researchers have under-evaluated is the sex and age of the victim for male sexual offenders. Prior research has established that same-sex behavior is not rare among adolescents (McCabe et al. 2011). Some states have treated same-sex behavior more punitively than others, including in Romeo-Juliet laws that apply only to heterosexual acts (Higdon 2008): this is still the case in the Texas Penal Code (Sec. 21.11[b]), and until 2020 was true even in progressive California (Wilson 2020). Chaffin et al. (2016) found that while rare, same-sex statutory rape had higher odds of arrest and prosecution, even in victim-offender romantic relationships. A report commissioned by three non-government organizations (Majd et al. 2016), based on interviews with juvenile justice professionals, confirmed that LGBT teens were far more likely to be charged than teens involved in heterosexual acts and were more likely after conviction to be referred to sex offender treatment programs or even reparative therapy (see Meidinger 2012 for the prejudicial role of prosecutorial discretion in these cases).

Moreover, even after completing their sentences, adult males with a sex crime conviction with a male victim are classified as more likely to recidivate (and thus more likely to be referred to civil commitment) by risk-assessment measures like Static-99 and its successors, albeit without strong empirical evidence for this factor in isolation.<sup>1</sup> A study of men considered for civil commitment in six states ( $N = 1363$ ) found that 37.2% had a male victim (Jumper et al. 2012). A study of 260 "mentally disordered sex offenders" treated at Atascadero State Hospital in California in the early 1970s showed that those with a male victim were far less likely to receive a positive recommendation for release into the community than those with a female victim (49% vs. 78%), even though the victims of the latter were on average younger and the rate of sexual re-offense was higher (Sturgeon and Taylor 1980). A qualitative study of the files for men convicted of child sex offenses with three or more victims found that those with only male victims were more likely to be

classified as “Sexually Dangerous Predators” by the Massachusetts Treatment Center, even though their total victims per capita were fewer; the study found that the rhetoric of police reports, court transcripts, and clinician assessments minimized harm done to female victims, who were often blamed for their abuse, a while amplifying psychological and physical injury to male victims (Bennett et al. 2024).

These findings suggest that homosexual offending behavior is treated differently in the eyes of criminal justice when it comes to arrest, prosecution, sentencing decisions, and consideration for release by treatment providers, as well as a criminal statute in some states. For example, an 18-year-old in Kansas was sentenced to 20 years in prison because he had oral sex with a 14-year-old male, but the sentence would have been probation if it were a 14-year-old female (Shvartsman 2004). A mock jury study found jurors more likely to recommend sex offender registration in a hypothetical scenario where a 16-year-old boy received oral sex from a 14-year-old boy than from a 14-year-old girl (Salerno et al. 2014). Having two different tiers of sentencing based on the sex of the victim, rather than sentencing all defendants equally under the law regardless of their victim's sex, is prejudicial against the offender due to their sexual attraction or preference.

It may be the case that police, prosecutors, judges, and juries are influenced, however consciously or unconsciously, by popular perceptions of gay men as more predatory, promiscuous, sexually compulsive, and likely to spread HIV (Brown and Gros-cup 2009; Pinsof and Haselton 2017). Given the strong influence of generic stereotypes on jurors' prejudice going into child sex abuse cases (Livingston et al. 2024), they may infer or intuit that a gay or bi-sexual defendant is more likely than a heterosexual defendant to have multiple undetected victims. However, Bennett et al. (2024) found that offenders against only boys had fewer unreported victims.

The common assumption that young men become gay as a result of “recruitment” by gay adults is frequently asserted even by college-educated Americans (Sheldon et al. 2007) and continues to be promoted in conservative religious media (e.g., Cramer 2015; Nicolosi 2016; Sodergren 2005), citing the numerous studies showing that gay men were more likely to have had pre-adult same-sex experiences with older partners than heterosexuals. However, the academic studies cited by these polemical sources are careful not to infer causation. As some of them have pointed out, youth who are already gay or gender-nonconforming may be more likely to attract attention and be targeted (Sweet and Welles 2012; Xu and Zheng 2017). Other researchers have noted that they also tend to be more prone to seek sexual experimentation with partners outside their peer group, including in online adult websites, where they may make contact(s) with men (Macapagal et al. 2018; Ybarra and Mitchell 2016). Continuing this theme, a recent review and empirical study of early sexual experiences of gay men documented the frequency with which men from this population have shown complicity or agency as adolescents in establishing sexual contacts with men, as opposed to simply being targets (Rind 2024). Aside from this, same-sex-oriented males are also more likely to take risks more generally when young, as evidenced by their earlier and more frequent experimentation with

drug use (Corliss et al. 2010; Marshal et al. 2008; Newcomb et al. 2014). In other words, the recruitment explanation for the cause of same-sex sexual orientation is empirically unsupported, indicating that its assumption in the legal sphere is prejudicial.

A second common myth about male victims of homosexual child sexual abuse (CSA) is that they are put at increased risk of committing sexual offense(s) themselves. While some scholarship based on small retrospective clinical samples led to the introduction of the “abused to abuser” theory in the 1980s (Araji and Finkelhor 1985), the most thorough population-based study of over 38,000 individuals in the same birth cohort found little support for this etiology: only 3% of sexually abused boys went on to engage in sexual offending behaviors, and only 4% of those convicted of a sexual offense had a confirmed history of sexual abuse (Leach et al. 2016). Nevertheless, public opinion perceives this mechanism as the most common cause of CSA (Fontes et al. 2001; Furnham and Haraldsen 1998; O’Neil and Morgan 2010; Richards 2018). A qualitative study of 43 prosecuting attorneys who handle CSA cases shows this belief to be a persistent and frequently cited concern they express (Small 2019). Like gayness, CSA is assumed to be contagious, a behavior transmitted by abusive adults and best studied through the prism of “epidemiology” (Finkelhor 1994). Emotional rhetoric of disease, contamination, and pollution has been shown to dominate policymaking debates around sex offenses (Lynch 2002), which has no doubt influenced court actors.

To the best of our knowledge, the only study that has reviewed sentencing disparities in sex offense cases related to sexual orientation was a 2022 report by the Williams Institute at UCLA (Meyer et al. 2022), based on a self-administered online survey filled out by 964 non-incarcerated individuals on public sex offender registries, of whom 192 self-identified as “LGBTQ.” Although this sample was skewed toward those who had completed shorter sentences, it showed a bias toward less leniency for those identifying as LGBTQ. The study did not calculate mean or median sentences but did find that 5.1% of the LGBTQ respondents who had formerly been incarcerated had served more than 25 years (compared to only 1.6% of the straight, cisgender respondents), and 16.4% of the LGBTQ respondents served no time compared to 25.1% of the straight, cisgender respondents. These published results probably understate the discriminatory impact for several reasons: (1) they aggregate together with contact/enticement offenders those convicted of child pornography and other offenses leading to registration, even though there may be little difference in sentencing for child pornography offenders based on the gender of their victims, who are usually of both genders. (2) They fail to distinguish between gay male offenders with male victims and bi-sexual, trans, or queer (BTQ) offenders whose victims may have been female, not to mention lesbian offenders. (3) They categorize offenders merely based on subjective self-labeling (usually unknown to the sentencing court) rather than objective victim gender (which is always known to the court and the basis for any systemic discrimination that may exist). (4) The reliance on LGBTQ as the key variable misses the many male-oriented pedohebephiles who have no same-sex adult attractions and do not identify as “gay” or anything else in the LGBTQ spectrum but specifically as “BLs” (boy lovers). At our request, the Williams Institute performed a cross-tabulation of their data



to focus specifically on the 434 cisgender male registrants with an identifiable victim: of these, 28.8% had a male victim, but those with a male victim constituted 41.7% of those who had served at least 10 years in prison. Furthermore, in this sample, less than two-thirds (65.6%) of those with male victims received sentences of less than 10 years, whereas more than four-fifths (80.6%) of those with no male victims did. A chi-square test of independence showed that victim sex was significantly correlated with incarceration of at least 10 years:  $\chi^2(1) = 11.04$ ,  $p < 0.001$ . The odds of a registrant with a male victim serving a longer sentence were more than double those of a registrant with no male victims ( $OR = 2.18$ ).

## 2.4 | The Current Study

Unlike the Williams Institute study, a sample of currently incarcerated offenders will capture those with the longest sentences (where disparities are most likely to appear). Our study calculates median sentences among different sub-groups and utilizes logistic regression analysis to isolate other significant factors that may influence sentencing decisions. It distinguishes between child pornography offenders and those convicted for contact or enticement of a specific minor victim whose age and gender are clearly known. Rather than relying on offenders' self-professed sexual identity, it assesses sentences based on objective factors presented to the sentencing court. We, therefore, believe that it can yield more specific and statistically compelling evidence of any discriminatory patterns in sentencing.

Based on the literature cited above, we will test the following hypotheses: (1) male contact or enticement offenders with a male victim will receive longer prison sentences than offenders whose victims are female; (2) this disparity will be especially stark in the case of adolescent victims, given that adolescence is seen as a critical period of sexual identity formation and because of the persistent myth of "gay recruitment" of teenage boys; (3) greater punishment for offenders with male victims will be characteristic of no other category of person crime than sexual offenses.

## 3 | Method

### 3.1 | Sample

This study used self-reported data from men incarcerated in either state or federal prisons across the United States who participated in the Insiders' Bookstore Project (IBP) run by a non-profit organization (William A. Percy Foundation for Social and Historical Studies). The IBP receives hundreds of books annually from academics and the public to be repurposed for those requesting them for free from its catalog. The IBP was initially advertised in two newsletters that targeted men serving time for sex offenses, hence the strong representation of men convicted of a sex crime in our sample. However, as word spread to other inmates with non-sexual offenses about free books, the sample pool expanded to include all inmates regardless of their criminal offense. The IBP only sends out catalogs once a year to state and federal correctional facilities. Therefore, its target

population is disproportionately long-term offenders who are literate and usually older, which is not representative of the general prison population. The IBP is unique among prison book programs because it also offers a large selection of gay fiction and non-fiction books, which assisted in finding participants who identified as gay, bisexual, or transgender.<sup>2</sup>

### 3.2 | Procedure

In 2015, the Percy Foundation's Institutional Review Board approved this research study. The survey was mailed to male inmates who had previously requested free books or enrolled in the IBP between July 2015 and September 2022. A cover letter with the 118-question survey was sent. The letter informed potential respondents that their eligibility in the book program was not contingent on their participation in the research project. However, participation would prioritize receiving future catalogs and book orders when available. Of the 1524 participants who received the paper survey, 1251 (82%) returned them. The survey was sent once to inmates, and no follow-up correspondence was requested to return the survey to the research team. Confidentiality was assured by instructing participants to return only the completed answer form. Once received, answer forms were assigned a coded number to provide anonymity. About three out of 10 respondents were incarcerated in federal prisons (31.5%), and nearly four out of 10 respondents (37%) were incarcerated in Texas. Other states included in the sample had 6% or less representation within the sample: Pennsylvania (5.5%), Arizona (5%), California (3.7%), New York (3.6%), Florida (3.2%), Idaho (2.5%), and Indiana (2.4%). The focus of analysis in this study was on respondents convicted of sex offenses involving minors, although several other analyses considered the whole final sample for comparative purposes.

### 3.3 | Dependent Variable

The dependent variable in this study was the minimum sentence imposed. Some analyses employed the full range of values, while other analyses were based on dichotomizing minimum sentences into what we designated as "less punitive" ( $\leq 20$  years) and "more punitive" ( $> 20$  years) sentences. We arrived at this dichotomy based on sentencing practices in other advanced countries as well as prior research on the effectiveness of punishment and justice. Unlike the U.S., other countries (e.g., Germany and Norway) cap their sentences at 20 years, holding that sentences beyond this amount are not criminologically beneficial (e.g., capping at 20 years does not compromise public safety; see Komar et al. 2023). However, the length of prison sentences in the U.S. can go to life and often exceeds 20 years [20% in state prisons (Komar et al. 2023) and 16% in federal prisons (Federal Bureau of Prisons 2025)], a practice that has been criticized as punitive rather than deterrent, given its lack of consideration for offenders *aging out* of criminogenic behaviors; as well, this practice is criticized as diverting resources from rehabilitation and reentry efforts (Mauer 2018; Petrich et al. 2021).

The sample size was 1251; however, 76 cases were missing sentencing data, so the final working sample consisted of 1175

cases. Offenders were asked for which of the nine crimes listed they were currently serving time (see below and in Table 1 for the breakdown of the number of cases for each crime and the average minimum sentencing).

### 3.4 | Independent Variables

*Victim's Age.* Respondents were asked, "What was the approximate age of your youngest victim?" For analyses involving sexual offenses against minors, age was divided into three categories (< 11; 11–13; and 14–17). *Victim's Sex.* Respondents were asked, "What was the sex of your victim?" The responses were coded as 0 = female, 1 = male, or 2 = both. The analysis excluded offenders who victimized "both" sexes to obtain a clearer understanding of any sex differences in effects on sentencing. *Number of Victims.* Respondents were asked, "If your offense involved individual victims, how many were there?" This variable was dichotomized (1 = one victim; 2 = two or more victims). *Offender's Age at Time of Offense.* Respondents were asked, "What was your age at the time of the offense?" For specific analyses, this continuous variable was trichotomized (< 18; 18–25; and 26 or older). *Difference Between Offender's and Victim's Age.* The offender-victim age difference was calculated by subtracting the youngest victim's age from the offender's age at the time of their offense. The variable was trichotomized (< 10 years; 10–19 years; and 20 years or more). *Prior Conviction (s).* Respondents were asked, "Did you have any prior convictions before being arrested for the present offense?" The responses were coded as: 0 = none; 1 = only for minor or non-violent offenses; 2 = one violent felony; 3 = more than one violent felony; 4 = at least one sexual offense. The variable was recoded to 0 = none, 1 = non-sexual offense, and 2 = prior sexual offense for analyses and was treated as a nominal variable. *Legal Representation.* Respondents were asked, "What kind of legal representation did you have?" The responses were coded as: 1 = public defender; 2 = private attorney; 3 = represented yourself. No prisoners represented themselves, so the analyses treated this variable as a dichotomous nominal variable. *Case*

*Disposition.* Respondents were asked, "How was your case disposed of?" The responses were coded as: 1 = plea bargain; 2 = jury trial; 3 = bench trial. The variable was recoded to 1 = plea bargain and 2 = trial (jury or bench trial), treated as a dichotomous nominal variable.

### 3.5 | Control Variables

A series of control variables was included. Prisoners' *race* was coded as: 1 = White; 2 = Black; 3 = Hispanic; 4 = Asian; 5 = Native American; 6 = mixed. Their *highest educational level* was dichotomized as: high school diploma or less versus college (some or completed). Their *employment* was dichotomized as: unemployed or blue collar versus sales or professional. Those who identified as unemployed were included with blue-collar workers due to a small number of respondents who identified as such. *Marital status* was coded as: 1 = never married; 2 = married; 3 = previously married. The number of *children* they had was recorded. Finally, based on the seven-point Kinsey scale measuring sexual attractions (from 0 = female only to 6 = male only), prisoners' responses were coded as: 0–2 = heterosexual, 3 = bisexual, and 4–6 = homosexual.

### 3.6 | Data Analysis

Medians were used as the measure of central tendency in the analysis of sentencing lengthiness because extreme sentences, including life terms, would skew the means. When medians were compared across three or more levels, Kruskal-Wallis tests were employed to examine differences. When statistically significant, these were followed by Dunn post hoc tests, adjusting via the Benjamini-Hochberg FDR method. When comparing medians between two independent groups, Mann-Whitney tests were employed. Other analyses employed the chi-square test for independence. When chi-squares were significant in multi-group analyses, post hoc pair-wise contrasts were performed based on Bonferroni-adjusted z-tests. When data in multi-group analyses were scored rather than nominal, between-subjects analyses of variance (ANOVA) were performed to detect differences. Finally, we chose backward-stepwise logistic regression as our method to obtain an efficient (i.e.,  $p < 0.05$ ) set of predictors of sentencing punitiveness (less vs. more; i.e.,  $\leq 20$  vs.  $> 20$  years). In reporting results for this reduced model, we also present results for the full model of all original predictors, which indicated which predictors were promising in terms of significance ( $p$ -values) and effect size (odds ratios).<sup>3</sup>

## 4 | Results

### 4.1 | All Offenses

Table 1 shows the nine crimes in the present study, ranked in order of severity of minimum sentence, measured via medians (in years) for which the respondents were currently serving time. Homicide was the most severely sentenced, followed by rape of an adult (women in all cases but one) and sexual contact with a minor (i.e., under 18), with the latter two crimes not

**TABLE 1** | Nine crimes in prison sample, ranked by median minimum sentence (in years).

Crime	<i>n</i>	%	Mdn
Homicide	165	13.2	90.0 <sub>a</sub>
Rape of an adult	44	3.5	40.0 <sub>b</sub>
Sexual contact with a minor	318	25.4	30.0 <sub>b</sub>
Other violent crime	169	13.5	20.0 <sub>ce</sub>
Drugs or DUI	43	3.4	20.0 <sub>cd</sub>
Property crime	56	4.5	17.0 <sub>de</sub>
Sexual enticement of a minor	62	5.0	15.5 <sub>cd</sub>
Child pornography	288	23.0	15.0 <sub>d</sub>
Other non-violent crime	30	2.4	11.0 <sub>d</sub>

Note: Sample consisted of  $N = 1251$  cases, with  $n = 76$  missing sentencing data. For sexual contact, child pornography, and rape of an adult, due to missing data, medians were computed based on  $n$ 's of 314, 286, and 43, respectively. In a Kruskal-Wallis test, the medians differed significantly,  $H = 247.97$ ,  $df = 8$ ,  $p < 0.0001$ . In post hoc tests, medians without a common subscript were significantly different.

differing from each other significantly. The remaining six crimes were all significantly less severely sentenced, and mostly not significantly different from one another. As per the study's design and targeting, most prisoners were sex offenders involving minors (53%). Other dominant categories included homicide and other violent crimes, approximately 13% each.

## 4.2 | Contact and Enticement Offenses Involving Minors

Conceptually, contact and enticement offenses with minors can be seen as different from pornography offenses—the former two involve sexual acts with minors (actual or attempted), rather than images of them. Empirical findings in the present study, concerned as it was with differences in sentencing as a function of victim sex, supported treating contact/enticement separately from pornography. In Mann-Whitney tests, offenders convicted of contact offenses received higher sentences for boy victims (Mdn = 35,  $n = 124$ ) than girl victims (Mdn = 30,  $n = 161$ ),  $z = 2.70$ ,  $p = 0.007$ , a difference of small effect size,  $r = 0.16$ . Similarly for enticement, offenders also received higher sentencing for boy victims (Mdn = 22,  $n = 16$ ) than girl victims (Mdn = 13,  $n = 37$ ),  $z = 2.41$ ,  $p = 0.02$ , with a medium effect size,  $r = 0.33$ . Pornography, on the other hand, yielded no difference in sentencing outcome based on the victim's sex: boys (Mdn = 18,  $n = 56$ ) versus girls (Mdn = 15,  $n = 75$ ),  $z = 0.18$ ,  $p = 0.85$ , with near zero effect size,  $r = 0.02$ . Given these results, in the analyses to follow contact and enticement data were combined, and pornography was treated separately.

## 4.3 | Sentencing as a Function of Victim Sex and Age in Contact-Enticement Cases

Table 2 shows the median minimum sentencing for contact-enticement sex involving minors as a function of victim sex and victim age. For each sex separately, a Kruskal-Wallis test was performed to determine whether differences in medians occurred across the age groups. For boy victims, no differences occurred,  $H = 2.43$ ,  $df = 2$ ,  $p = 0.30$ . For girl victims, significant differences did occur,  $H = 23.80$ ,  $df = 2$ ,  $p < 0.0001$ . Offenders involved with girls under age 11 and aged 11–13 received significantly lengthier sentences than offenders involved with girls aged 14–17.

Mann-Whitney tests were used to compare median sentencing for boy versus girl victims within each age group (see Table 2 for the statistics). In the 14–17 age group, offenders involved with boys received longer sentences than those involved with girls: the median minimum sentence was doubled. In the 11–13 age group, offenders with boy victims also received significantly longer median sentences than with girl victims. This latter result, though, needs to be qualified by the number of significance tests on these medians—a Bonferroni correction for multiple comparisons would render this difference nonsignificant.

Before proceeding, we examined whether longer sentencing for boy versus girl victims, irrespective of their ages or other factors, differed consistently across jurisdictions. This issue was

**TABLE 2** | Median minimum sentencing for contact and enticement sex involving minors as a function of victim sex and victim age.

Victim's sex	Victim's age			N
	< 11	11 to 13	14 to 17	
Boy				
Mdn	38 <sub>a</sub>	30 <sub>a</sub>	30 <sub>a</sub>	33
<i>n</i>	78	31	25	134
Girl				
Mdn	30 <sub>a</sub>	25 <sub>a</sub>	15 <sub>b</sub>	24
<i>n</i>	94	49	51	194
<i>z</i>	1.79	1.99	2.81	
<i>p</i>	0.073	0.047	0.005	
<i>r</i>	0.14	0.22	0.32	

Note: Medians within each sex (i.e., across age classes) without a common subscript were significantly different in a Dunn post hoc analysis, which followed a Kruskal-Wallis test. Within each age group (i.e., between the sex, going down columns), results for Mann-Whitney tests are shown.

important to consider because some jurisdictions (e.g., Federal, Texas) held sizable proportions of our sample. Therefore, victim sex differences could be biased if high-proportion jurisdictions overstated longer sentences compared to jurisdictions with less representation in the sample. Altogether, 12 jurisdictions had data on sentencing for both boy and girl victims for contact and enticement sex. Of these, 10 jurisdictions (83%) had longer sentences for boy than girl victims.<sup>4</sup> Of the remaining two jurisdictions, in one state (Ohio), the proportion was the same, and in the other (Idaho), those with a girl victim received a longer prison sentence than those with a male victim. Using unweighted analysis to avoid over-influence of high-proportion states, offenders more often received more punitive sentences (i.e., more than 20 years) when the victim was a boy ( $M = 58.2\%$ ) than when a girl ( $M = 37.2\%$ ),  $t(11) = 3.00$ ,  $p = 0.012$ , two-tailed, with a large effect size,  $r = 0.45$ . This percentage difference of 21 points was consistent with the difference between weighted means (19.6 points: 72.4% boy victims; 52.9% girl victims). Given the concordance of the unweighted and weighted analyses in showing a similar sizable mean difference in sentencing between boy and girl victims, jurisdictional bias concerning sentencing discrepancies between boy and girl victims was not considered to be a problem, and so combining all jurisdictions in the analyses to follow was viewed as justified.<sup>5</sup>

Table 3 shows the results for all jurisdictions combined for analyses of more punitive sentencing in relation to victim sex (boy or girl) and victim age (< 11, 11–13, or 14–17).

The first point to note is that sexual offenders with boy victims received more punitive (> 20 years) sentences in about two-thirds to three-quarters of cases, depending on the boys' age group. This result contrasted with the rates of more punitive sentences in cases involving girl victims, which peaked at about two-thirds, but fell as low as one-quarter, depending on the girls' age group.<sup>6</sup> Statistically, rates of more punitive sentencing did not differ across boy victims' age groups, but did across girl victims' age groups. In the latter, post hoc analysis showed that the rate of more punitive sentences was significantly lower

**TABLE 3** | Proportions of prisoners receiving more punitive sentences (> 20 years) as a function of victim sex and victim age.

Victim's sex	Victim's age			<i>n</i>	$\chi^2$ (2)
	< 11	11 to 13	14 to 17		
Boy	74.4 <sub>a</sub>	77.4 <sub>a</sub>	64.0 <sub>a</sub>	134	1.41
Girl	66.0 <sub>a</sub>	55.1 <sub>a</sub>	25.5 <sub>b</sub>	194	21.88***
OR	1.50	2.79	5.20		
95% CI	0.77–2.91	1.01–7.69	1.85–14.57		
<i>p</i>	0.232	0.043	0.001		

Note: Proportions within each sex (i.e., across rows) without a common subscript were significantly different in post hoc analysis. Between sex (i.e., down columns), odds ratios (OR) compare the odds of more punitive sentences involving boy versus girl victims.

\*\*\**p* < 0.0001.

when girl victims were 14–17 than when they were younger. This rate was less than half compared to the 11–13 and under 11 age groups, the latter two of which did not differ significantly.

Next, disparities in sentencing for boy versus girl victims within age groups were examined, yielding a slight, nonsignificant difference when victims were under age 11, a medium-sized significant difference when victims were 11–13, and a large-sized significant difference when victims were 14–17. In the last comparison, the odds of receiving a more punitive sentence more than quintupled when the victim was a boy rather than a girl. The pattern of significance and no significance mirrored the median analyses in Table 2, and the same caveat applies to the finding of significance in the 11–13 age group: under Bonferroni correction, this comparison loses statistical significance (in the 14–17 age group, significance holds after Bonferroni correction).

#### 4.4 | Logistic Regression Analysis for the Contact-Enticement Data

The two analyses of contact-enticement sex with minors just presented, determining median minimum sentences and percentages of more punitive minimum sentences (> 20 years), suggest that victim sex and age interact in influencing the sentencing. In the subsequent analyses, punitiveness was analyzed further via logistic regression, in which sex-by-age interaction terms were included to improve the models. These analyses permitted examining the independent influence of a series of independent variables (i.e., those discussed previously) on the degree of punitiveness (less vs. more) of minimum sentences. In these logistic regressions, the full model consisted of all predictors. The reduced model was then achieved via backward-stepwise logistic regression to achieve a smaller set of significant predictors. As discussed previously, results with *p*-values less than 0.10 were considered significant in the full model only (see footnote 3).

Table 4 shows the results of the full regression model. The model, based on *n* = 303 cases with 21 predictors, was statistically significant,  $\chi^2$  (21) = 115.38, *p* < 0.0001, Nagelkerke  $R^2$  = 0.43, with a classification success rate of 78.2%, indicating a good fit. Victim sex, as a main effect, was not significantly related to the likelihood of more punitive sentencing. However, its interactions were that offenders who victimized boys aged 11–13 and 14–17 years old had marginally significantly

(*p* < 0.10) increased odds of receiving a more punitive sentence, but with large effect sizes (ORs = 4.2 and 3.9, respectively). In addition, a main effect occurred for victims 14–17, where the odds of a more punitive sentence significantly decreased (compared to the reference group of victims under 11). This main effect, however, had to be qualified by the victim sex by age interaction, as just discussed (see below for further analysis). Other main effects, straightforward in interpretation, were the number of victims, identifying as Hispanic, education (marginally significant), and the disposition of the case. The odds of receiving a more punitive sentence quadrupled for offenders with two or more victims compared to offenders with just one victim. When offenders did not take a plea deal, their odds of a more punitive sentence were multiplied by nearly 15.

In the last-step logistic regression model, reduced via a backward-stepwise procedure, all variables significant or marginally significant in the full model (except education and ethnicity) were retained in the final step at the *p* = 0.05 level, and no previously nonsignificant variables were added. The model was statistically significant,  $\chi^2$  (6) = 101.68, *p* < 0.0001, Nagelkerke  $R^2$  = 0.39, with a classification success rate of 74.6%, indicating a good fit. Table 5 shows the results.

The 14–17 victim-age group compared to the reference group (under age 11) was significantly different, wherein the odds of a more punitive sentence in the 14–17 age group were reduced substantially (by 7-fold). However, this main effect of age had to be qualified by its significant interaction with sex (see Tables 5 and 6). The other two main effects included having two or more victims, which nearly tripled the odds of a more punitive sentence, and going to trial rather than taking a plea, which was associated with a 13-fold increase in the odds of receiving a more punitive sentence.

A table of probabilities was constructed to interpret the age-by-sex interactions, which was computed using the weights in the regression model shown in Table 5.<sup>7</sup> The probabilities are shown in Table 6. In the table, two or more victims substantially increased the likelihood of a more punitive sentence when there was a plea bargain but not when there was a jury or bench trial (due to ceiling effects; see next). When there was only one victim, a jury or bench trial (compared to a plea) substantially increased the probability of a more punitive sentence, doubling it in most cases, and multiplying it 6-fold in the case of girl victims aged 14–17.



**TABLE 4** | Full logistic regression, modeling higher punitiveness of sentence (> 20 years) as a function of victim-offender, background, and judicial variables.

Characteristic	Variable	B	p	OR	95% C.I. for OR	
					Lower	Upper
Victim-offender	Victim's sex	0.16	0.769	1.17	0.41	3.33
	Victim age		0.008			
	< 11 (reference)					
	11 to 13	0.04	0.929	1.04	0.41	2.62
	14 to 17	−1.55	<b>0.004</b>	0.21	0.07	0.61
	Boy victim, aged 11–13	1.43	<b>0.074</b>	4.20	0.87	20.29
	Boy victim, aged 14–17	1.35	<b>0.097</b>	3.88	0.78	19.24
	Number of victims	1.44	<b>0.000</b>	4.21	2.07	8.55
	Age at offense		0.914			
	< 18	0.03	0.972	1.04	0.15	7.06
	18 to 25	0.20	0.697	1.23	0.44	3.41
	26+ (reference)					
	Age difference		0.370			
	< 10	−0.64	0.458	0.53	0.10	2.83
	10 to 19	−0.63	0.159	0.53	0.22	1.28
	20+ (reference)					
Background	Ethnicity		0.188			
	White (reference)					
	Black	−0.39	0.681	0.68	0.10	4.38
	Hispanic	−1.21	<b>0.030</b>	0.30	0.10	0.89
	Other	−0.10	0.849	0.91	0.34	2.43
	Education	−0.62	<b>0.087</b>	0.54	0.26	1.09
	Work at arrest	0.24	0.483	1.27	0.66	2.44
	Sexual attractions		0.409			
	Heterosexual (reference)					
	Bisexual	0.58	0.192	1.79	0.75	4.28
Judicial	Homosexual	0.52	0.341	1.68	0.58	4.88
	Priors		0.367			
	None (reference)					
	Non-sexual	0.45	0.203	1.56	0.79	3.11
	Sexual	0.43	0.295	1.54	0.69	3.48
	Legal representation	−0.05	0.898	0.95	0.47	1.94
	Disposition of case	2.80	<b>0.000</b>	16.39	6.77	39.67
	Constant	−1.76	0.169	0.17		

Note: Significant *p*-values, at *p* < 0.10, for predictor variables are bold-faced.

Sentencing for boy victims followed a different pattern from that of girl victims in relation to age—an interaction, in other words. For boy victims, within each combination of the number of victims by case disposition, the probability of a more punitive sentence was the same whether the boy was a child under 11 or an adolescent aged 14–17. Boy victims aged 11–13 were associated with higher probabilities of a more punitive sentence when there was a plea bargain. For girl victims, on the other hand, the likelihood of a more punitive sentence decreased with

the older ages of the girls. When there was a plea bargain, girl victims aged 14–17 compared to those under 11 years old brought substantially reduced probabilities of more punitive sentences (a 4-fold reduction when there was one victim, and a 2.5-fold reduction when there were two or more victims). Probabilities, when girls were 11–13, were intermediate, though generally closer to the probabilities for girl victims under 11 years old. In the victim sex by age interaction, the pattern of probabilities for girls was expected, under the legal assumption

**TABLE 5** | Reduced logistic regression (backward stepwise), modeling higher punitiveness of sentence (> 20 years) as a function of victim-offender and judicial variables.

Variable	B	p	OR	95% C.I. for OR	
				Lower	Upper
Victim's age		0.000			
< 11 (reference)					
11 to 13	−0.44	0.264	0.65	0.30	1.39
14 to 17	−1.94	<b>0.000</b>	0.14	0.06	0.35
Number of victims	1.06	<b>0.001</b>	2.88	1.56	5.32
Boy victim, aged 11–13	1.59	<b>0.016</b>	4.89	1.34	17.80
Boy victim, aged 14–17	1.79	<b>0.005</b>	5.98	1.73	20.67
Disposition of case	2.60	<b>0.000</b>	13.49	5.91	30.75
Constant	−1.21	0.012	0.30		

Note: Significant *p*-values for predictors are bold-faced.

**TABLE 6** | Probabilities for more punitive sentences (> 20 years minimum) for sexual offenses against minors as a function of victim sex, victim age, number of victims, and case disposition.

Number of victims	Victim's age	Plea bargain			Jury, bench trial		
		Victim's age			Victim's age		
		< 11	11 to 13	14 to 17	< 11	11 to 13	14 to 17
One	Boy	0.46	0.73	0.43	0.92	0.97	0.91
	Girl	0.46	0.36	0.11	0.92	0.88	0.63
Two or more	Boy	0.71	0.89	0.68	0.97	0.99	0.97
	Girl	0.71	0.62	0.27	0.97	0.95	0.83

of more significant harm to younger girls and, therefore, greater punishment. The pattern for boy victims, on the other hand, was exceptional—it did not follow this logic.<sup>8</sup>

#### 4.5 | Comparing Victim Sex Disparity in Sentencing of Contact-Enticement Sex With Other Crimes

Finally, to further examine the sex disparity in sentencing found in contact-enticement sex involving minors, three other personal crimes in this study were examined for comparison: child pornography, homicide, and other violent crimes. One other personal crime appeared in this study, the rape of an adult, but it was not considered here because there was only one male victim, hence not appropriate for sex comparison. Table 7 shows the results of comparing the median minimum sentencing in the four personal crimes analyzed here.

In the analyses, a Kruskal-Wallis test was performed for each sex to examine whether median minimum sentences differed across crimes. For male victims, medians differed significantly,  $H = 75.88$ ,  $df = 3$ ,  $p < 0.0001$ . Dunn's post hoc analysis showed that the homicide median was significantly higher than the contact-enticement median, which in turn was significantly greater than child pornography and other violent crimes, with the latter two not differing significantly. Medians also differed significantly for female victims,  $H = 45.66$ ,  $df = 3$ ,  $p < 0.0001$ . Dunn's post hoc analysis showed that the homicide median was

significantly greater than the contact-enticement median, which was significantly greater than the child pornography median. The other violent crimes median was intermediate to the contact-enticement and pornography medians and not significantly different from either of them.

Mann-Whitney tests were then employed to compare medians between male and female victims for each crime. The difference was highly significant for contact-enticement, with a small-medium effect size. Medians did not differ significantly between the sexes for the other three crimes. In the case of homicide and other violent crimes, the medians for female victims were nominally higher than for male victims. In other words, contact-enticement involving a minor stood out as distinct among all person crimes in showing victim-sex disparity in sentencing, in which male victims brought in higher minimum sentences on average.

## 5 | Discussion

Most research on people convicted of sexual offenses has been on post-prison management schemes (e.g., sex offender registry, residency restrictions), with little scholarship examining the variations in sentencing outcomes for this type of offender group. Prior research posits that judicial sentencing deciders are pressured by their communities, policymakers, and various criminal justice actors to enact lengthier sentences for certain types of offenders (Bumby and Maddox 1999). Therefore, people

**TABLE 7** | Median minimum sentencing for person crimes in relation to victim sex.

Sex	Crime			
	Contact, enticement	Child porn	Homicide	Other violent
Male				
Mdn	31 <sub>b</sub>	18 <sub>c</sub>	75 <sub>a</sub>	17 <sub>c</sub>
<i>n</i>	140	56	95	69
Female				
Mdn	24 <sub>bc</sub>	15 <sub>d</sub>	99 <sub>a</sub>	20 <sub>cd</sub>
<i>n</i>	198	75	49	52
<i>z</i>	3.76	0.19	−0.13	−0.96
<i>p</i>	0.000	0.849	0.897	0.337
<i>r</i>	0.20	0.02	−0.01	−0.09

Note: Medians within each sex (i.e., between crimes, across rows) without a common subscript were significantly different in a Dunn post hoc analysis, which followed a Kruskal-Wallis test for overall significance. Within each age group (i.e., between the sex, down columns), results for Mann-Whitney tests are shown.

convicted of a crime that is sexual in nature tend to receive longer sentences than non-homicidal violent offenders (Budd and Desmond 2014; Cohen and Jeglic 2007; Greenfeld 1997). Such sentencing practices, however, have been rooted in fallacies and beliefs about this specific population for decades. One popular belief is that they are immune to offender treatment and, most of all, have a “frightening and high” propensity to re-offend (Ellman and Ellman 2015). Very little research (Chaffin et al. 2016; Rydberg et al. 2018) has specifically examined the legal and extralegal factors judges use to sentence offenders with a sexual offense conviction. The purpose of the current study was to contribute to the gap in the sentencing practices of adult males convicted of sexual contact and enticement offenses against minors (i.e., under the age of 18), including the independent and combined influences of sex and age of the victim on the likelihood of increased prison time sentences. Ultimately, the study highlights that homosexual (male-on-male) sexual offenses, regardless of the victim’s age, resulted in longer sentences for the offender. Notably, when comparing victim’s sex in contact and enticement offenses versus that in child pornography, other violent offenses, and homicide, homosexual offenses against male minors received penalties nearly double those in the other non-homicidal offenses.

The main goal of this study was to determine whether a victim’s age and/or sex increased the odds of receiving a longer sentence. Our initial analysis found that, on average, offenders with a male victim received 31 years in prison compared to 24 years for a female victim. Moreover, when accounting for the victim’s age, the median sentence decreased as the age of the female victim increased, but not for male victims. For example, offenders with a 14–17-year-old male victim received a median sentence of 30 years compared to 15 years for female victims of the same age.

Another noteworthy finding from the current study is that legal factors such as prior convictions and legal representation did not increase the odds of receiving a more punitive sentence (i.e., more than 20 years in prison). This is contrary to prior sexual offending sentencing research that found both attributes to increase the odds of receiving a lengthy sentence (Hilinski-Rosick

and Blackmer 2014; Levenson et al. 2007; Pickett et al. 2013). However, similar to other research, the disposition of the case did increase the odds of a lengthier sentencing outcome. Specifically, offenders who did not take a plea agreement but instead went to trial by either a bench or jury trial received lengthier sentences (Walsh 1990). This is not a surprise, given that 90–95% of all criminal cases are adjudicated via a plea deal, which historically includes reducing the severity and/or number of charges against the offender (Devers 2011). For those who go to trial, the severity and number of charges are not usually reduced, and depending on the jurisdiction, a variety of sentencing guidelines (e.g., mandatory minimums) could be used.

Another noteworthy finding in this study concerns extralegal factors that increased the odds of receiving a more punitive sentence. Although the offender’s race and age increase their odds of receiving a longer sentence for most crimes (Steffensmeier et al. 1998; Spohn and Beichner 2000), the literature on sentencing individuals convicted of sexual offenses has found that race and age (Miethe 1987; Spohn and Spears 1996) do not affect sentencing length outcomes. However, Patrick and Marsh (2011) found older offender age and age difference with the victim to be significant correlates. Our sample mostly supports this conclusion, but we found that Hispanics’ odds of receiving a lengthy sentence were lower compared to other races measured in the study, perhaps because of racial stereotypes that assume early (heterosexual) sex is normalized in Hispanic culture (Small 2019). However, it should be noted that this finding was not significant in our final regression model, but we recognize that future research should be done in this area. While not surprising, we also found that offenders with more than one victim increased their odds of a more punitive sentence. We also found that plea deals reduced the probability of receiving a sentence greater than 20 years for both female and male victims; however, there was a difference in sentencing outcomes for age, especially between female and male victims. The probability of receiving a more punitive sentence decreased for adolescent female (14–17) victims, but not for male victims. The probability of receiving a more punitive sentence for a bench or jury trial was relatively similar regardless of the victim’s sex and age.

The dramatic difference in the severity of sentencing for sex offenses with adolescent male victims relative to female victims is not based on any empirical evidence of greater harm in adolescent male victims. On the contrary, in a key meta-analysis, male victims of minor-adult sex were considerably less likely to feel that they were harmed by the experience compared to females, even when it was a male-male encounter (Rind et al. 1998, replicated by Ulrich et al. 2005). The meta-analysis also found that boys who felt they were willing in the encounters were as well-adjusted as controls. In nationally representative samples, it has been shown that boys, especially as adolescents, are frequently willing in such encounters. One example was a study of Finnish high school students (Felson et al. 2019; Rind 2022). In this nationally representative sample, minor boys frequently were the initiators in sexual contact with adults (46%), far more often compared to girls (14%). In a nationally representative Irish sample, boys under 16 were more likely to have been willing participants in first intercourse (heterosexual or homosexual) with an adult than girls (85.7% vs. 52.2%) and far more likely to feel retrospectively as adults that their experience was not too soon (61.5% vs. 27.8%) (Rind 2021). Given these factors, the more punitive sanctions for sex offenses against male adolescents appear to both suggest and be a consequence of widespread popular assumptions about predatory gay men exerting an unnatural and corrupting influence on the future sexual trajectory of impressionable teenage boys (the “gay recruitment” myth). In contrast, heterosexual men who seduce teenage girls are treated more leniently, despite the evidence of greater coercion and regret, because their behavior is perceived as more “normal” and less disruptive of the socially-desired course of a girl’s sexual development. Previous research shows that heterosexual women who become involved with teenage boys receive even more lenient treatment in sentencing (Hassett-Walker et al. 2014; Rydberg et al. 2018; Sandler and Freeman 2011; Shields and Cochran 2020); the legal system, therefore, does not judge boys more vulnerable per se, but only more vulnerable to the influence of homosexuals.

## 6 | Limitations and Future Research

The current study’s results should be considered carefully as there are a few notable limitations. First, this study is not generalizable to the entire population of adult males convicted of sexual contact or enticement against minors. Since the sample of inmates enrolled in an annual book program is skewed toward those serving longer sentences, it fails to reflect data from sex offenders who are convicted but serve little or no prison time. This gap in our evidence was, to some extent, filled by the Williams Institute data (Meyer et al. 2022), based on non-incarcerated sex offender registrants. Nearly one-fourth of its sample served no time at all, and 81.3% of the incarcerated offenders served less than 10 years, with 31.7% serving only 1 year or less. Our re-analysis of the Williams data complemented our study’s findings by showing that even among released sex offenders, who are usually at the lower end of the sentencing spectrum, those with male victims had more than twice the odds of receiving a lengthy sentence (10 or more years) than offenders with no male victims. Future research should examine victims’ sex and age in other sub-populations of adult males

convicted of a sexual offense nationwide to assess whether homosexual offenses against minors consistently produce longer sentences than heterosexual offenses against minors.

Second, our data were self-reported by inmates through mailed responses to a written instrument, which made it unfeasible for participants and the research team to interact regarding any possible question(s) about the research or survey forms. We also understand that this population may be reluctant to respond accurately to questions related to their life history, including deviant and criminogenic behaviors that resulted in their incarceration(s). Nevertheless, we have no reason to believe that offenders with male victims would be any more or less likely to exaggerate their sentences than offenders with female victims. Third, we did not ask about the victim’s race. Prior research has shown a significant relationship between victim’s race and sentencing decisions. For example, offenders who victimized whites compared to blacks were likelier to receive a lengthier sentence (Baumer et al. 2000). Fourth, the victim-offender relationship was not evaluated as part of this study; however, future research should examine this more in-depth to understand further the dynamics behind these relationships, including same-sex relationships and incest. Finally, we do not know the sentencing guidelines (i.e., mandatory minimum sentences, aggravating and mitigating factors, and other sentencing scoring schemes) in each jurisdiction for our study population or whether stacked charges were obtained. Future research may want to include such information for a more robust examination of lengthy sentencing outcomes based on the victim’s age and sex.

## 7 | Conclusion and Policy Implications

Overall, our study examined whether offenders who were convicted of a sexual offense received lengthier sentences based on the age and sex of their victim. As previously highlighted, regardless of age, having a male victim was associated with the male offender receiving a longer sentence compared to a female victim. Moreover, the older the female was, the likelihood of receiving a lesser sentence increased, but this was not the case with male victims. Extending prior research into extralegal factors in judicial sentencing outcomes, this study identified additional factors that arguably should not be considered relevant in the sentencing decision process by our judicial system. As such, we should not only further examine the extralegal factors being used in the sentencing process for sex crimes but also encourage sentencing practices that are unbiased and equal regardless of the victim’s sex.

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### Conflicts of Interest

The authors declare no conflicts of interest.



## Endnotes

- <sup>1</sup> Static-99 was based on the flawed meta-analysis of Hanson et al. (1998), which claimed 11 studies contributed to the hypothesis of greater recidivism among offenders with a male victim, but did not specifically cite them or make it clear whether they analyzed this factor in isolation from other criminogenic variables. Many of the sources included in the overall meta-analysis were simply listed as “raw data” and thus unverifiable. At least two of the studies among their general reference list specifically state that they found no statistically significant difference in rates of re-offense based on victim sex (Barbaree and Marshall 1988; Prentky et al. 1997), and one (Sturgeon and Taylor 1980) even found a lower rate of re-offense among pedophiles with a male victim. Many of the recidivism studies that presumed to find a significant difference were dated to an era when engaging in homosexual sex with a consenting adult would be classified as a sexual re-offense.
- <sup>2</sup> What this sample provides is much more detailed information on multiple variables (such as case disposition, type of legal representation, level of education, type of employment, marital status, as well as many other variables that we did not choose to incorporate into the final analysis, like family background, adverse childhood experiences (ACEs), or Kinsey scale self-ratings. These are not typically available in state databases. State databases are difficult to correlate with each other, since the codes under which contact or enticement offenses are recorded vary.
- <sup>3</sup> Note that, though the final model (the reduced model in the last step of the backward logistic regression) adhered to the conventional significance level of  $p < 0.05$  in obtaining its retained set of predictors, it was possible in the full model to find certain of these predictors not meeting this criterion. This potential discrepancy could arise, for example, from reduced power for some predictors due to a large, original set of predictors. In evaluating results for predictors in the original model, it is important to consider also their effect sizes (here, odds ratios), and to not just rely on the “ $p < 0.05$ ” criterion, as has recently been recommended by statisticians, who have increasingly warned to move away from this criterion as a sole focus (Wasserstein et al. 2019). Finally, in the end, the validity of the reduced model was not contingent upon the full model results.
- <sup>4</sup> Note: The following are the unweighted differences in sentencing across 10 jurisdictions for longer sentences for boy than girl victims (AZ 85.7% vs. 32.0%; CA 77.8% vs. 75.0%; Federal 78.6% vs. 58.7%; FL 85.7% vs. 69.2%; IN 83.3% vs. 60.0%; NY 16.7% vs. 0.0%; OK 66.7% vs. 25.0%; PA 33.3% vs. 13.3%; TX 84.4% vs. 68.8%; WI 66.7% vs. 0.0%).
- <sup>5</sup> Note: The variability in sentencing length across jurisdictions was not a concern for the present analysis, given that the lengths of sentences per se were not our focus, but rather centered on discrepancies due to the sex of victims.
- <sup>6</sup> Note: Across age groups, the proportion of more punitive sentencing (> 20 years minimum) for boy versus girl victims was 73.1% versus 52.6%, respectively. Previously, in the text, we showed that the unweighted proportions, removing the influence of jurisdictions with more cases, were 58.2% versus 37.2%, respectively. Note that in each case, the difference was about 21 percentage points. The higher percentages in the first case were primarily due to Texas, which had both a high proportion of cases altogether and the highest punitive sentencing outcomes.
- <sup>7</sup> Specifically, variable values (0 or 1 for all variables, except the number of victims, which was one or 2) were multiplied by the corresponding variable weights, whose products were summed and then added to the constant. This value was then exponentiated and divided by itself plus 1, yielding the probability for each specific combination of variable values.
- <sup>8</sup> Note: A regression analysis was not performed for more punitive sentencing for child pornography because of too few cases per variables (resulting from, e.g., relatively few cases where the pornography was restricted exclusively to one sex or the other).

## References

- Albonetti, C. A. 1986. “Criminality, Prosecutorial Screening, and Uncertainty: Toward a Theory of Discretionary Decision Making in Felony Case Processings.” *Criminology* 24, no. 4: 623–644. <https://doi.org/10.1111/j.1745-9125.1986.tb01505.x>.
- Albonetti, C. A. 1987. “Prosecutorial Discretion: The Effects of Uncertainty.” *Law & Society Review* 21, no. 2: 291–313. <https://doi.org/10.2307/3053523>.
- Albonetti, C. A. 1991. “An Integration of Theories to Explain Judicial Discretion.” *Social Problems* 38, no. 2: 247–266. <https://doi.org/10.2307/800532>.
- Araji, S., and D. Finkelhor. 1985. “Explanations of Pedophilia: Review of Empirical Research.” *Bulletin of the American Academy of Psychiatry & the Law* 13, no. 1: 17.
- Barbaree, H. E., and W. L. Marshall. 1988. “Deviant Sexual Arousal, Offense History, and Demographic Variables as Predictors of Reoffense Among Child Molesters.” *Behavioral Sciences & the Law* 6, no. 2: 267–280. <https://doi.org/10.1002/bsl.2370060209>.
- Baumer, E. P., S. F. Messner, and R. B. Felson. 2000. “The Role of Victim Characteristics in the Disposition of Murder Cases.” *Justice Quarterly* 17, no. 2: 281–307. <https://doi.org/10.1080/07418820000096331>.
- Bennett, M., D. A. Harris, K. Richards, and R. Shields. 2024. ““Any Male Victim?” the Legacy of Conflating Pedophilia and Homosexuality and the Differential Seriousness of Sexual Abuse by Victim Gender.” *Psychiatry, Psychology and Law*: 1–15. <https://doi.org/10.1080/13218719.2023.2280519>.
- Brown, M. J., and J. L. Groscup. 2009. “Homophobia and Acceptance of Stereotypes About Gays and Lesbians.” *Individual Differences Research* 7, no. 3: 159–167.
- Budd, K., and S. A. Desmond. 2014. “Sex Offenders and Sex Crime Recidivism: Investigating the Role of Sentence Length and Time Served.” *International Journal of Offender Therapy and Comparative Criminology* 58, no. 12: 1481–1499. <https://doi.org/10.1177/0306624X13507421>.
- Bumby, K. M., and M. C. Maddox. 1999. “Judges’ Knowledge About Sexual Offenders, Difficulties Presiding Over Sexual Offense Cases, and Opinions on Sentencing, Treatment, and Legislation.” *Sexual Abuse: A Journal of Research and Treatment* 11, no. 4: 305–315. <https://doi.org/10.1177/107906329901100406>.
- Chaffin, M., S. Chenoweth, and E. J. Letourneau. 2016. “Same-sex and Race-Based Disparities in Statutory Rape Arrests.” *Journal of Interpersonal Violence* 31, no. 1: 26–48. <https://doi.org/10.1177/0886260514555132>.
- Cohen, M., and E. L. Jeglic. 2007. “Sex Offender Legislation in the United States: What Do We Know?” *International Journal of Offender Therapy and Comparative Criminology* 51, no. 4: 369–383. <https://doi.org/10.1177/0306624X06296235>.
- Corliss, H. L., M. Rosario, D. Wypij, S. A. Wylie, A. L. Frazier, and S. B. Austin. 2010. “Sexual Orientation and Drug Use in a Longitudinal Cohort Study of US Adolescents.” *Addictive Behaviors* 35, no. 5: 517–521. <https://doi.org/10.1177/0306624X06296235>.
- Cramer, C. E. 2015. “An Open Secret: Child Sexual Abuse as One Possible Cause of Homosexuality.” *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2629445>.
- Craun, S. W., and M. T. Theriot. 2009. “Misperceptions of Sex Offender Perpetration: Considering the Impact of Sex Offender Registration.” *Journal of Interpersonal Violence* 24, no. 12: 2057–2072. <https://doi.org/10.1177/0886260508327706>.
- Curry, T. R., and G. Corral-Camacho. 2008. “Sentencing Young Minority Males for Drug Offenses: Testing for Conditional Effects Between Race/ethnicity, Gender, and Age During the US War on Drugs.” *Punishment & Society* 10, no. 3: 253–276. <https://doi.org/10.1177/1462474508090231>.

- Curry, T. R., G. Lee, and S. F. Rodriguez. 2004. "Does Victim Gender Increase Sentence Severity? Further Explorations of Gender Dynamics and Sentencing Outcomes." *Crime & Delinquency* 50, no. 3: 319–343. <https://doi.org/10.1177/0011128703256265>.
- Devers, L. 2011. "Plea and Charge Bargaining." In *Research Summary*, Vol. 1, 1–6. Bureau of Justice Assistance, U.S. Department of Justice.
- Doerner, J. K., and S. Demuth. 2010. "The Independent and Joint Effects of Race/ethnicity, Gender, and Age on Sentencing Outcomes in US Federal Courts." *Justice Quarterly* 27, no. 1: 1–27. <https://doi.org/10.1080/07418820902926197>.
- Eisenstein, J., R. B. Flemming, and P. F. Nardulli. 1988. *The Contours of Justice: Communities and Their Courts*. Little, Brown.
- Eisenstein, J., and H. Jacob. 1977. *Felony Justice: An Organizational Analysis of Criminal Courts*, 21. Little, Brown.
- Ellman, I. M., and T. Ellman. 2015. "'Frightening and High': The Supreme Court's Crucial Mistake About Sex Crime Statistics." *Constitutional Commentary* 30, no. 3: 495.
- Embry, R., and P. M. Lyons Jr. 2012. "Sex-based Sentencing: Sentencing Discrepancies Between Male and Female Sex Offenders." *Feminist Criminology* 7, no. 2: 146–162. <https://doi.org/10.1177/1557085111430214>.
- Federal Bureau of Prisons. 2025. "Sentences Imposed." Last modified January 25, 2025. [https://www.bop.gov/about/statistics/statistics\\_inmate\\_sentences.jsp](https://www.bop.gov/about/statistics/statistics_inmate_sentences.jsp).
- Felson, R. B., J. Savolainen, S. Fry, C. Whichard, and N. Ellonen. 2019. "Reactions of Boys and Girls to Sexual Abuse and to Sexual Encounters With Peers." *Journal of Youth and Adolescence* 48, no. 10: 1869–1882. <https://doi.org/10.1007/s10964-019-01111-1>.
- Finkelhor, D. 1994. "The International Epidemiology of Child Sexual Abuse." *Child Abuse & Neglect* 18, no. 5: 409–417. [https://doi.org/10.1016/0145-2134\(94\)90026-4](https://doi.org/10.1016/0145-2134(94)90026-4).
- Fontes, L. A., M. Cruz, and J. Tabachnick. 2001. "Views of Child Sexual Abuse in Two Cultural Communities: An Exploratory Study Among African Americans and Latinos." *Child Maltreatment* 6, no. 2: 103–117. <https://doi.org/10.1177/1077559501006002003>.
- Franklin, C. A., and N. E. Fearn. 2008. "Gender, Race, and Formal Court Decision-Making Outcomes: Chivalry/paternalism, Conflict Theory or Gender Conflict?" *Journal of Criminal Justice* 36, no. 3: 279–290. <https://doi.org/10.1016/j.jcrimjus.2008.04.009>.
- Freeman-Longo, R. E., and R. V. Wall. 1986. "Changing a Lifetime of Sexual Crimes." *Psychology Today* 20, no. 3: 58–64.
- Freiburger, T. L. 2010. "The Effects of Gender, Family Status, and Race on Sentencing Decisions." *Behavioral Sciences & the Law* 28, no. 3: 378–395. <https://doi.org/10.1002/bsl.901>.
- Freiburger, T. L., and C. M. Hilinski. 2013. "An Examination of the Interactions of Race and Gender on Sentencing Decisions Using a Trichotomous Dependent Variable." *Crime & Delinquency* 59, no. 1: 59–86. <https://doi.org/10.1177/0011128708330178>.
- Furnham, A., and E. Haraldsen. 1998. "Lay Theories of Etiology and 'Cure' for Four Types of Paraphilia: Fetishism, Pedophilia, Sexual Sadism, and Voyeurism." *Journal of Clinical Psychology* 54, no. 5: 689–700. [https://doi.org/10.1002/\(SICI\)1097-4679\(199808\)54:5<689::AID-JCLP15>3.0.CO;2-9](https://doi.org/10.1002/(SICI)1097-4679(199808)54:5<689::AID-JCLP15>3.0.CO;2-9).
- Galeste, M. A., H. F. Fradella, and B. Vogel. 2012. "Sex Offender Myths in Print Media: Separating Fact From Fiction in U.S. Newspapers." *Criminology, Criminal Justice, Law and Society* 13, no. 2: 4.
- Greenfeld, L. A. 1997. *Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault*. U.S. Department of Justice Office of Justice Programs.
- Gruber, A. 2023. "Sex Exceptionalism in Criminal Law." *Stanford Law Review* 75, no. 4: 755–846.
- Hanson, R. K., M. T. Bussière, and P. C. Kendall. 1998. "Predicting Relapse: A Meta-Analysis of Sexual Offender Recidivism Studies." *Journal of Consulting and Clinical Psychology* 66, no. 2: 348–362. <https://doi.org/10.1037/0022-006X.66.2.348>.
- Hassett-Walker, C., T. Lateano, and M. Di Benedetto. 2014. "Do Female Sex Offenders Receive Preferential Treatment in Criminal Charging and Sentencing?" *Justice System Journal* 35, no. 1: 62–86. <https://doi.org/10.1080/0098261X.2013.868278>.
- Higdon, M. J. 2008. "Queer Teens and Legislative Bullies: The Cruel and Invidious Discrimination behind Heterosexist Statutory Rape Laws." *UC Davis Law Review* 42: 195. <https://doi.org/10.2139/ssrn.1097097>.
- Hilinski-Rosick, C. M., and A. N. Blackmer. 2014. "An Exploratory Examination of the Impact of the Inside-Out Prison Exchange Program." *Journal of Criminal Justice Education* 25, no. 3: 386–397. <https://doi.org/10.1080/10511253.2014.922593>.
- Jenkins, P. 2004. Yale University Press. "Moral Panic: Changing Concepts of the Child Molester in Modern America."
- Jenkins, P. 2006. Oxford University Press. "Decade of Nightmares the End of the Sixties and the Making of Eighties."
- Johnson, B. D. 2006. "The Multilevel Context of Criminal Sentencing: Integrating Judge-and County-level Influences." *Criminology* 44, no. 2: 259–298. <https://doi.org/10.1111/j.1745-9125.2006.00049.x>.
- Jonas, V., and T. Scher. 2019. "Does V. Swearingen: Second Amended Verified Complaint for Declaratory and Injunctive Relief." In *United States District Court, Southern District of Florida, Miami Division*.
- Jumper, S., M. Babula, and T. Casbon. 2012. "Diagnostic Profiles of Civilly Committed Sexual Offenders in Illinois and Other Reporting Jurisdictions: What We Know So Far." *International Journal of Offender Therapy and Comparative Criminology* 56, no. 6: 838–855. <https://doi.org/10.1177/0306624X11415509>.
- Kautt, P., and C. Spohn. 2002. "Crack-ing Down on Black Drug Offenders? Testing for Interactions Among Offenders' Race, Drug Type, and Sentencing Strategy in Federal Drug Sentences." *Justice Quarterly* 19, no. 1: 1–35. <https://doi.org/10.1080/07418820200095151>.
- Kautt, P. M. 2002. "Location, Location, Location: Interdistrict and Intercircuit Variation in Sentencing Outcomes for Federal Drug-Trafficking Offenses." *Justice Quarterly* 19, no. 4: 633–671. <https://doi.org/10.1080/07418820200095381>.
- Kingsnorth, R., J. Lopez, J. Wentworth, and D. Cummings. 1998. "Adult Sexual Assault: The Role of Racial/ethnic Composition in Prosecution and Sentencing." *Journal of Criminal Justice* 26, no. 5: 359–371. [https://doi.org/10.1016/S0047-2352\(98\)00012-9](https://doi.org/10.1016/S0047-2352(98)00012-9).
- Komar, L., A. Nellis, and K. M. Budd. 2023. *Counting Down: Paths to a 20-year Maximum Prison Sentence*. Sentencing Project. [www.sentencingproject.org/publications/counting-down-paths-to-a-20-year-maximum-prison-sentence](http://www.sentencingproject.org/publications/counting-down-paths-to-a-20-year-maximum-prison-sentence).
- Kramer, J. H., and J. T. Ulmer. 2009. Lynne Rienner Publishers. "Sentencing Guidelines: Lessons From Pennsylvania."
- Lapsey, D. S., B. A. Campbell, and I. Benitez. 2023. "Focal Concerns Theory and Case Advancement in Sexual Assault Cases: A Systematic Review and Meta-Analysis." *Journal of Criminal Justice* 86: 102032. <https://doi.org/10.1016/j.jcrimjus.2023.102032>.
- Leach, C., A. Stewart, and S. Smallbone. 2016. "Testing the Sexually Abused-Sexual Abuser Hypothesis: A Prospective Longitudinal Birth Cohort Study." *Child Abuse & Neglect* 51: 144–153. <https://doi.org/10.1016/j.chiabu.2015.10.024>.
- Levenson, J. S., Y. N. Brannon, T. Fortney, and J. Baker. 2007. "Public Perceptions About Sex Offenders and Community Protection Policies."

- Analyses of Social Issues and Public Policy* 7, no. 1: 137–161. <https://doi.org/10.1111/j.1530-2415.2007.00119.x>.
- Livingston, T. N., P. O. Rerick, and D. Davis. 2024. “Race/ethnicity and Relationship Stereotypes in Child Sex Abuse Cases.” *Psychological Reports* 127, no. 1: 112–123. <https://doi.org/10.1177/00332941221119414>.
- Lynch, M. 2002. “Pedophiles and Cyber-Predators as Contaminating Forces: The Language of Disgust, Pollution, and Boundary Invasions in Federal Debates on Sex Offender Legislation.” *Law & Social Inquiry* 27, no. 3: 529–557. <https://doi.org/10.1111/j.1747-4469.2002.tb00814.x>.
- Macapagal, K., D. A. Moskowitz, D. H. Li, et al. 2018. “Hookup App Use, Sexual Behavior, and Sexual Health Among Adolescent Men Who Have Sex With Men in the United States.” *Journal of Adolescent Health* 62, no. 6: 708–715. <https://doi.org/10.1016/j.jadohealth.2018.01.001>.
- Majd, K., J. Marksamer, and C. Reyes. 2016. “Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts.” <http://www.nclrights.org/legal-help-resources/resource/hidden-injustice-lgbt-youth-in-juvenile-courts/>.
- Marshall, M. P., M. S. Friedman, R. Stall, et al. 2008. “Sexual Orientation and Adolescent Substance Use: A Meta-Analysis and Methodological Review.” *Addiction* 103, no. 4: 546–556. <https://doi.org/10.1111/j.1360-0443.2008.02149.x>.
- Mauer, M. 2018. “Long-term Sentences: Time to Reconsider the Scale of Punishment.” *University of Missouri Kansas City MKC Law Review* 87, no. 1: 113.
- Maxwell, C., A. Robinson, and L. Post. 2003. “The Impact of Race on the Adjudication of Sexual Assault and Other Violent Crimes.” *Journal of Criminal Justice* 31, no. 6: 523–538. <https://doi.org/10.1016/j.jcrimjus.2003.08.005>.
- McCabe, J., K. L. Brewster, and K. H. Tillman. 2011. “Patterns and Correlates of Same-sex Sexual Activity Among US Teenagers and Young Adults.” *Perspectives on Sexual and Reproductive Health* 43, no. 3: 142–150. <https://doi.org/10.1363/4314211>.
- Meidinger, M. H. 2012. “Peeking under the Covers: Taking a Closer Look at Prosecutorial Decision-Making Involving Queer Youth and Statutory Rape.” *Boston College Journal of Law and Social Justice* 32, no. 2: 421.
- Meyer, I. H., L. Bouton, S. Maszak-Prato, L. Stemple, and T. R. Lave. 2022. “LGBTQ People on Sex Offender Registries in the US.” In *Policy File*. Williams Institute.
- Miethe, T. D. 1987. “Stereotypical Conceptions and Criminal Processing: The Case of the Victim Offender Relationship.” *Justice Quarterly* 4, no. 4: 571–593. <https://doi.org/10.1080/07418828700089531>.
- Newcomb, M. E., M. Birkett, H. L. Corliss, and B. Mustanski. 2014. “Sexual Orientation, Gender, and Racial Differences in Illicit Drug Use in a Sample of US High School Students.” *American Journal of Public Health* 104, no. 2: 304–310. <https://doi.org/10.2105/AJPH.2013.301702>.
- Nhan, J., K. Polzer, and J. Ferguson. 2012. “‘More Dangerous Than Hitmen’: Judicial Perceptions of Sexual Offenders.” *International Journal of Criminology and Sociology Theory* 5, no. 1: 823–836.
- Nicolosi, J. 2016. “The Traumatic Foundation of Male Homosexuality.” *Crisis Magazine*. <https://crisismagazine.com/opinion/traumatic-foundation-male-homosexuality>.
- O’Neil, M., and P. Morgan. 2010. *American Perceptions of Sexual Violence*, 298. FrameWorks Institute.
- Patrick, S., and R. Marsh. 2011. “Sentencing Outcomes of Convicted Child Sex Offenders.” *Journal of Child Sexual Abuse* 20, no. 1: 94–108. <https://doi.org/10.1080/10538712.2011.541356>.
- Petrich, D. M., T. C. Pratt, C. L. Jonson, and F. T. Cullen. 2021. “Custodial Sanctions and Reoffending: A Meta-Analytic Review.” *Crime and Justice* 50, no. 1: 353–424. <https://doi.org/10.1086/715100>.
- Pickett, J. T., C. Mancini, and D. P. Mears. 2013. “Vulnerable Victims, Monstrous Offenders, and Unmanageable Risk: Explaining Public Opinion on the Social Control of Sex Crime.” *Criminology* 51, no. 3: 729–759. <https://doi.org/10.1111/1745-9125.12018>.
- Pinsof, D., and M. G. Haselton. 2017. “The Effect of the Promiscuity Stereotype on Opposition to Gay Rights.” *PLoS One* 12: e0178534. <https://doi.org/10.1371/journal.pone.0>.
- Prentky, R. A., R. A. Knight, and A. F. Lee. 1997. “Risk Factors Associated With Recidivism Among Extrafamilial Child Molesters.” *Journal of Consulting and Clinical Psychology* 65, no. 1: 141–149. <https://doi.org/10.1037/0022-006X.65.1.141>.
- Quinn, J. F., C. J. Forsyth, and C. Mullen-Quinn. 2004. “Societal Reaction to Sex Offenders: A Review of the Origins and Results of the Myths Surrounding Their Crimes and Treatment Amenability.” *Deviant Behavior* 25, no. 3: 215–232. <https://doi.org/10.1080/01639620490431147>.
- Richards, K. 2018. “Born This Way? A Qualitative Examination of Public Perceptions of the Causes of Pedophilia and Sexual Offending Against Children.” *Deviant Behavior* 39, no. 7: 835–851. <https://doi.org/10.1080/01639625.2017.1335526>.
- Rind, B. 2003. “Adolescent Sexual Experiences With Adults: Pathological or Functional?” *Journal of Psychology & Human Sexuality* 15, no. 1: 5–22. [https://doi.org/10.1300/j056v15n01\\_02](https://doi.org/10.1300/j056v15n01_02).
- Rind, B. 2021. “First Sexual Intercourse in the Irish Study of Sexual Health and Relationships: Current Functioning in Relation to Age at Time of Experience and Partner Age.” *Archives of Sexual Behavior* 50, no. 1: 289–310. <https://doi.org/10.1007/s10508-020-01721-y>.
- Rind, B. 2022. “Reactions to Minor-Older and Minor-Peer Sex as a Function of Personal and Situational Variables in a Finnish Nationally Representative Student Sample.” *Archives of Sexual Behavior* 51, no. 2: 961–985. <https://doi.org/10.1007/s10508-021-02224-0>.
- Rind, B. 2024. “Older Gay Men’s Sexual Experiences as Boys With Men: An Empirical and Narrative Analysis.” *Archives of Sexual Behavior* 53, no. 10: 3875–3893. <https://doi.org/10.1007/s10508-024-03012-2>.
- Rind, B., P. Tromovitch, and R. Bauserman. 1998. “A Meta-Analytic Examination of Assumed Properties of Child Sexual Abuse Using College Samples.” *Psychological Bulletin* 124, no. 1: 22–53. <https://doi.org/10.1037/0033-2909.124.1.22>.
- Rydberg, J., M. Cassidy, and K. M. Socia. 2018. “Punishing the Wicked: Examining the Correlates of Sentence Severity for Convicted Sex Offenders.” *Journal of Quantitative Criminology* 34, no. 4: 943–970. <https://doi.org/10.1007/s10940-017-9360-y>.
- Salerno, J. M., M. C. Murphy, and B. L. Bottoms. 2014. “Give the Kid a Break—But Only if He’s Straight: Retributive Motives Drive Biases Against Gay Youth in Ambiguous Punishment Contexts.” *Psychology, Public Policy, and Law* 20, no. 4: 398–410. <https://doi.org/10.1037/law0000019>.
- Sample, L. L., & Bray, T. M. (2003). “Are Sex Offenders Dangerous?” *Criminology & Public Policy*, 3(1), 59–82. <https://doi.org/10.1111/j.1745-9133.2003.tb00024.x>.
- Sandler, J., and N. J. Freeman. 2011. “Female Sex Offenders and the Criminal Justice System: A Comparison of Arrests and Outcomes.” *Journal of Sexual Aggression* 17, no. 1: 61–76. <https://doi.org/10.1080/13552600.2010.537380>.
- Shelby, R. M., and A. R. Hatch. 2014. “Obscuring Sexual Crime: Examining Media Representations of Sexual Violence in Megan’s Law.” *Criminal Justice Studies* 27, no. 4: 402–418. <https://doi.org/10.1080/1478601X.2014.928459>.
- Sheldon, J. P., C. A. Pfeffer, T. E. Jayaratne, M. Feldbaum, and E. M. Petty. 2007. “Beliefs About the Etiology of Homosexuality and About the Ramifications of Discovering its Possible Genetic Origin.” *Journal of Homosexuality* 52, no. 3–4: 111–150. <https://doi.org/10.1300/J082v52n03UL06>.



- Shields, R. T., and J. C. Cochran. 2020. "The Gender Gap in Sex Offender Punishment." *Journal of Quantitative Criminology* 36, no. 1: 95–118. <https://doi.org/10.1007/s10940-019-09416-x>.
- Shvartsman, S. H. 2004. "Romeo and Romeo: An Examination of Limon V. Kansas in Light of Lawrence V. Texas." *Seton Hall Law Review* 35: 359.
- Simon, L. M. 1996. "Legal Treatment of the Victim-Offender Relationship in Crimes of Violence." *Journal of Interpersonal Violence* 11, no. 1: 94–106. <https://doi.org/10.1177/088626096011001007>.
- Small, J. L. 2019. "Constructing Sexual Harm: Prosecutorial Narratives of Children, Abuse, and the Disruption of Heterosexuality." *Gender & Society* 33, no. 4: 560–582. <https://doi.org/10.1177/0891243219846598>.
- Socia, K. M., and A. J. Harris. 2016. "Evaluating Public Perceptions of the Risk Presented by Registered Sex Offenders: Evidence of Crime Control Theater?" *Psychology, Public Policy, and Law* 22, no. 4: 375–385. <https://doi.org/10.1037/law0000081>.
- Sodergren, A. J. 2005. "Causes of Homosexuality: A Christian Appraisal of the Data Christendom Awake." <http://www.christendom-awake.org/pages/may/causesofhomosexuality.htm>.
- Spears, J. W., and C. C. Spohn. 1997. "The Effect of Evidence Factors and Victim Characteristics on Prosecutors' Charging Decisions in Sexual Assault Cases." *Justice Quarterly* 14, no. 3: 501–524. <https://doi.org/10.1080/07418829700093451>.
- Spohn, C., and D. Beichner. 2000. "Is Preferential Treatment of Female Offenders a Thing of the Past? A Multisite Study of Gender, Race, and Imprisonment." *Criminal Justice Policy Review* 11, no. 2: 149–184. <https://doi.org/10.1177/0887403400011002004>.
- Spohn, C., and J. Spears. 1996. "The Effect of Offender and Victim Characteristics on Sexual Assault Case Processing Decisions." *Justice Quarterly* 13, no. 4: 649–679. [https://doi.org/10.1300/J076v18n03\\_12](https://doi.org/10.1300/J076v18n03_12).
- Steffensmeier, D., and S. Demuth. 2000. "Ethnicity and Sentencing Outcomes in US Federal Courts: Who Is Punished More Harshly?" *American Sociological Review* 65, no. 5: 705–729. <https://doi.org/10.2307/2657543>.
- Steffensmeier, D., and S. Demuth. 2006. "Does Gender Modify the Effects of Race-Ethnicity on Criminal Sanctioning? Sentences for Male and Female White, Black, and Hispanic Defendants." *Journal of Quantitative Criminology* 22, no. 3: 241–261. <https://doi.org/10.1007/s10940-006-9010-2>.
- Steffensmeier, D., J. Kramer, and C. Streifel. 1993. "Gender and Imprisonment Decisions." *Criminology* 31, no. 3: 411–446. <https://doi.org/10.1111/j.1745-9125.1993.tb01136.x>.
- Steffensmeier, D., J. Ulmer, and J. Kramer. 1998. "The Interaction of Race, Gender, and Age in Criminal Sentencing: The Punishment Cost of Being Young, Black, and Male." *Criminology* 36, no. 4: 763–798. <https://doi.org/10.1111/j.1745-9125.1998.tb01265.x>.
- Stupple, A. 2014. "Disgust, Dehumanization, and the Courts' Response to Sex Offender Legislation." *Guild Practitioner* 71: 130.
- Sturgeon, V. H., & Taylor, J. (1980). "Report of a Five-Year Follow-Up Study of Mentally Disordered Sex Offenders Released From Atascadero State Hospital in 1973. *Crim. Just. J.*" 4, 31.
- Sweet, T., and S. L. Welles. 2012. "Associations of Sexual Identity or Same-Sex Behaviors With History of Childhood Sexual Abuse and HIV/STI Risk in the United States." *JAIDS Journal of Acquired Immune Deficiency Syndromes* 59, no. 4: 400–408. <https://doi.org/10.1097/QAI.0b013e3182400e75>.
- Ulmer, J. T. 1997. *Social Worlds of Sentencing: Court Communities under Sentencing Guidelines*. SUNY Press.
- Ulmer, J. T. 2012. "Recent Developments and New Directions in Sentencing Research." *Justice Quarterly* 29, no. 1: 1–40. <https://doi.org/10.1080/07418825.2011.624115>.
- Ulmer, J. T., and B. Johnson. 2004. "Sentencing in Context: A Multilevel Analysis." *Criminology* 42, no. 1: 137–178. <https://doi.org/10.1111/j.1745-9125.2004.tb00516.x>.
- Ulrich, H., M. Randolph, and S. Acheson. 2005. "A Replication of the Meta-Analytic Examination of Child Sexual Abuse by Rind, Tromovitch and Bauserman." *Scientific Review of Mental Health Practice* 4, no. 2: 37–51.
- Walsh, A. 1990. "Standing Trial versus Copping a Plea: Is There a Penalty?" *Journal of Contemporary Criminal Justice* 6, no. 4: 226–236. <https://doi.org/10.1177/104398629000600404>.
- Wasserstein, R. L., Schirm, A. L., & Lazar, N. A. (2019). "Moving to a World beyond  $P < 0.05$ ." *American Statistician*, 73: sup1: 1–19. <https://doi.org/10.1080/00031305.2019.1583913>
- Wilson, P. 2020. "Newsom Signs Bill Intended to End Discrimination Against LGBTQ People in Sex Crime Convictions." *Los Angeles Times* 11: 2020. <https://www.latimes.com/california/story/2020-09-11/sb145-sex-crimes-law-gavin-newsom-lgbtq-rights>.
- Xu, Y., and Y. Zheng. 2017. "Does Sexual Orientation Precede Childhood Sexual Abuse? Childhood Gender Nonconformity as a Risk Factor and Instrumental Variable Analysis." *Sexual Abuse* 29, no. 8: 786–802. <https://doi.org/10.1177/1079063215618378>.
- Ybarra, M. L., and K. J. Mitchell. 2016. "A National Study of Lesbian, Gay, Bisexual (LGB), and Non-LGB Youth Sexual Behavior Online and In-Person." *Archives of Sexual Behavior* 45, no. 6: 1357–1372. <https://doi.org/10.1007/s10508-015-0491-7>.