

# SOUTH DAKOTA SEX OFFENDER STUDY

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**South Dakota Office of Attorney General  
Division of Criminal Investigation  
Statistical Analysis Center**

# **SOUTH DAKOTA SEX OFFENDER PROJECT**

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## **EXECUTIVE SUMMARY**

Due to increasing reports of sexual assault (Sexual Contact, Incest, and Rape) both nationally and in South Dakota, the South Dakota Statistical Analysis Center undertook a project to profile and track a group of sexual offenders as they progressed through the State's criminal justice system. A group consisting of those arrested and convicted of Aggravated Assault during the same time period was used as a comparison group. This project was funded by a grant from the Bureau of Justice Assistance.

Tracking information was collected regarding offenders who were arrested during the period January 1, 1987 to June 30, 1988. Tracking information was collected from the offender's fingerprint card, disposition form, data available from criminal history records at the Division of Criminal Investigation (DCI), and the South Dakota State Penitentiary's Received/Released Report.

Profiling information was collected during the period January 1, 1987 to April 30, 1989. Profiling information was collected from a survey instrument completed by the Court Services Officers, an automated form produced by penitentiary officials, and a survey instrument completed by the inmates.

Collected information was coded, entered into data sets, and analyzed using personal computers. Computer software used to store, analyze and report the data included dBXL, SPSS/PC+, SPSS/PC+ Advanced Statistics and Harvard Graphics.

### *- Tracking Component of Study -*

A total of 645 offenders arrested on 961 sexual and aggravated assault charges were tracked from their arrest through court proceedings and incarceration where applicable.

- 1) Over half of the charges tracked (51.9%) were the result of arrests for Aggravated Assault. Less than 25% of the total charges were due to arrests for Sexual Contact or Rape.
- 2) During the study period, fifty offenders were charged with more than one type of study charge.
- 3) Of the 961 charges tracked, 568 charges (59.1%) against 477 offenders resulted in prosecution. Over half (55.6%) of the Sexual Contact charges were prosecuted

while almost half of the Rape charges were brought to prosecution. 67.4% of the Aggravated Assault charges were prosecuted.

- 4) 40.1% of the charges tracked (385 charges) were not prosecuted. However, 100 of these offenders were prosecuted on 116 other charges. In most cases where charges were not prosecuted, there was a plea agreement between the prosecution and the offender. This may not be evident from the study's data in cases where the offender may have pled to a non-study charge.
- 5) As of March 1, 1990, 8 charges (.8%) against 7 offenders did not have final dispositions.
- 6) Of the charges prosecuted, 6.3% (36 charges) were dismissed; 9.0% (51 charges) were acquitted; 38% (216 charges) were reduced/upgraded; 45.6% (259 charges) were convicted; and 1.1% (6 charges) were found guilty but mentally ill.
- 7) On the average, the processing time (time between arrest and disposition) for the Aggravated Assault charges was faster than the processing times for either of the sexual assault groups.
- 8) For those charges which were reduced/upgraded, over half in each group were sentenced to suspended executions of sentence. For those charges which were convicted without being amended, approximately 44% resulted in prison sentences without any time suspended. Over half (53.9%) of the convicted Rape charges were sentenced to prison while the convicted Sexual Contact and Aggravated Assault charges were sentenced to either suspended impositions or suspended executions of sentence in over 50% of the cases.
- 9) Six offenders were found guilty but mentally ill. Three of these offenders were charged with Aggravated Assault. Only one offender who was charged with Sexual Contact was sentenced to treatment at a mental health facility.
- 10) Approximately 18% less Rape charges were prosecuted and sentenced than the number of charges in each of the other two groups.
- 11) Almost 47% of the sentenced charges received suspended executions of sentence. Only 1% of the sentenced charges required probation without any other punishment.

- 12) Of the fines imposed, 77.5% were for Aggravated Assault offenses. The Rape offenders tended to receive stiffer fines than the other two groups. The maximum fine imposed was \$10,000 against a Rape offender. Only 14.7% of the fines imposed had any amount suspended. No Sexual Contact offenders had their fines suspended while only one Rape offender had his fine suspended. 17.7% of the fines for Aggravated Assault offenses were suspended in some amount.
- 13) For the charges sentenced in each offense group, more Sexual Contact charges (56.1%) were sentenced to supervision. On the average, the Sexual Contact group was also sentenced to more time under probation than the other two groups.
- 14) A total of 198 offenders were sentenced to jail on 214 charges. 70.6% of these charges were related to Aggravated Assault offenses. Overall, the Rape group was sentenced to more jail time than the other two groups.
- 15) A total of 128 offenders (19.9% of the total study group) were sentenced to the South Dakota State Penitentiary on 156 charges (16.2% of the total charges studied). 59.5% of the sentenced Rape charges resulted in prison time compared to 45.6% of the sentenced Sexual Contact charges and 20.5% of the sentenced Aggravated Assault charges.
- 16) Prison sentences for Rape were more severe than those sentences imposed on Sexual Contact offenses. Three offenders charged with Aggravated Assault in which the charges were upgraded to Homicide/Manslaughter received LIFE sentences. Only one Rape offender was sentenced to LIFE imprisonment. The maximum sentence received for Sexual Contact was 15 years.
- 17) Of the 128 offenders sentenced to the penitentiary, 125 were actually admitted. One offender was prosecuted in federal court and remanded to a federal correctional facility. Two other offenders appealed their sentences and had their sentences reduced to sentences not requiring prison time. Twelve offenders not originally sentenced to prison were admitted due to probation violations.
- 18) Thirty-eight offenders (29.2%) under study have been released from the South Dakota State Penitentiary. Two other offenders serving time for Aggravated Assault escaped. Of those offenders formally released, over half (56.6%) were paroled.

- 19) Of those offenders released, two spent their full sentence incarcerated - both were sentenced to thirty days. Overall, the Rape offenders were imprisoned longer than the other two groups. The Sexual Contact group appeared to have spent the least amount of time incarcerated. The minimum difference between the actual time an offender served and his sentence was two days (Sexual Contact offender). The maximum difference was 6.9 years which was related to a Rape charge.

NOTE: Care should be taken when considering differences in time of less than a month due to offenders receiving credit for time served in county jail facilities.

- 20) In reviewing the criminal histories of study offenders prior to January 1, 1987, the Aggravated Assault offenders had more total felony charges. More Rape offenders were arrested on more felony sex charges than the other two groups. The Aggravated Assault offenders were arrested on more assault felonies. Yet, the Sexual Contact offenders had more felony sex and assault charges per offender.

The Aggravated Assault offenders were arrested on the most misdemeanor charges. The Sexual Contact offenders had no prior arrests for misdemeanor sex charges. The Aggravated Assault offenders had the most misdemeanor assault charges, but the Sexual Contact offenders had more misdemeanor charges per offender.

**- Profile Component of Study -**

- 1) More Sexual Contact offenders than Rape offenders reported a history of sexual abuse. The sexual offender groups (Sexual Contact and Rape) reported a higher incidence of sexual abuse as children than did the Aggravated Assault group.
- 2) No offender group rated themselves high on measurements of self-esteem, but Aggravated Assault offenders scored significantly higher than did the two sexual offender groups on self-reported measures of self-worth.
- 3) Sexual Contact offenders were older than Rape and Aggravated Assault offenders.
- 4) Aggravated assault offenders were found to have a more pronounced alcohol problem than the sexual offender

groups. Aggravated assault offenders were also more likely to report drug abuse than the sexual offenders.

- 5) None of the groups were considered puritanical in their moral beliefs, but the Sexual Contact persons were found to be the most conservative in their beliefs, followed by the rapist, and then by the aggravated assault offenders. Sexual contact persons rated premarital sex and alcohol abuse as being more immoral than did Rape and Aggravated Assault offenders. Sexual contact and Rape offenders considered drug abuse and selling illegal drugs more immoral than did the Aggravated Assault offenders. The overall moral value ratings were significantly more moral for the Sexual Contact and Rape groups than for the Aggravated Assault group.
6. Emotional problems were prevalent among all three groups of offenders. About one-third of the sexual offenders indicated that emotional instability contributed to the commission of the crime. Over one-third of the sexual offenders were ordered by the court to have psychiatric evaluations, and in over one-third of sexual offender cases the defense requested psychiatric evaluations. Also, about three-fourths of the sexual offenders reported at least some emotional problems.
7. This study found that rewards or threats were involved in 53.2% of the Sexual Contact offenses and 60.5% of Rape offenses.
8. In the sexual assault offenses, the victim/offender relationship was predominantly (63.6%) relatives or friends. Fathers and stepfathers were the most common sexual offenders in this study.
9. The victim's home or offender's home were the prevalent locations where sexual crimes occurred while aggravated assault offenses occurred outside homes. There was little difference in the location of Sexual Contact and Rape offenses, except that more Rapes occurred in downtown areas and/or near bars.
10. Court Services Officers perceived Rape offenders as being less cooperative during the presentence investigation than the other two offender groups.
11. Sexual offenders were much more likely to deny that their offense occurred than were the Aggravated Assault offenders.

12. Sexual contact offenders viewed the overall welfare system less favorably than the Aggravated Assault offenders. It is possible that the Sexual Contact offenders have more money and therefore have had less contact with the welfare system. The Rape offenders scored in between the other two groups on rating the welfare system, but their scores were not significantly different than the other groups.
13. There were no differences among the three offender groups with regard to self-reported measures of aggression or violence. All groups scored in the middle of the scale (toward the nonviolent and nonaggressive end on some items) on violence and aggression related measures.
14. Unemployment was found to be a problem for all offender groups. About 37% of the sexual offenders were unemployed at the time the crime was committed. The Aggravated Assault offenders had a much higher percent (59.7%) of unemployment than did the sexual offenders.
15. Consistent with the problem of unemployment, the offender groups tended to have low to medium income levels. One-fifth of the sexual offenders were on public assistance. The Sexual Contact offenders tended to have somewhat more income than did the rapist and aggravated offenders in this study.

The South Dakota Statistical Analysis Center's study found nine variables to be operationally effective in classifying offenders into appropriate offender groups:

Age of Offender  
Employment Status of Offender  
Location of Crime: Victim's Home  
Location of Crime: Offender's Home  
Feelings about Children (good-bad continuum)  
Beliefs about Premarital Sex  
Drinking Problem  
History of Sexual Abuse  
Feelings about Women (mean-kind continuum)

Using these variables gleaned from a combination of items from the profiling instruments, 63.6% of the offenders were classified into their appropriate offender groups.

The South Dakota Statistical Analysis Center will continue to follow these study offenders over the next few years to examine trends of recidivism.

## **INTRODUCTION**

### **Overview**

"Everybody warns you not to accept candy or rides from strangers, but nobody tells you to be careful of Uncle Frank." - An Incest Victim (1).

"Sexual abuse in all its ugly forms, thrives on darkness, fear, and shame." (1)

"The truth comes natural to a child; they must be taught to lie. Their imagination is boundless, their hope eternal, and their innocence a gift of God, too often rudely assailed and wantonly destroyed in the world of mature adults." (2)  
{quote from "Natural Life" - a pedophile publication}

The preceding quotes are indeed a sad commentary on the status of the crime of sexual abuse in our country today. Over the last few years, the crime of sexual assault has come to the forefront in the criminal justice field and in society. There has been an attempt to abandon the myths of sexual abuse. Offenders are not always violent, senile or mentally ill strangers, and their victims are not always

females. Thus, society has recognized the danger sex crimes pose, and they have answered the threat with pleas to law enforcement and grassroots strategies. On October 17, 1988, the Boy Scouts implemented a timely program, "Yell and Tell", to educate young boys about molestation and encourage them to report these incidents. Digital Equipment Corporation developed a movie of situation ethics and responses appropriate for incidents of sexual abuse. This consciousness of sexual crime has also seen the emergence of Society's League Against Molestation (SLAM) and the "Cautious Kids" educational program.

Sexual abuse comes in many forms - incest, molestation, and rape. Some experts believe sexual abuse may also be the predecessor to other ills plaguing society, such as missing children/runaways (3,4), prostitution (1,3), and drug/alcohol abuse (1). Experts have attributed the relationship between sexual abuse and missing persons to the finding that children are more likely to be victimized by relatives or acquaintances (4). Thus, they feel the need to escape from this vulnerable setting. Many victims turn to alcohol and drugs as a means of dealing with the guilt and shame stemming from the act of sexual abuse.

The 1981 Boston Survey demonstrated the vastness of the problem of sexual abuse. Researchers surveyed 4,344 households in the Boston area with children ages six to

fourteen years. The survey asked parents: "Have you been exposed to sexual abuse?", "What is sexual abuse?", "Why does it occur?", and "What should be done to prevent it?". The majority of parents surveyed (93%) reported they had been exposed to a discovery of sexual abuse within the previous year. Approximately half said either themselves or someone they knew had been victimized (5).

Along with other states in the Nation, South Dakota has witnessed a steady increase in reports of sexual assault and resulting arrests evidenced by the increase in the number of reported cases of sexual abuse. The following examples are typical of cases investigated by the South Dakota Department of Social Services:

**CASE #1:**

Jane was a seventeen year old who had disclosed that her father had been sexually abusing her since she was ten years old. The abuse first involved him coming to her bed at night fondling and digitally penetrating her. After a few years, the fondling and digital penetration progressed to sexual intercourse. The sexual intercourse continued for quite some time and happened several times a week. The father used threats of family breakups, risk of divorce, and loss of privileges to coerce Jane into continuing to have sexual intercourse with him.

Jane tried to tell the mother about what was going on, and even though it was found later that the mother had knowledge of the abuse, she overlooked what was happening.

The abuse was referred to the Department of Social Services and investigated by Social Services and law enforcement. Eventually, the father was found guilty and sentenced to a jail term, probation, and counseling. Jane received counseling as well.

**CASE #2:**

When John was eighteen, it was discovered that since the age of fifteen he had been sexually abused by his mother. John basically had become the father figure in the home which included routinely sleeping in his mother's bed. It was also found that the family had been investigated for the same problem in another state before moving to South Dakota. This continued into adulthood until the mother was charged with sexual abuse.

There were three younger boys within the home who had not been abused sexually, but who were aware of the relationship between their mother and the older brother.

Until the mother was placed in prison, there was difficulty in keeping the older son and his mother from continuing to have contact with one another. The relationship, as dysfunctional as it was, had clearly developed into a mutual relationship.

The three younger boys were removed, and continually exhibited behavioral problems. The boys had a difficult time with being separated from the mother. There was concern that one of the boys might be at risk of sexually abusing someone else. The mother was sent to prison, and the children were permanently removed from the home.

{Case Studies provided by SD Department of Social Services}

In Fiscal Year 1987, there were 611 substantiated cases of sexual abuse reported to the South Dakota Department of Social Services compared to 693 reported cases in Fiscal Year 1988.(6) This represents an increase of 13.4% over the previous year.

**CASES OF SEXUAL ABUSE  
SUBSTANTIATED**  
**SOURCE: SD DEPT. OF SOCIAL SERVICES**

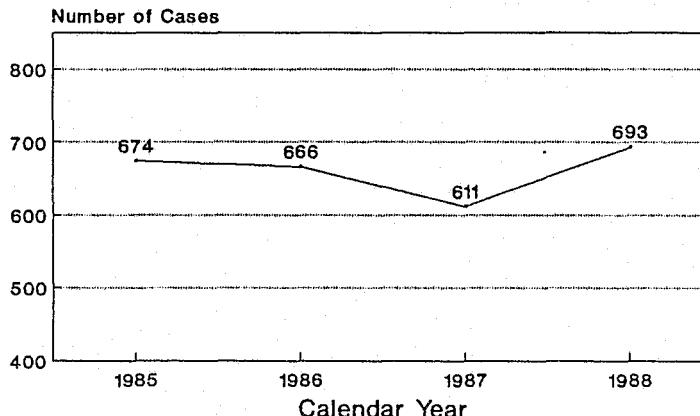


FIGURE 1 - SDSAC SEX OFFENDER PROJECT

**PERCENT OF CHANGE FOR  
SUBSTANTIATED CASES**  
**SOURCE: SD DEPT. OF SOCIAL SERVICE**

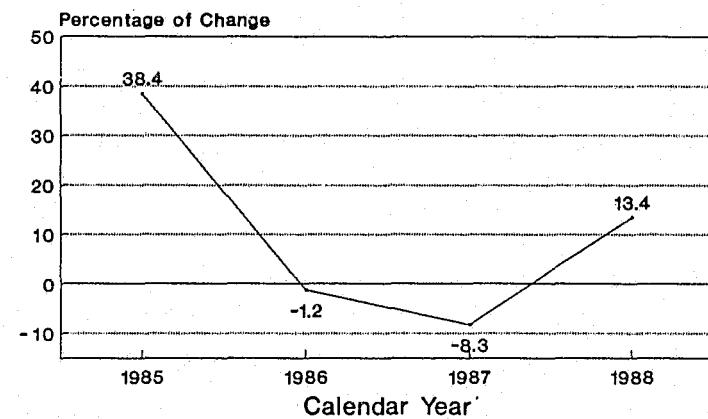


FIGURE 2 - SDSAC SEX OFFENDER PROJECT

Further reflecting the threat of the crime of sexual assault in South Dakota, the state's rape rate has also been on the increase. The rape rate for 1988 at 26.9 per 100,000 population was the highest rate for the ten year period 1979 to 1988 and equaled the rate of rape for 1984.

These statistics only reflect those crimes which have been reported. Due to the stigma many victims associate with being identified as a victim of sexual assault, many of these crimes are never reported. The first hurdle is getting these incidents reported, but the most challenging is bringing the cases to prosecution. A recent National Institute of Justice study on the impact of statistics and procedural reforms on the disposition of cases involving child victims stated 90% of all child abuse cases do not go forward to prosecution due to the trauma on the child victim and evidentiary/procedural factors (9). Further, "While many state legislatures have acted with remarkable swiftness to stiffen penalties for child sexual abuse, . . . the effectiveness of stiffer penalties is limited by strikingly low conviction rates for alleged child sex abusers. Many cases go unreported and those that are reported prove exceptionally difficult to prosecute. The child is usually the only witness to the crime. He or she may be found incompetent to testify, or upon testifying may be unable to recall crucial details or to relate them to the jury. Children are easily confused by cross-examination. They are reluctant witnesses and sometimes recant, disclaiming prior testimony to absolve an assailant who is often a relative or family friend. And parents sometimes decline to press charges rather than subject their abused child to the ordeal of extended litigation requiring endless repetition of a painful and best forgotten episode." (56). Despite this

under-reporting, those offenses which are reported demand a significant proportion of court time and social services caseload.

To combat the growing prevalence of sex offenses in South Dakota and in other states, some definitive data on these offenders was necessary to aid criminal justice professionals in understanding this crime and identifying offenders. Thus, the South Dakota Statistical Analysis Center undertook this project to track sexual offenders as they progressed through the criminal justice system and to develop a coherent and operational profile of these offenders.

In tracking offenders as they progress through the criminal justice system, it was not the intent of this project to evaluate the efficiency of any particular branch of the criminal justice system in South Dakota. Instead, the project was designed to analyze the numbers of these offenders at each stage in the criminal justice process. In the absence of a state-level automated criminal history record system, data of this type have never before been available in South Dakota. The profile component of this study was an endeavor to develop a working profile of sexual offenders to fill the current gap in this type of information. Thus, it is hoped that the profile data can be

**utilized as an investigative tool for predictive/targeting purposes; and rehabilitative and educational purposes.**

### Literature Review

Prior to the commencement of the study, project staff conducted a thorough review of criminal justice and social science literature dealing with sexual offenders. The literature was surveyed to obtain an understanding of the types of studies and resulting conclusions concerning sexual offenders to include both sexual contact offenders and rapists. In reviewing this literature, there were few conclusive studies available either tracking or profiling sexual offenders. However, reams of documented studies exist on the victims of these revolting crimes. During the project, a second literature review was conducted to review any new literature which might be available in this field of study. Few new publications were available for this second review.

Past studies have typically focused on victim/offender relationships and tended to discuss the victim and his/her recovery from the trauma of sexual abuse. These studies often utilized diverse methodologies, small sample sizes, and differing definitions of sexual abuse. All these factors contributed to varied results among the studies which failed to yield consistent conclusions. Other studies were quite emotional in nature and thus, lost their objectivity. One researcher, David Finkelhor, recognized the need for the nature and diversity of research on sexual

offenders to be expanded. He suggested broadening the subject pool to include those offenders entering the criminal justice system. He also proposed studying the undetected (5). The historic lack of a clear picture of the frequency of sexual abuse and an accurate target profile of these offenders has served to further frustrate law enforcement personnel in the pursuit of sexual offenders. This gap in information related to these offenders became the impetus for the South Dakota study.

### The Literature

Many writers (6,7,8,9,10,11) indicated there has been a dramatic increase in the number of reported sexual abuse cases. Some believe there is substantial sexual abuse in American society which continues to go unreported. A wide range of numbers have been reported concerning the extent of sexual abuse. Given the complex nature of the topic and varying definitions, discrepancies in the reported numbers of sexual abuse are expected. Some researchers report as high as 50% of the girls are subjected to some form of sexual abuse before the age of 18. One article (9) reported the results of six different studies on child sexual abuse. These studies reported that the percentages of female subjects who had been sexually abused were: 24%, 19%, 12%, 15%, 38%, and 27%, respectively. The self-reported frequency in these retrospective studies reported much lower percentages for males with numbers ranging from 5% to 15%. One writer (7) believes from her clinical experiences that perhaps more boys are abused than girls. No corroborative statements or facts were found in other writings or research. All other sources indicate that females are the most frequently targeted sex group.

One problem in the discrepancy of the figures is related to the varying definitions of sexual abuse. Larger percentages are usually obtained when the definition is expanded to

include any unwanted, fearful exposure or experience with sex against his/her wishes. The extended definition of sexual abuse often includes voyeurism and exhibitionism.

Compared to the suspected number of cases, very few sexual offenses are actually reported. It has been reported (12) that of the estimated 60,000 to 100,000 female children who are sexually abused only 20 percent of these crimes are reported. The same article (12) stated that in a 1965 survey of over 1,000 college-age women only about six percent of the sexual abuse cases were reported to the authorities. In a 1987 survey on criminal victimization conducted under the National Crime Survey, respondents indicated that 46.8% of 140,900 rape offenses were not reported to the appropriate authorities (13).

In addition to the dramatic increase in the number of reported cases of sexual abuse, there has also been an increase in the number of people convicted for sexual crimes. There has been a dramatic increase in the number of persons incarcerated at the United States Disciplinary Barracks for sexual offenses (8). In 1974, there was only 1 person incarcerated for a sexual offense. However, by 1983, the number of inmates sentenced for sexual crimes had risen to 195. According to 1986 correctional population data compiled by the Bureau of Justice Statistics, there were 39,270 prison inmates incarcerated in the United States for

sexual offenses in 1986. As of December 31, 1989, there were 207 inmates serving sentences in the South Dakota State Penitentiary for sexual offenses (57). Of these inmates, 97 (46.9%) were serving sentences for Sexual Contact with a Child.

## Characteristics of Sexual Offenders

### Violent versus Non-violent

Pedophiles have been found to exhibit different traits when compared to other criminals (15,16,17). They are generally nonviolent toward their victims and are unaggressive in their daily lives. However, they may become aggressive when instrumental to their crime (18).

Rapists are generally very aggressive and even anti-social or sociopathic (18,19,20,21). It is believed that rapists intend to inflict physical harm on their victims, in addition to evoking humiliation and fear in their victims (1).

### Concern for Victim

Some pedophiles claim to be great admirers and defenders of children; these offenders often shower their victims with affection (22). Some of these offenders are often well-liked by children and feel comfortable with them (3,12). It may appear that these child abusers are very concerned about children. The child molester is often close to his/her child victim and has purposely developed a social relationship with the child (3,21,23). Generally, these offenders do not believe they are harming the child by their

actions (24). Pedophiles are generally collectors of photographs, scrapbooks, mailing lists, newsletters, love letters, pornographic materials and related paraphernalia. Pedophiles stay in close contact with each other; they appear to need to legitimize their behavior and feelings. Many pedophilic organizations have been established to facilitate these exchanges (25). For instance, the Rene Guyon Society in California claims to have 5,000 members who each claim to have abused at least one young child. Their motto is "sex by eight or its too late". In May 1977, the International Pedophilic Information Exchange held its first meeting in Wales. This organization advocates changes in laws to permit sex between adults and "consenting" children.

#### Socialization Skills

Sexual contact offenders are believed to have poor socialization skills (3,5,7,8,15,20,26,27,28,29). They have difficulty establishing and maintaining relationships with adults, especially women (33). One researcher describes these individuals as "psychological children in the physical guise of adults" (31). It has been hypothesized that this may be why they focus their attention and affection on children (3). Children are viewed as safe - there is no threat of rejection (1). Sexual offenders generally have almost primitive and immature social skills. They search for sex objects that they consider to be manageable,

controllable and less threatening than what they generally encounter in individuals their own age.

Rapists also feel alienated from society and have difficulty with adult relationships. They tend to depersonalize women (35).

#### Impulse Control

Many researchers agree that sexual contact offenders have little or no impulse control (21,31,34) which tends to also lower the frustration tolerance. This primitive personality structure does not allow for the delay of gratification (17,21). Thus, they feel compelled to act on these inappropriate arousal patterns they have developed (17).

A study at the Massachusetts Treatment Center for Sexually Dangerous Persons examined the various assessments of impulsivity in a sample of sexual offenders (61). Researchers found that impulsivity in sex offenses was uncorrelated with lifestyle impulsivity across all categories of sexual offenders.

#### Crime Patterns

Rape offenders are likely to be involved in other criminal activities while sexual contact offenders are not

necessarily involved in such crime (17). However, a study looking at demographic data for incestuous fathers found some had been arrested for other crimes (17). Some studies have found rapists and molesters to also commit other sex offenses - child pornography, exhibitionism, voyeurism, etc. (5,20,32). It is believed that these offenses usually precede the offender's first act of sexual contact.

The aggressive sexual offender seems to adjust rather easily to the criminal subculture, but this is not so with the sexual contact offenders. This becomes evident in a penitentiary setting where the child abuser is an outcast and the lowest person on the "social" scale.

#### Age

Child molesters and incestuous fathers appear to be older than rapists (3,16,17,55). While the reported age varies according to individual studies, sexual contact offenders are generally reported to be over thirty years old and rapists are generally under 30 years of age (16). Many researchers (17,21,25) believe that the sexual contact offender may begin a pattern of sexual offenses in his/her teen years.

### Religion and Moral Issues

Sexual offenders are generally mildly conservative in pre-marital and extramarital relationships (8). One writer (1) believes that convicted rapists and child molesters tend to be almost puritanical in their definitions of sexually acceptable behavior. No evidence is presented by this author to support this conclusion. Other writers report that incestuous fathers are often churchgoers and that child molesters are very conservative on moral issues (1,8,12). One writer states that sex offenders often use religion as a rationalization for their crimes (1).

### Self-esteem

Sexual contact offenders (8,16,17,26,31,34) are often reported to have a low opinion of themselves. While they may exhibit facades of self-assurance, these offenders have low self-esteem, feel inadequate, are dependent on others, have self-doubts and accompanying feelings of inferiority. In a study of rapists, child molesters, and non-sex offender inmate controls, each group's behavioral and cognitive assessments of themselves were measured. The child molesters rated themselves as less skilled and more anxious. They perceived themselves as having performed poorly even when they had done well (33).

### Marriage

Generally, sexual offenders are not considered to have good marriage relationships (17,39). It was found that sexually violent offenders are less likely to be married than were sexually nonviolent sexual offenders (16). There is some discrepancy in the findings of others concerning the marital status of the so called nonviolent offenders or sexual contact offenders. Some (3,22) have found them not to (generally) be married, and others (40) have found them to (generally) be married.

### Alcohol

Alcohol is believed to be involved in many sexual abuse incidents, especially incest cases (5,16,17,27,40,41). It is felt the use of alcohol by the offender increases the danger of these incidents.

In data collected by the National Crime Survey program in 1986, 46% of the rape victims indicated they believed their assailants were under the influence of drugs or alcohol (60).

### Cerebral Dysfunction

Rapists were found to have a greater degree of brain dysfunction than were sexual contact offenders and normal control groups (43). Pedophiles also demonstrated some degree of dysfunction. The findings suggest that cerebral dysfunction may contribute to the crimes committed by rapists and pedophiles.

### Social Class

Some researchers have reported that sexual offenders come from the "average" socioeconomic group or that they are a heterogeneous group with no distinctive socioeconomic characteristics (12,44,40). Some indicate that sexual offenders, particularly the incest offenders come from low class situations. The low class environment results in crowding, lack of privacy and other situations which increase the likelihood of incestuous relationships (27,38,45). In contrast, another study reported that rapists appear to be those who are young, working class people (15).

### Motivation for Sexual Crime

A rapist is generally believed to be an assaultive and aggressive molester with sexual motivation being nonexistent or secondary. The rape is not so much an expression of sexual drive as it is of aggression and violence (35). Rape is also considered a manifestation of anger (18). A child molester type is generally believed to be satisfying sexual needs at an immature level of sexual development (37). Some researchers argue that the act of a child molester is based solely on the "power" component of the act in that he can control the victim (5,31). Research is obviously limited in this area, leaving conclusions based on the self-report measures of offenders or theories and speculation of the writer or researcher.

### Intelligence /Education

Some report that sexual offenders have low intelligence, while others indicate that they have average intelligence (12,15,18). One writer goes so far as to classify sexual offenders as being academically incompetent (47). Studies have found these offenders usually do not go beyond a high school education (39,42). Yet, some incest offenders have been found to be better educated than the general criminal population (17).

### Recidivism

Many researchers report a high incidence of recidivism for sexual offenders (3,20,24,31,47,52,58). In particular, one writer cites incest as seldom an isolated event (1). In a study conducted by Dr. Gene Abel, Director of the Sexual Behaviour Clinic at the New York State Psychiatric Institute, 238 sex offenders claimed responsibility for abusing an average of 68.3 young victims which was more than three times the number of adult women assaulted by each rapist in the study (20). Another clinical study of 411 offenders found that the offenders attempted 238,711 sex crimes and completed 218,900 with 138,137 victims. Of the 411 offenders, 89 rapists completed 744 rapes - an average of 7.5 victims per offender while 232 child molesters attempted 55,250 offenses and completed 38,727 (20). Another study of 125 convicted male sex offenders committed to a treatment center found the majority had previously served time in prison (47).

### Situational (Regressed) Versus Preferential (Fixated)

#### Dichotomy

Many researchers cite two categories of sexual offenders - situational (regressed) and preferential (fixated) (3,21,31,35,59). The situational offender does not necessarily have a true sexual preference for children.

Incidents range from once to a pattern with few different victims. The situational offender is thought to focus on a child for one of four reasons - as a substitute for a preferred partner, for general abuse, experimentation, or because of his own inadequacy (59).

The preferential molester has a definite preference for children and a highly predictable sexual behavior. The preferential offender consciously seduces the child, in order to establish a long-term and persistent relationship with the child (59).

#### Defense Mechanisms

Sexual offenders often use denial, minimization, justification, and fabrication to justify their actions (3,31,34). They demonstrate a lack of distress concerning their attraction to children. Sexual abusers, to include incest offenders, tend to rationalize their behavior with unrealistic thoughts such as the child seduced him, the offender wants to teach the child about sex, wants the child to feel good, and he is protecting his family (17,34).

#### History of Sexual Abuse

Research has found that early traumatizing developmental experiences such as being sexually attacked as a child can

predispose individuals to sexual offender tendencies (3,5,17,21,30,34). This finding, if valid, would certainly predispose incest victims toward incestuous tendencies. A 1979 study conducted by Groth and Burgess found that 32% of a group of 106 child molesters reported some form of sexual trauma in early childhood compared to 3% of a comparison group. Another study looking at both rapists and child molesters found that significantly more child molesters (57%) than rapists (23%) had been sexual assault victims (5).

Another researcher found boys who have been molested by men seem more likely to become pedophiles who commit more serious offenses, molest victims of both sexes and attack victims outside of the home (21). The author refers to this as the "trauma model" in which the offender is recreating his own molestation in a way in which he can control it. Yet, the author concedes that there is a high percentage of males who were victims but do not become offenders.

### Family

Many studies and writers cite the family environment as a primary component in the propensity to commit sexual crimes (5,46,47,48,49). A study of twenty-five families found distant, inaccessible parents, parental stimulation of the

sexual climate and family secrets to be indicators of incest situations (11,31). One writer believes constant relocations of the family can also be damaging (3). A break in or a non-existent parent-child relationship is believed to be a significant factor (11,50). "Parental distance can be physical, physical and emotional or physical presence with emotional distance". All are felt to be equally destructive to the child and his development (11). The sexual abuse then becomes an attempt to make up for what is missing in the parent-child relationship.

Some writers believe the father plays the pivotal role (5,17,30,50,51). Of the literature available, one writer phrases it best, ". . . while physical abuse may be seen correctly, as a problem of parenting, sexual abuse should, perhaps to a larger extent be described as a problem of masculine socialization." (5). One writer believes a broken home in the father's past can affect his immediate family (51). Violence and sexual deviance among the parents may teach their children that this is the norm (46).

#### Use of Reward or Threat

Some studies have found the use of reward or threat to be prevalent in sexual contact incidents (3,31). The offender needs the victim to appear willing or consenting, and the reward or threat can facilitate this reaction. Rewards are

more desirable when the intent is to build an on-going relationship as in the case of most incestuous relationships. One study found 65% of incest cases were nonforceful (10). A continuum of "no force" to "inflicting pain" seems to characterize the use of rewards or threats in rape situations (52).

#### Emotional Stability

A distorted concept of reality and lack of adaptive strengths may predispose the offender to sexual abuse (31). A study examining the psychiatric diagnosis of sex offenders referred for psychiatric evaluation found 20% were diagnosed as having a severe psychiatric disorder while 66.3% had been treated psychiatrically in the past (62). Almost half had been diagnosed with personality disorders.

#### Resentment of Authority

Research has found that generally sex offenders exhibit a distinct disregard for positions of authority and authority in general (21,39). Case studies evidenced this resentment through premature separations from the military and the offender's inability to maintain employment (3,32,48).

### Sexual Identity

Child molesters are more likely to feel sexual frustration and are usually unable to control these urges (53). This frustration lends to a confused picture of their own sexual identity (17,39,53). This sexual confusion further disrupts their ability to establish normal adult relationships with members of the opposite sex and lends to what appears to be a deviant or dysfunctional sexuality (15).

### Victim Age

Various writers and researchers report a range of ages for victims of sexual abuse. A study of cases handled by the Missouri State Department of Public Welfare found that the median age for incest victims was 14 years (42) while another study reported the first incidence of incest usually occurs when victims are 10 to 13 years of age (10). Still, another writer reports that the victim's age can range anywhere from two months to seventeen years with the average age being about ten and one-half years old (54). There is agreement that sexual contact offenders develop very specific age preferences for their victims (24,31).

### Victim/Offender Relationship

The Kinsey Study found that over half (55%) of 609 victims had been abused by relatives or friends (10). The most common victim/offender relationship has been found to be biological father to child in the case of sexual contact (42). A study found that 53.8% of the victim/offender relationships in sexual abuse cases were father/daughter relationships. The next most common relationship was foster or stepfathers (21.3%). In a study of 930 victims, 16% were found to have been abused by a relative before the age of eighteen, and 4.5% had been abused by their fathers (10).

### Income and Welfare

Various studies report different income levels for sexual abuse offenders (39,42,46). However, all have found them to be in the low to mid level income brackets. One study found that 50% of the sexual contact offenders studied received some form of public assistance (42).

## METHODOLOGY

### Tracking

Subjects included in this component of the study entered the South Dakota Criminal Justice System between January 1, 1987 and June 30, 1988. The Division of Criminal Investigation, which houses the Statistical Analysis Center, is the state repository for all adult criminal records in South Dakota. Any individual who was arrested and charged with a felony sex crime or aggravated assault during the study period became a subject in the study. The crimes of sexual contact, attempted sexual contact, incest, attempted incest, rape, attempted rape, spousal rape, and child pornography constituted the felony sex crimes for the purposes of the study. Offenses included under the heading of aggravated assault were attempted aggravated assault, aggravated assault, and aggravated assault on police. State statutes regarding these offenses are included as Appendix B. The aggravated assault offenders were chosen to be the control group for the study to ensure that any similarities found among sex offenders are not common to all offenders in general. Thus, identical information was collected on both sex offenders and aggravated assault offenders.

The entry point for tracking these offenders was the receipt of the subject's fingerprint card at the Division of Criminal Investigation (DCI). This initial data was entered in a computer database. The information captured from the fingerprint card included: DCI Number (a unique number), Name, Agency of Arrest, Date of Birth, Total Number of Charges, Arrest Date, Sex, Race, Place of Birth, and Social Security Number. A copy of a standard fingerprint card is included in Appendix C. For each subject in the study, case files were created to maintain hard copy data as backup for the computerized information. Subjects may have been arrested on more than one study charge related to the same incident. All study charges were recorded and followed to their conclusion. During the study period, some subjects were arrested more than once on sexual contact, rape, or aggravated assault charges. Each arrest incidence was followed through to its disposition if available by the end of the project period.

Part of each subject's initial entry into the study was also a criminal history check which included checking DCI offender files. South Dakota currently has a manual system of maintaining criminal histories. Project staff first checked an automated name index to determine if the subject had a file. If a file existed, information concerning past offenses and respective dispositions was recorded.

From the offender's arrest, developments in his/her case were followed through the court system to the correctional system where applicable. Disposition information relative to these offenders was recorded in the computerized database. Information collected at this point included: Circuit Court Number, Type of Disposition, Offense Charge Reduction, Date of Disposition, Type of Sentence, Type of Incarceration, Suspended Sentence (if applicable), Years of Incarceration, Total Time to Serve, Amount of Fine, and Amount of Suspended Fine. A copy of a disposition form is included in Appendix C. A State statute requires arresting agencies to provide final dispositions for all charges to the state repository. During this phase of the process, the offense charge may have been reduced due to a decision on the part of the states attorney and/or plea bargaining. The project's databank accommodated these reductions in charges.

The Division of Criminal Investigation receives periodic listings from the South Dakota State Penitentiary reporting admittances and releases. These listings were manually scanned for information related to the subjects in this study. Due to the complex nature of the data, information from this listing was manually recorded and later entered into a separate database. Since an offender's sentence may not match the time actually served due to probation, parole, and other factors, this procedure was necessary to monitor incoming and outgoing activities at the penitentiary to

ensure that the study's database reflected the most accurate information.

For purposes of this report, all offenders have been monitored up to the analysis phase of this study. However, the SAC will continue to track these offenders over the next few years in order to study recidivism trends.

### Profile

Profile data were collected for a longer period of time than the tracking data in order to establish a sufficient sample size upon which to analyze the data and facilitate conclusions. These data elements were collected from January 1, 1987 to April 30, 1989. Thus, not all of these subjects are included in the tracking component of the study. The profile data were collected via three different instruments.

For those offenders convicted of a felony sex crime or aggravated assault charge, a presentence investigation conducted by a court services officer is generally required. The courts agreed to share the information resulting from these presentence investigations. To standardize the information gathered from the presentence investigations, project staff in coordination with court services officers developed a survey instrument to be completed as the presentence investigation is conducted. The CSO Form elicited details on the actual criminal incidents, demographic information on the offender, and limited demographic information on the victim. A copy of the form is included in Appendix D.

Penitentiary officials create entrance records for each new inmate received. These Pen Entry Sheets were provided to

the project staff for each inmate in the study group. The Pen Entry Sheet includes demographic data as well as education data, alcohol/drug treatment history, military service, physical descriptors, and family information. A copy of the Pen Entry Sheet is included in Appendix D.

The final profiling instrument was developed by project staff and administered cooperatively by prison officials. This instrument is a self-report measure which was completed by the inmate. Only inmates who were processed through South Dakota's criminal justice system were required to complete this form. Out of state boarders were exempt due to possible inconsistencies which would result from differing state statutes and definitions. Inmate forms were also not required for those offenders who were sentenced to the penitentiary for 90 days or less. All other inmates completed these surveys as part of their orientation process. They were asked evaluative questions concerning history of physical, sexual, and emotional abuse; extent of religious beliefs; social class; self perceptions; drug or alcohol problems; emotional problems; home life; personality traits; moral questions; and family. A copy of the Inmate Questionnaire is included in Appendix D.

To maintain the consistency of the collected information, it was necessary to eliminate some subjects from the profile

component of the study. Subjects were eliminated from the profiling if they qualified as both a sexual offender and an aggravated assault offender. Subjects for whom the required data were unattainable were also eliminated from the profiling.

#### Data Maintenance and Analysis

All collected data were maintained on a computerized database. The data were verified and checked for accuracy and completeness. The appropriate agencies were contacted by project staff regarding erroneous or missing data. All subject data were collected and maintained on a strictly confidential basis.

The data were statistically analyzed using the software package, SPSS/PC+. For the purposes of this project, there are three distinct groups of subjects (rapists, sex offenders, and aggravated assault offenders). The rapists were studied separately from the other sex offenders because significant differences between the two groups have been shown to exist. This report documents the findings of this analysis.

## **RELIABILITY OF DATA**

Due to the nature and complexity of the criminal justice system, efforts to collect highly reliable data in this arena are often difficult. There are many imposing factors which impact on the criminal justice process - agencies involved, different reporting methods, statute interpretations, and varying time spans. Many of these factors are impossible to accommodate due to the very nature of the criminal justice system itself.

### **Tracking**

Information reported on the fingerprint card was generally complete. In those cases where information pertinent to the study was not completed, the arresting agency was contacted to ascertain the missing data. It is estimated that the State Repository receives about 85% of the fingerprint cards for all the arrests in the state. However, the majority of the data not received is data related to arrests for lesser misdemeanor charges from a cross-section of law enforcement agencies.

The rap sheet as a measure of an offender's past criminal history is dependent upon the receipt of all arrest data. With South Dakota's manual system, rap sheets are generally updated on an as needed basis.

Disposition information is provided by the court and by the arresting agency. It is estimated that there is a disposition reporting rate of approximately 95% in South Dakota. During the study, dispositions were carefully monitored. Arresting agencies, clerks of court, and states attorneys were contacted regarding missing dispositions.

#### Profile

Profiling is a difficult endeavor. It is important to choose well-defined subject and comparison groups. For the purposes of this study's profiling, the subject group included convicted and incarcerated offenders. To acquire a sample which represented all sexual offenders would be extremely difficult. It would require subjects in the public at large to identify themselves as sexual offenders, rapists, or aggravated assault offenders. This is not a reasonable scenario. For the purposes of this project, it was appropriate to use prisoners, since prisoners constitute the target population of interest in this study.

Information provided on the CSO Form was found to be relatively complete. However, the completion of this form depended upon the diligence of the court services officers and the cooperation of the offenders in providing this information. In isolated cases, CSO Forms were not completed due to the inadvertent omission of the form from

the process or the inmate's refusal to provide the information. This survey instrument was not completely objective in format in that a few questions may have incited the interviewer's opinion.

The Pen Entry Sheet elicited standard demographic and offense-related responses. This information was considered to be generally quite complete and accurate. In matching the common elements of the CSO Form and the Pen Entry Sheet, the information provided was almost 100% consistent.

As indicated under the methodology section of the study, the Inmate Form was a self-reporting instrument completed by the inmate. On the surface, it would then appear that the information could be biased. In analyzing the data produced from this survey instrument, there was a 100% response to demographic questions and a 92-100% responses on attitude questions by the subjects and the distributions of the responses were normally distributed.

Profiles enable investigators to limit or better direct their investigations but it does not replace sound investigative procedures. Thus, profiling is an investigative tool which identifies relationships, trends and tendencies and not necessarily a specific person.

### **RESULTS OF ANALYSIS - TRACKING**

Arrest and disposition data were collected from law enforcement agencies in South Dakota on all arrests for sexual and aggravated assault during the period January 1, 1987 to June 30, 1988. Many of these offenders were also arrested on other misdemeanor and felony charges such as Kidnapping, Burglary, DWI, Disorderly Conduct, Possession of Drugs, etc.. Only the charges pertinent to this study were tracked. Information was collected from the offender's fingerprint card, disposition form, and the South Dakota State Penitentiary's Received/Released Report. A copy of a standard fingerprint card and a disposition form are included as Appendix C.

During the tracking period, 645 offenders were arrested on a total of 961 sexual and aggravated assault charges.

The number of offenders for each individual offense category does not sum to the total number of offenders due to some offenders committing more than one type of offense during the study period. As the result of multiple charges or more than one arrest, 50 offenders (7.8%) were charged with more than one type of study charge.

### **CHARGES AND OFFENDERS TRACKED ARRESTED JANUARY 1, 1987 - JUNE 30, 1988**

Offense	Number of Offenders	Total Charges
Sexual Contact	146	233 (24.3%)
Rape	137	229 (23.8%)
Aggravated Assault	412	499 (51.9%)

### **COMMITTED MORE THAN ONE TYPE OF STUDY CHARGE**

Offense Combination	Number of Offenders
Aggravated Assault/ Sexual Contact	1
Rape/Sexual Contact	41
Aggravated Assault/Rape	8

### TOTAL CHARGES TRACKED

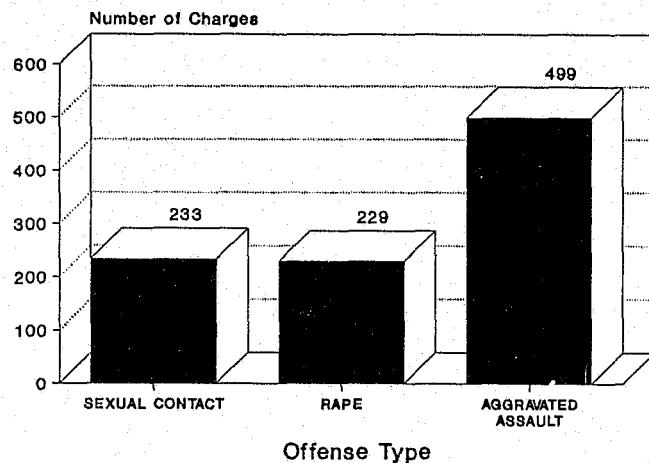


FIGURE A - SDSAC SEX OFFENDER PROJECT

### ALL OFFENDERS TRACKED BY OFFENSE TYPE ARRESTED JANUARY 1, 1987 - JUNE 30, 1988

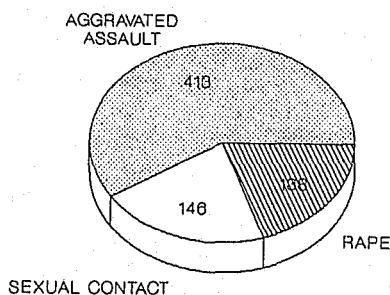


FIGURE B - SDSAC SEX OFFENDER PROJECT

### Sex of Offenders

The majority of offenders (90.2%) studied were male while only 9.8% were female. As would be expected, male offenders were also responsible for the bulk of the charges (92%).

SEX	NUMBER OF OFFENDERS	NUMBER OF CHARGES	PERCENTAGE OF CHARGES
Male	582 (90.2%)	884	92.0%
Female	63 ( 9.8%)	77	8.0%
<b>TOTAL</b>	<b>645</b>	<b>961</b>	<b>100.0%</b>

### Age of Offenders Tracked

Over two-thirds of all the offenders studied were age 21 to 39 years. Less than 10% were age 50 or older.

Age Group	Number of Offenders	Percentage of Offenders
20 Years and Under	92	14.3%
21 to 29 Years	273	42.3%
30 to 39 Years	159	24.7%
40 to 49 Years	77	11.9%
50 to 59 Years	27	4.2%
60 Years and Over	17	2.6%

### Race of Offenders

The offenders tracked were predominantly (68.2%) White while a little over 25% were American Indian.

Racial Group	Number of Offenders	Percentage of Offenders	Number of Charges	Percentage of Charges
American Indian	165	25.6%	225	23.4%
Asian	3	.5%	4	.4%
Black	27	4.2%	34	3.5%
White	440	68.2%	686	71.5%
Hispanic	3	.5%	5	.5%
Other	7	1.0%	7	.7%

### Place of Birth

Of the total 645 offenders, 366 (56.7%) were born in South Dakota. The following table shows birthplace information for the all offenders studied. The six bordering states of Iowa, Minnesota, Montana, Nebraska, North Dakota, and Wyoming account for approximately 19% of the birthplaces for the offenders. Information as

to the place of birth for 3 offenders was not available.

<u>Place of Birth</u>	<u>Number of Offenders</u>
Alabama	1
Alaska	1
Arizona	1
Arkansas	5
California	21
Colorado	8
Connecticut	2
Florida	5
Georgia	1
Idaho	1
Illinois	6
Indiana	4
Iowa	32
Kansas	9
Kentucky	1
Louisiana	1
Massachusetts	3
Michigan	10
Minnesota	37
Mississippi	1
Missouri	4
Montana	9
Nebraska	17
New Mexico	2
New York	6
North Carolina	3
North Dakota	22
Ohio	3
Oklahoma	6
Oregon	1
Pennsylvania	3
Rhode Island	1
South Dakota	366
Tennessee	2
Texas	9
Virginia	1
Washington	5
West Virginia	3
Wisconsin	6
Wyoming	7
Outside U.S.	16
Unknown	3

### ARREST INFORMATION

Since the study ran for one full year in 1987 and only half a year in 1988, it would be expected that more arrests and thus more charges would have occurred in 1987. The number of offenders arrested each year does not sum to the total number of offenders because 8 offenders were arrested both in 1987 and 1988.

Year of Arrest	Number of Offenders	Number of Charges
1987	432	592 (61.6%)
1988	221	369 (38.4%)

### ARREST INCIDENT

A total of 927 (96.5%) charges were the result of a first arrest during the study. Twenty-five offenders (3.9%) were arrested on a second incident during the study on a total of 32 charges (3.3%). One of these incidents was an arrest due to the refiling of charges against an offender arrested once during the study, but the original charges were dropped due to lack of evidence. One offender (.2%) was arrested on a third incident during the study on two charges.

### Charges Filed Per Arrest Incident

Offense	Incident		
	1	2	3
Sexual Contact	230	3	0
Rape	222	7	0
Aggravated Assault	475	22	2

TOTAL CHARGES

The total number of charges (study charges) related to an arrest incident ranged from 1 to 21. The median number of total charges related to an arrest was 1 charge. 53.4% of the charges were the only charge on which an offender was arrested during an arrest incident. 20.9% of the charges were due to arrests made on 2 charges.

Offense	Total Charges											
	1	2	3	4	5	6	7	8	9	10	21	
Sexual Contact	79	51	26	29	28	2	4	0	0	9	5	
Rape	63	61	33	31	2	10	3	0	9	1	16	
Aggravated Assault	371	89	23	8	0	0	0	8	0	0	0	

### **DISPOSITION OF ALL CHARGES TRACKED**

This section analyzes the study charges (counts) against each offender tracked during the study period. Again, for the purposes of the study, Sexual Contact, Attempted Sexual Contact, Incest, and Misdemeanor Sex Crimes constituted the Sexual Contact offenses. The charges of First Degree Rape, Attempted First Degree Rape, Second Degree Rape, Attempted Second Degree Rape, Third Degree Rape and Spousal Rape comprised the Rape offenses. Aggravated Assault offenses included Aggravated Assault and Aggravated Assault on a Police Officer. The breakdown of all charges tracked during the survey is listed below.

### **BREAKDOWN OF ALL CHARGES TRACKED ARRESTS FROM JANUARY 1, 1987 TO JUNE 30, 1988**

Offense	Number of Charges	Percentage of Charges	Number of Offenders
<b><u>Sexual Contact:</u></b>			
Sexual Contact	221	23.0%	142
Attempted Sexual Contact	1	.1%	1
Incest	5	.5%	4
Misdemeanor Sex Offenses	6	.6%	3
<b><u>Rape:</u></b>			
First Degree Rape	132	13.7%	88
Attempted First Degree	11	1.2%	10
Second Degree Rape	78	8.1%	51
Attempted Second Degree	1	.1%	1
Third Degree Rape	5	.5%	4
Spousal Rape	2	.2%	2
<b><u>Aggravated Assault:</u></b>			
Aggravated Assault	475	49.4%	392
Aggravated Assault on Police	24	2.6%	21
	961	100.0%	

Due to the multiple offenses, counts, and arrests relative to any one offender, it became difficult for project staff to track each individual offender. For this reason, the dispositions of the 961 charges/counts are tracked here and not the individual offender.

## Breakdown of Charges Tracked

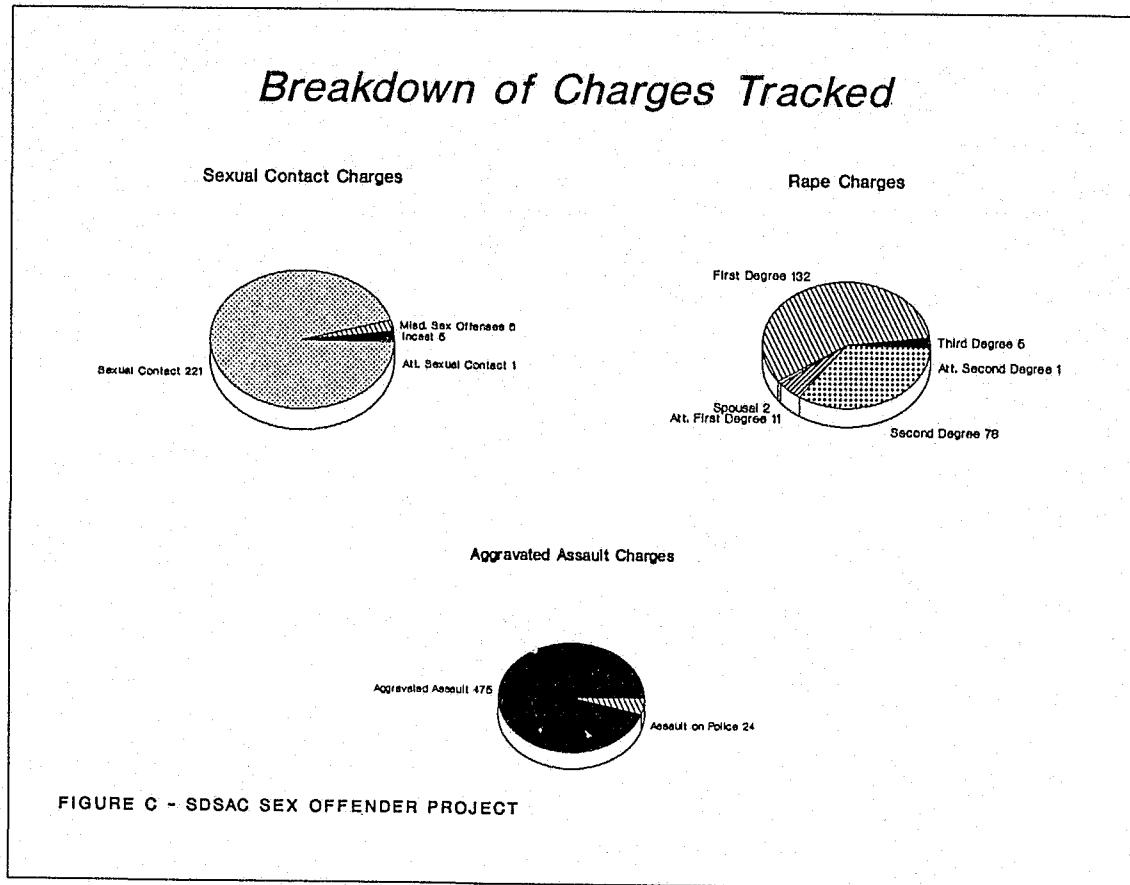


FIGURE C - SDSAC SEX OFFENDER PROJECT

Of the 961 total charges tracked 568 charges (59.1%) against 477 offenders were prosecuted. Charges were considered to be prosecuted if the case went to final deliberation or the charges were dismissed during court proceedings.

Over half (55.6%) of the Sexual Contact charges were prosecuted while almost half of the Rape charges resulted in formal court proceedings. The Aggravated Assault charges were prosecuted most often with 67.4% prosecuted.

Offense Type	Number of Charges Prosecuted	Percentage of Offense Group
Sexual Contact	129	55.6%
Rape	106	46.7%
Aggravated Assault	333	67.4%
<b>TOTAL</b>	<b>568</b>	

385 charges (40.1%) against 256 offenders were not prosecuted. 100 of these offenders had 116 other

charges which were prosecuted. Of these 116 charges, 107 (92.2%) were convicted and 9 (7.8%) were acquitted.

Charges which were dismissed by the states attorney prior to court proceedings in relation to a plea bargain, lack of evidence, or lack of a complaining witness were considered not prosecuted. In most cases where charges were not prosecuted, there was a plea agreement between the prosecution and the offender. This may not be evident from the data collected by this study in cases where the offender may have pled to a non-study charge. Other offenders may have had numerous study charges against them and pled to one or a few charges while the remaining charges were not prosecuted.

Over half of the Rape charges were not prosecuted. This may be due to the "stigma" of these charges and the heavy burden of proof placed on the prosecution. Again, these offenders may have pled to another non-study charge. Less than half of the Sexual Contact and Aggravated Assault charges were not prosecuted.

Offense Type	Number of Charges Not Prosecuted	Percentage of Offense Group
Sexual Contact	103	44.4%
Rape	121	53.3%
Aggravated Assault	161	32.6%
<b>TOTAL</b>	<b>385</b>	

## PROSECUTION OF CHARGES

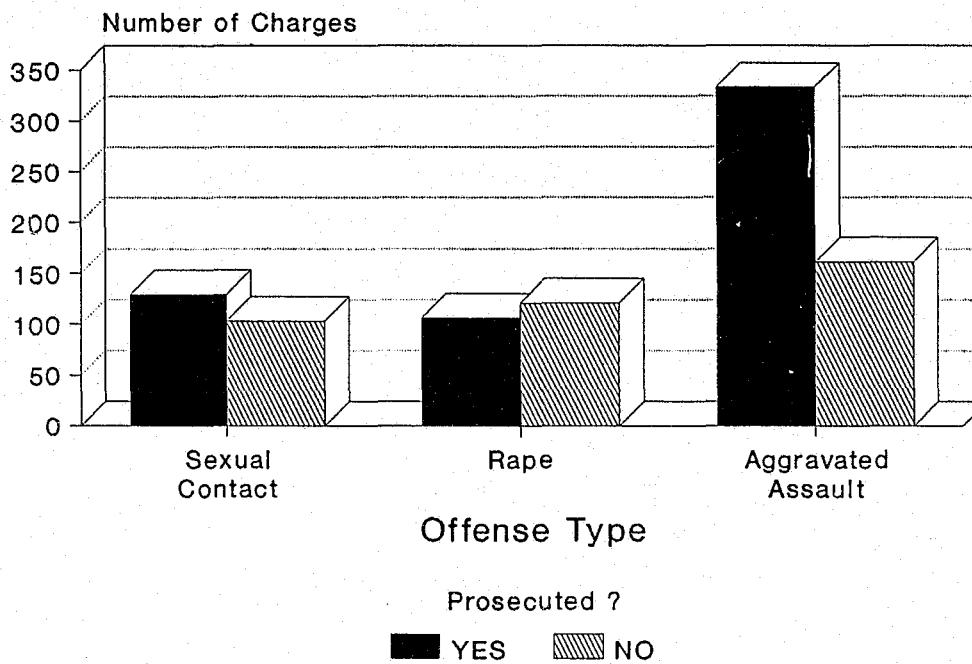


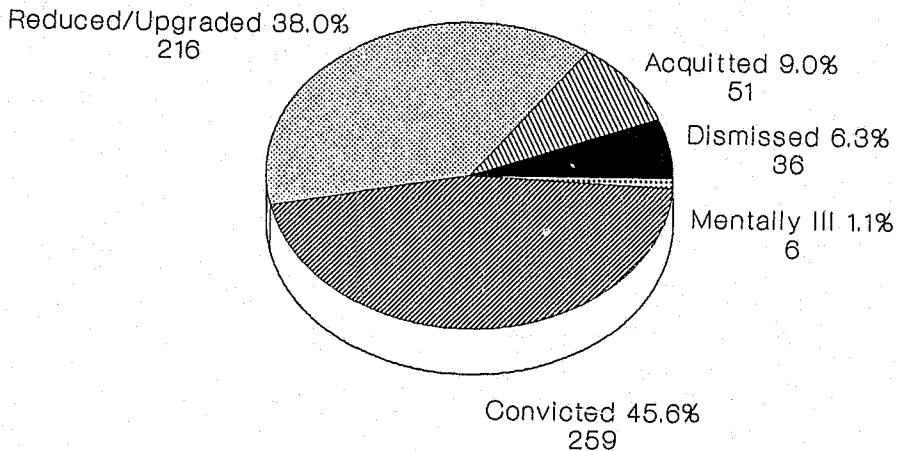
FIGURE D - SDSAC SEX OFFENDER PROJECT

As of March 1, 1990, 8 charges (.8% of total charges) against 7 offenders did not yet have final dispositions. The available dispositions for the prosecuted charges are summarized below:

- 36 charges (6.3%) were dismissed.
- 51 charges (9.0%) were acquitted.
- 216 charges (38%) were reduced/upgraded.
- 259 charges (45.6%) were convicted.
- 6 charges (1.1%) were found guilty but mentally ill.

*\*\* The dispositions of "Reduced/Upgraded" and "Guilty But Mentally Ill" are also considered to be convictions but are separated for emphasis.*

## PROSECUTED CHARGES BY DISPOSITION



**FIGURE E - SDSAC SEX OFFENDER PROJECT**

### DISMISSED CHARGES

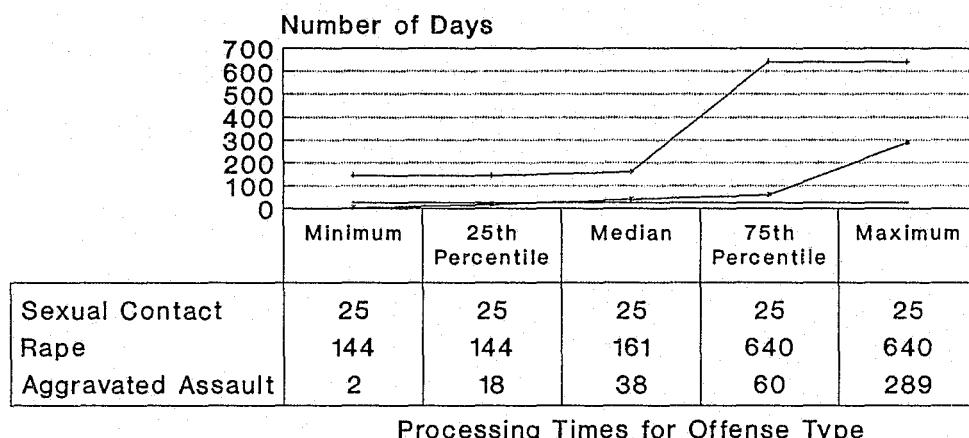
A total of **36** charges (6.3% of prosecuted charges) were dismissed against **28** offenders. Of the charges dismissed, 16 charges (44.4%) were reduced before their dismissal. One First Degree Rape charge was reduced to Simple Assault and 15 Aggravated Assault charges (53.6% of total dismissed Aggravated Assault charges) were reduced to Simple Assault and subsequently dismissed.

Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact</u>	1	1
<u>Rape:</u>	7	4
First Degree	5	
Second Degree	1	
Third Degree	1	
<u>Aggravated Assault:</u>	28	23
Aggravated Assault	26	
Assault on Police	2	

### Time Between Arrest and Disposition

Dismissals of Aggravated Assault charges were processed (on the average) about 6.4 times faster than dismissals of Rape charges. Only one Sexual Contact charge (.78%) was dismissed during the study period.

### TIME BETWEEN ARREST AND DISPOSITION FOR DISMISSED CHARGES



#### Mean Time (days):

Sexual Contact - 25  
Rape - 330.3  
Assault - 51.6

#### Offense Type

— Sexual Contact      — Rape  
— Aggravated Assault

FIGURE F - SDSAC SEX OFFENDER PROJECT

### Incident

All dismissed charges but one which was an Aggravated Assault charge were the result of first incident arrests during the study. The dismissed Aggravated Assault charge resulted from a second arrest during the tracking period.

### ACQUITTED CHARGES

Thirty offenders had 51 charges (8.9% of total charges prosecuted) against them acquitted during the study. Of the total 129 prosecuted Sexual Contact charges, 10.9% were acquitted while 23.5% of the 106 prosecuted Rape charges were acquitted. Only 3.6% of the Aggravated Assault charges prosecuted resulted in acquittal. Six offenders were acquitted of both Sexual Contact and Rape charges.

Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact:</u>		
Sexual Contact	14	9
Incest	13	
	1	
<u>Rape:</u>		
First Degree	25	17
Att. First Degree	13	
Second Degree	4	
	8	
<u>Aggravated Assault:</u>	12	10

\*\*\* The number of offenders does not sum to the total number of acquitted offenders due to some offenders being acquitted of more than one study charge.

### Time Between Arrest and Disposition

The acquitted sexual assault charges were distributed almost evenly across processing times. However, on the average, processing of the acquitted Rape charges was

faster than the Sexual Contact charges. Processing of the Aggravated Assault charges was the fastest of the three groups.

#### TIME BETWEEN ARREST AND DISPOSITION FOR ACQUITTED CHARGES

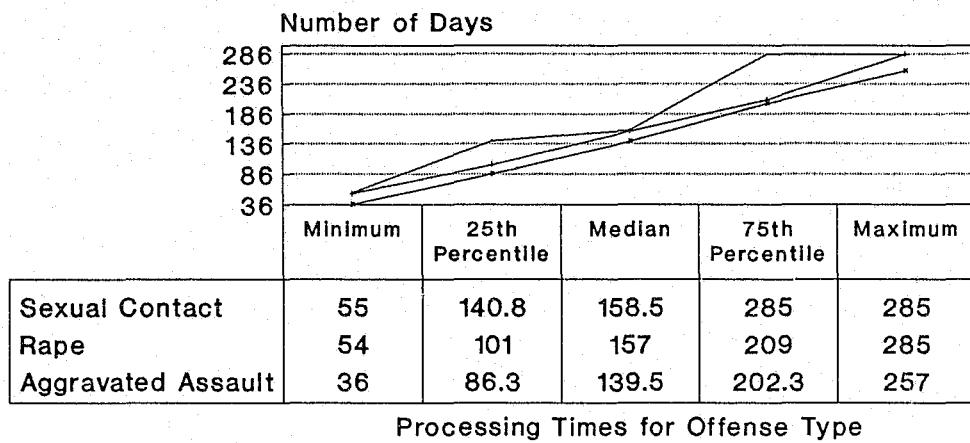


FIGURE G - SDSAC SEX OFFENDER PROJECT

#### Incident

Of the 14 total acquitted Sexual Contact charges, 13 (92.9%) were the result of first arrests, and one was the result of a second arrest. Of the 25 acquitted Rape charges, 23 (92%) were first arrests, and 2 were second incident arrests. Of the 12 acquitted Aggravated Assault arrests, 10 charges (83.3%) resulted from first arrests during the study, and 2 were the result of second arrests. Thus, across the three offense groups, the majority of acquitted charges were the result of first incidents during the study.

### REDUCED/UPGRADED CHARGES

Over half (55.3%) of the prosecuted Aggravated Assault charges were amended (changed to another charge) during the judicial process. 19.8% of the prosecuted Rape charges were amended while only 8.5% of the Sexual Contact charges were changed. One offender was charged with Sexual Contact and Rape and both charges were amended.

Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact</u>	11	11
<u>Rape:</u>	21	19
First Degree	14	
Att. First Degree	1	
Second Degree	5	
Spousal Rape	1	
<u>Aggravated Assault:</u>	184	176
Aggravated Assault	174	
Assault on Police	10	

### Resulting Charges of Reduction/Upgrade:

Overall, 90.3% of the reduced/upgraded charges were amended to misdemeanors. 81.8% of the Sexual Contact, 28.6% of the Rape and 97.8% of the Aggravated Assault were amended to misdemeanor charges.

The 11 Sexual Contact Charges were reduced/upgraded as follows:

- One charge was upgraded to First Degree Rape.
- One charge was amended to Aggravated Assault.
- Four charges were reduced to Simple Assault.
- Five charges were reduced to Contributing to the Delinquency of a Minor.

The 21 Rape Charges were reduced/upgraded as follows:

**Of the 15 First Degree Rape charges:**

- Five charges were amended to Sexual Contact.
- One charge was reduced to Attempted First Degree Rape.
- Two charges were reduced to Second Degree Rape.
- One Charge was amended to Aggravated Assault.
- Five Charges were reduced to Simple Assault.

**One Attempted First Degree Rape Charge was reduced to Simple Assault.**

**Of the 5 Second Degree Rape charges:**

- Four charges were amended to Sexual Contact. (Refer to State Statutes for congruities between these two offenses)
- One charge was amended to Incest.

**The Spousal Rape charge was amended to Attempted First Degree Rape.**

The 184 Aggravated Assault charges were reduced/upgraded as follows:

**Of the 174 Aggravated Assault charges:**

- 128 charges were reduced to Simple Assault.
- 40 charges were reduced to Disorderly Conduct.
- One charge was reduced to a Traffic Violation.
- Three charges were reduced to Firearms Violations.
- Two charges were upgraded to Homicide.

**Of the 10 Aggravated Assault on Police charges:**

- Two charges were amended to Aggravated Assault.
- 7 charges were reduced to Simple Assault.
- One charge was reduced to Disorderly Conduct.

**Incident**

All 11 Sexual Contact charges which were reduced/upgraded were the result of first incident arrests.

All 21 Rape charges which were reduced/upgraded were the result of first incident arrests.

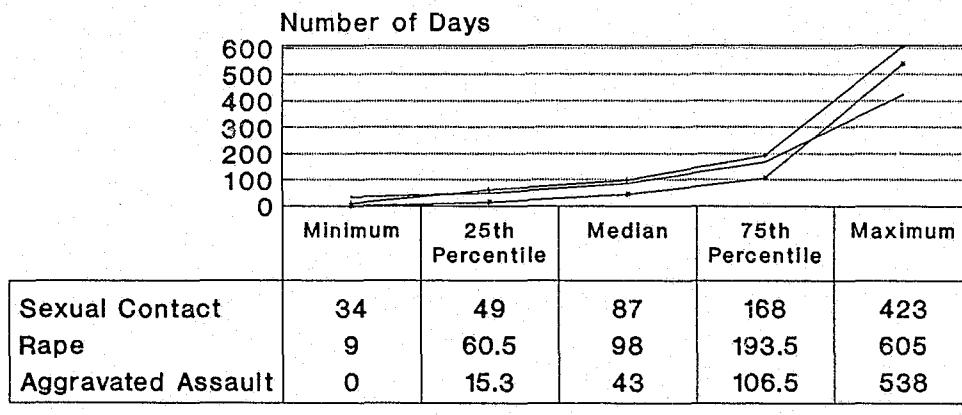
177 of the reduced/upgraded Aggravated Assault charges were the result of first incident arrests while 7 were from second incidents.

**Time Between Arrest and Disposition**

The reduced/upgraded Rape charges had the maximum processing time. On the average, processing of the amended Aggravated Assault charges was faster than the other two offense categories. In considering this, it should be noted that more of the Aggravated Assault charges were amended to misdemeanors.

Processing Time (days)	Sexual Contact	Rape	Aggravated Assault
0 to 7			15
8 to 30		2	56
31 to 90	6	7	56
91 to 120		4	18
121 to 150			16
151 to 180	3	2	9
181 to 210		2	2
211 to 240		2	3
241 to 270			
271 to 365	1	1	5
366 to 545	1		4
546 to 730		1	

## TIME BETWEEN ARREST AND DISPOSITION FOR REDUCED/UPGRADED CHARGES



Processing Times for Offense Type

Mean Time (days):

Sexual Contact = 138.6  
Rape = 140.7  
Assault = 74.2

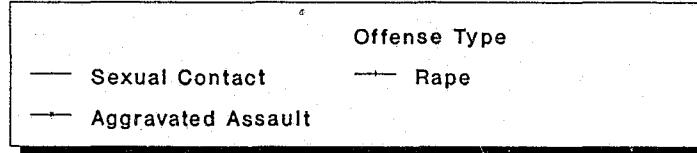


FIGURE H - SDSAC SEX OFFENDER PROJECT

### Sentencing

Over half the charges in each offense group were sentenced to suspended executions of sentence. Suspended executions can result in prison time, jail time, or no time incarcerated. A detailed definition is listed in Appendix F.

### REDUCED/UPGRADED CHARGES BY SENTENCE

Sentence	Sexual Contact	Rape	Aggravated Assault
Prison	1	5	6
Jail	1	1	34
Suspended Imposition	1	2	10
Fine	0	0	6
Suspended Execution	8	13	128

### CONVICTIONS

Of the prosecuted charges for each offense category, more Sexual Contact charges (78.3%) were convicted than the other two offense groups. Four offenders were convicted on Sexual Contact and Rape charges. Two offenders were convicted on Rape and Aggravated Assault charges.

Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact:</u>	101	87
Sexual Contact	98	
Incest	1	
Misdemeanor Offenses	2	
<u>Rape:</u>	52	47
First Degree	24	
Second Degree	26	
Third Degree	1	
Spousal Rape	1	
<u>Aggravated Assault:</u>	106	95
Aggravated Assault	104	
Assault on Police	2	

### Incident

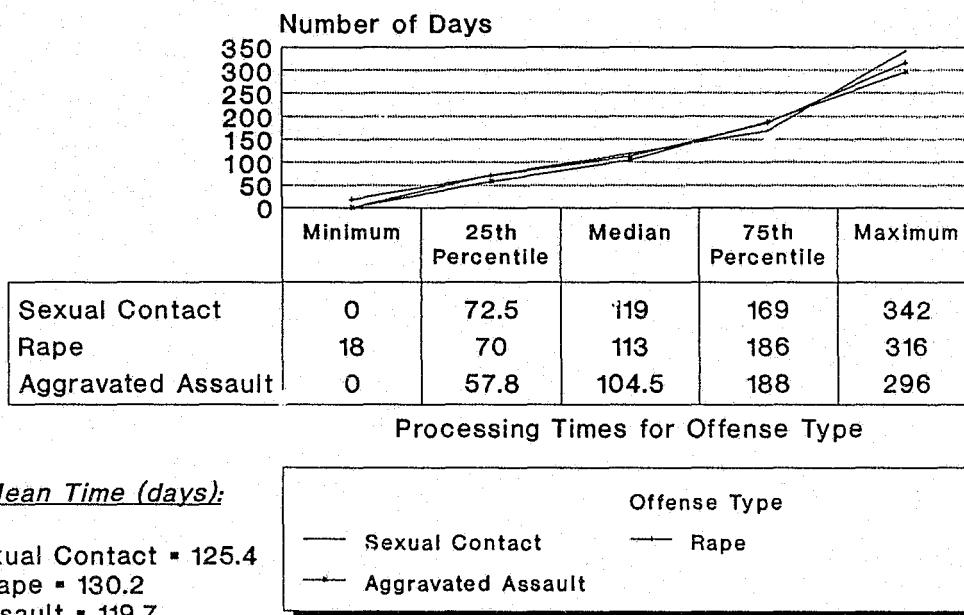
All the convicted Sexual Contact charges were the result of first incident arrests. The majority of the convicted Rape charges were first incident arrests except for 2 charges which were related to second incidents for 2 offenders. All but 6 convicted Aggravated Assault charges were the result of first incident arrests.

### Time Between Arrest and Disposition

The processing time for the convicted Aggravated Assault charges was faster than the other two groups. The maximum processing time for the Aggravated Assault charges was over a month (46 days) faster than processing of the Sexual Contact charges and 20 days less than the processing time for the Rape charges.

Processing Time (days)	Sexual Contact	Rape	Aggravated Assault
0 to 7	3		4
8 to 30	5	1	8
31 to 90	28	18	33
91 to 120	16	10	18
121 to 150	15	1	13
151 to 180	13	7	2
181 to 210	5	7	11
211 to 240	12	4	6
241 to 270		3	7
271 to 365	4	1	4

## TIME BETWEEN ARREST AND DISPOSITION FOR CONVICTED CHARGES

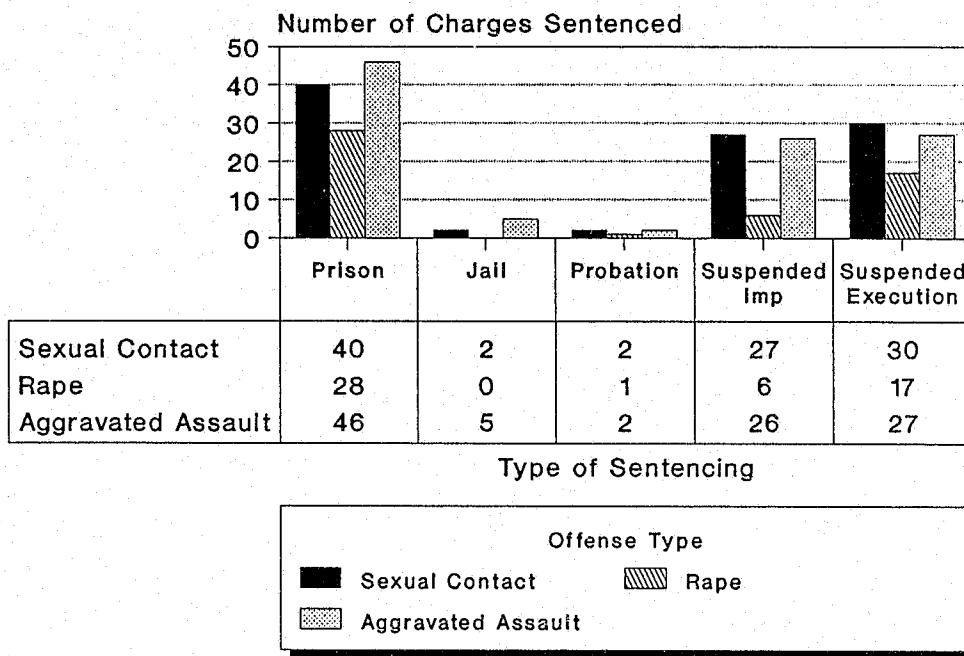


**FIGURE I - SDSAC SEX OFFENDER PROJECT**

### Sentencing

Approximately 44% of all convicted charges resulted in prison sentences. Over half (53.9%) of the convicted Rape charges were sentenced to prison while the convicted Sexual Contact charges and Aggravated Assault charges were sentenced to either suspended impositions of sentence or suspended executions of sentence in over 50% of the cases.

## SENTENCING OF CONVICTED CHARGES



**FIGURE J - SDSAC SEX OFFENDER PROJECT**

### GUILTY BUT MENTALLY ILL

Six offenders were found guilty but mentally ill on six charges. Half of these offenders were charged with Aggravated Assault.

Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact</u>	2	2
<u>Rape:</u> First Degree	1	1
<u>Aggravated Assault</u>	3	3

### Incident

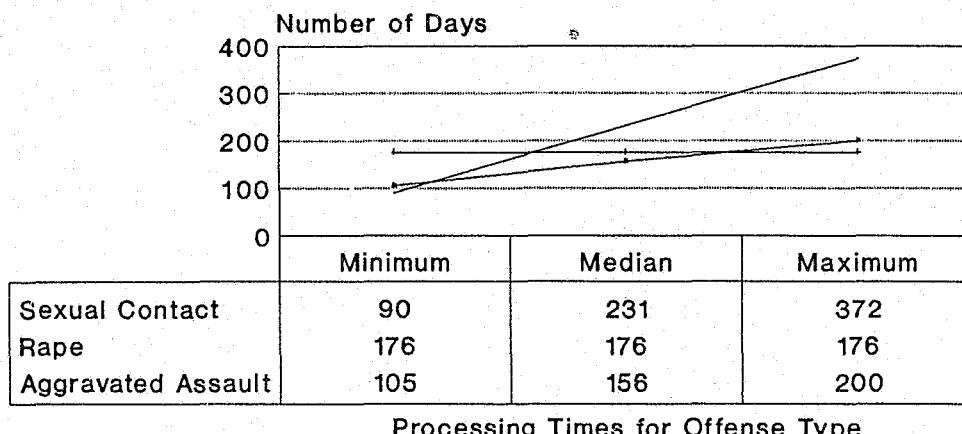
All arrests which led to guilty but mentally ill findings were first incident arrests.

### Time Between Arrest and Disposition

Overall processing of the guilty but mentally ill Aggravated Assault charges was faster than the Sexual Contact group. The Sexual Contact group had the lowest and also the highest processing times.

Processing Time (days)	Sexual Contact	Rape	Aggravated Assault
31 to 90	1		
91 to 120			1
121 to 150			
151 to 180		1	1
181 to 210			1
211 to 240			
241 to 270			
271 to 365			
365 to 545	1		

**TIME BETWEEN ARREST AND DISPOSITION  
CHARGES FOUND GUILTY BUT MENTALLY ILL**



Mean Time (days):

Sexual Contact = 231  
 Rape = 176  
 Assult = 153.7

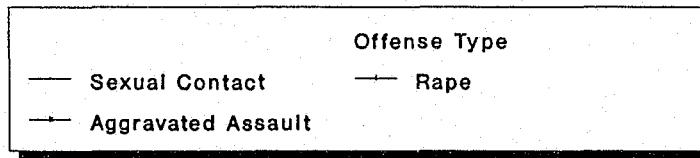


FIGURE K - SDSAC SEX OFFENDER PROJECT

Sentencing

Half of all charges found guilty but mentally ill were sentenced to suspended executions of sentence. In lieu of other punishment, one Aggravated Assault offender was committed to the Human Services Center for treatment.

**GUILTY BUT MENTALLY ILL CHARGES BY SENTENCE**

Sentence	Sexual Contact	Rape	Aggravated Assault
Prison		1	1
Suspended Execution	1		2
Committed to HSC	1		

## **SENTENCING OF CHARGES**

Offenders were sentenced to prison, jail, probation, suspended imposition of sentence, fines, suspended execution of sentence/suspended sentences, and community service.

For purposes of this section, the headings of prison and jail refer to sentencing with no suspended time. Suspended imposition of sentence and suspended execution can also result in prison and/or jail time but are separated here due to their special nature and the fact that the court maintains jurisdiction over these individuals for a specified period of time.

Many offenders are sometimes sentenced to more than one punishment. For example, an offender may be sentenced to probation and a fine. For the purposes of this study, a hierarchy was developed so that sentences were coded according to the most severe (except in the case of suspended impositions and suspended executions) while secondary conditions of sentencing were also recorded. So, in the case of the offender sentenced to probation and a fine, the offender would have been coded as receiving probation, but the amount of the fine would have also been recorded.

Probation was time the offender was specifically sentenced to under the supervision of a court services officer or the court's jurisdiction. Specific references to informal supervision for a definite time period were also considered probation.

Fines were considered to be fines if sentencing documentation specifically referred to monetary amounts as fines, costs, or LEOTF (Law Enforcement Officers Trust Fund). Payments of restitution or attorney fees were not considered to be fines.

Community Service was time the offender was sentenced to in which he would perform duties for a charitable cause. The amount of time sentenced to and the unit of time (hours, days, weeks etc.) were recorded.

It should be mentioned that many of the offenders had other conditions of sentencing to meet which were too numerous and varied to be recorded. It should also be noted that many offenders received credit for time they may have served awaiting trial in county jail facilities.

## Prison

Overall, 104 offenders were sentenced to prison without suspended time on 128 charges. One offender was sentenced to the penitentiary on two charges of Sexual Contact and two charges of Rape. One offender was sentenced on two charges of Aggravated Assault and one charge of Rape, and another offender was sentenced on one charge of Aggravated Assault and two charges of Rape.

Of those charges receiving sentences, more Rape charges (45.9%) resulted in prison sentences without suspended time than the other two offense groups. Only 18.1% of the sentenced Aggravated Assault charges resulted in prison time.

Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact:</u>	41*	31
<u>Rape:</u>	34*	30
First Degree	19	
Second Degree	15	
<u>Aggravated Assault:</u>	53	46
Aggravated Assault	52	
Assault on Police	1	

\* The number of offenders does not sum to the total number of offenders sentenced to prison without suspended time due to some offenders being sentenced to prison on more than one study charge.

• One of the Sexual Contact charges was amended to Aggravated Assault during court proceedings. Two of the Rape charges were amended to Sexual Contact and one was amended to Aggravated Assault. Two of the Aggravated Assault charges were amended to Firearms Violations. Two others were upgraded to Homicide.

Six of the Sexual Contact offenders were sentenced to the penitentiary on more than one charge of Sexual Contact. Three of the Rape offenders were sentenced to

of the offenders were sentenced to the penitentiary on more than one charge of Aggravated Assault.

Total Time Sentenced

One offender was sentenced to life imprisonment on a First Degree Rape charge and three offenders were sentenced to life in prison on Aggravated Assault charges which were upgraded to Homicide. Disregarding the three Aggravated Assault charges sentenced to LIFE which skew the mean sentencing of the Aggravated Assault group, the offenders imprisoned on Aggravated Assault charges received lesser sentences than the other two offender groups followed by the Sexual Contact offenders. The Rape offenders received the most severe sentences of the three groups.

Prison Time	Sexual Contact	Rape	Aggravated Assault
Less than 1 Yr.	1		
1 to 2 Yrs.			3
2 to 3 Yrs.	1		7
3 to 5 Yrs.	11	3	10
5 to 6 Yrs.	7	4	7
6 to 7 Yrs.	2	2	3
7 to 8 Yrs.	3	1	4
8 to 10 Yrs.	2	1	3
10 to 15 Yrs.	8	8	5
15 to 20 Yrs.	6	8	5
20 to 25 Yrs.			1
25 to 30 Yrs.		5	2
30 to 45 Yrs.			
45 Yrs. or More		1	
LIFE		1	3

Descriptive Points	Sexual Contact	Rape	Aggravated Assault
Minimum	60	1,095	365
25th Percentile	1,460	2,190	1,095
Median	2,190	4,380	1,825
75th Percentile	3,650	5,475	3,650
Maximum	5,475	LIFE	LIFE
Mean	2,672.2	7,986.7	8,144.5

\*\*\* In computations, LIFE equaled 99,999.

## PRISON SENTENCE FOR THOSE CHARGES WITHOUT SUSPENDED TIME

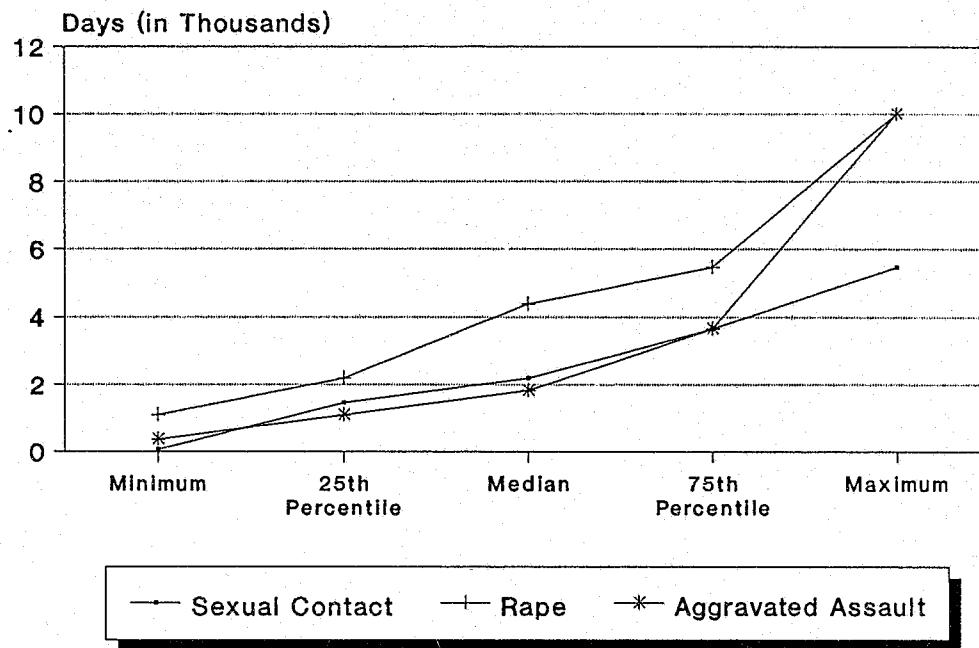


FIGURE L - SDSAC SEX OFFENDER PROJECT

### Supervision

In addition to his prison sentence, one Sexual Contact offender was also sentenced to five years probation to begin upon his release from the penitentiary.

### Fines

In addition to his prison sentence, one Rape offender was fined \$10,000 each on three counts of Rape with no amount suspended.

### Jail

Of those charges sentenced for each offense, 10.7% more Aggravated Assault charges resulted in jail sentences without suspended time than did Sexual Contact charges. The sentenced Rape charges resulted in less jail time than either of the other groups.

Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact:</u>	3*	3
<u>Rape:</u>	1*	1
First Degree	1	
<u>Aggravated Assault:</u>	39	37
Aggravated Assault	38	
Assault on Police	1	

\* One of the Sexual Contact charges was amended to Contributing to the Delinquency of a Minor. The Rape charge was reduced to Simple Assault. 30 Aggravated Assault charges were reduced to Simple Assault and were were reduced to Disorderly Conduct.

Two of the Aggravated Assault offenders were sentenced to jail on two charges.

### Total Time Sentenced

The one Rape charge resulting in jail time received a maximum sentence of 365 days. One Aggravated Assault offender was sentenced to the minimum time across all three groups of 1 day. On the average, the Aggravated Assault charges were sentenced to 10.5 days less than the Sexual Contact charges and 203.8 days less than the Rape charges.

Total Time of Sentence	Sexual Contact	Rape	Aggravated Assault
Less than 1 Mth.			6
1 to 2 Mths.			6
2 to 3 Mths.	1		3
3 to 6 Mths.	1		6
6 Mths. to 1 Yr.		1	7
1 Yr.	1	1	11

**TOTAL JAIL TIME SENTENCED  
FOR THOSE CHARGES WITHOUT SUSPENDED TIME**

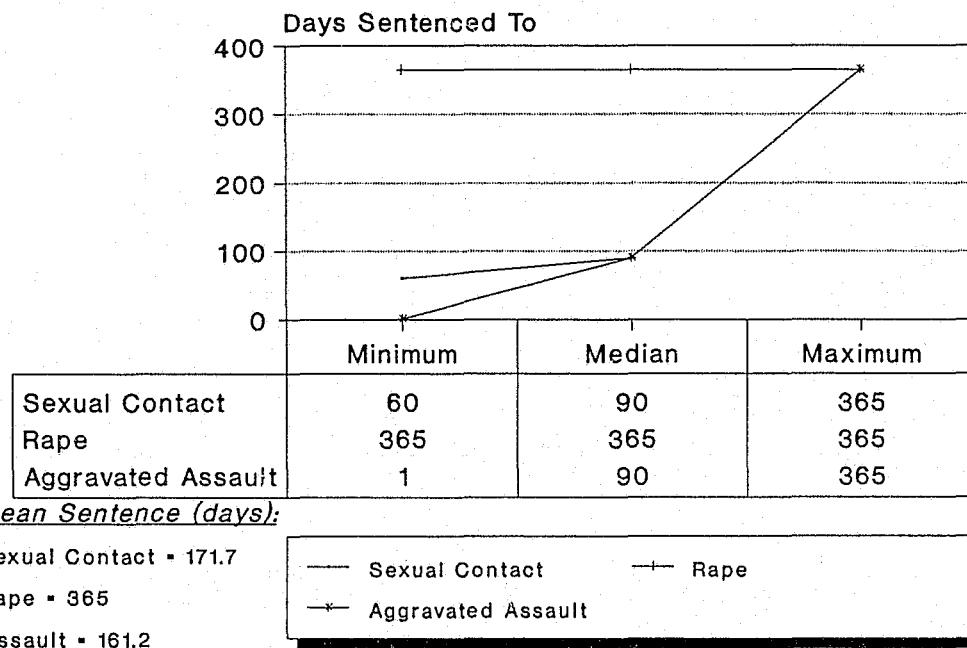


FIGURE M - SDSAC SEX OFFENDER PROJECT

### Supervision

The Rape offender was not sentenced to any supervision in addition to his jail sentence. Of those charges sentenced to supervision, the Sexual Contact charges received longer periods of probation than did the Aggravated Assault group.

Offense Type	Number Charges	Min	Median	Max	Mean
Sexual Contact	2	1,460	1,642.5	1,825	1,642.5
Aggravated Assault	4	365	730	1,460	821.3

*Unit - Days.*

### Fines

Though the Aggravated Assault group received the maximum fine of all the groups sentenced to jail, the Sexual Contact group received more severe fines overall. The Rape offender was not fined.

Offense Type	Number	Min	Median	Max	Mean
Sexual Contact	2	\$250	\$325	\$ 400	\$325
Aggravated Assault	5	\$ 35	\$250	\$1,000	\$380

### Fine Suspended

Only one Aggravated Assault offender sentenced to straight jail time received a suspended fine in the amount of \$515 which suspended the entire amount of his fine.

### Community Service

Two of the Aggravated Assault offenders were also sentenced to community service in addition to their jail sentence. Both offenders were sentenced to 80 hours of service.

### Probation

Only about 1.1% of the total sentenced charges received sentencing consisting of only probation. Probation was more often used as a supplement to a prison or jail sentence.

Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact</u>	2	2
<u>Rape:</u> Second Degree	1 1	1
<u>Aggravated Assault</u>	2	2

\* None of these charges were Reduced/Upgraded during judicial proceedings.

### Probationary Period

The Aggravated Assault offenders were sentenced to less probation time than offenders in the other two offender groups with the Rape offenders receiving the most time.

## PROBATIONARY PERIOD

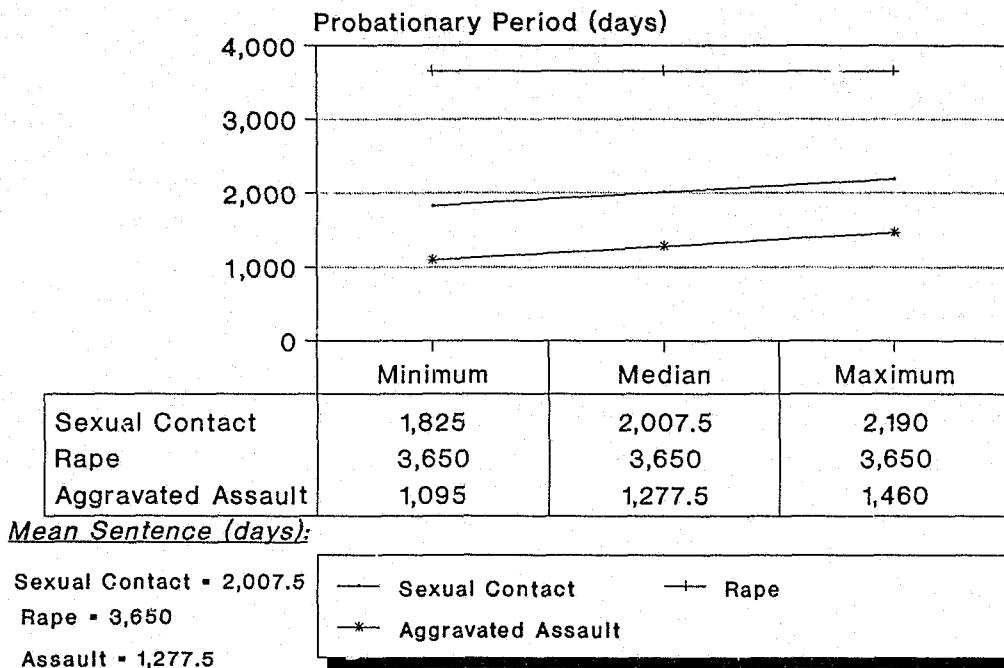


FIGURE N - SDSAC SEX OFFENDER PROJECT

### Suspended Imposition of Sentence

A total of 72 charges were sentenced to suspended impositions of sentence. This sentencing can result in prison time, jail time or no time incarcerated. A condition of this sentencing is the court retains jurisdiction over these offenders for a specified period of time. For a definition of suspended imposition of sentence, see Appendix F.

### PRISON TIME

Of those charges resulting in suspended impositions, only 5.5% yielded prison time. Most often, the total prison time is suspended when the court renders a

suspended imposition. In most cases, the prison sentence equals the probationary period. No Rape offenders were sentenced to suspended impositions of sentence resulting in prison time.

Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact:</u>	3	3
<u>Aggravated Assault:</u>	1	1

\*\*\* None of these charges were Reduced/Upgraded.

#### Prison Sentence

The Sexual Contact group received the maximum sentence of 60 days. The sentencing for these offenders read "must serve (specified time) days in the South Dakota State Penitentiary". In most cases, the total time sentenced is suspended when the judgement is a suspended imposition of sentence.

Offense Type	Minimum	Median	Maximum	Mean
Sexual Contact	30	30	60	40
Aggravated Assault	30	30	30	30

Unit - Days.

#### Supervision

The Sexual Contact group was sentenced to more time under supervision. Supervision is usually a condition of a suspended imposition of sentence.

Offense Type	Number Charges	Min	Median	Max	Mean
Sexual Contact	3	1,825	1,825	3,650	2,433.3
Aggravated Assault	1	1,825	-----	1,825	1,825

Unit - Days.

### Community Service

One Aggravated Assault offender was also sentenced to 200 hours of community service.

### JAIL TIME

Of the Sexual Contact charges sentenced, 11.4% resulted in suspended impositions of sentence with jail time while only 5.4% of the Rape charges sentenced and 7.5% of sentenced Aggravated Assault charges received suspended impositions with jail time. 54.2% of charges sentenced to suspended impositions of sentence resulted in jail time.

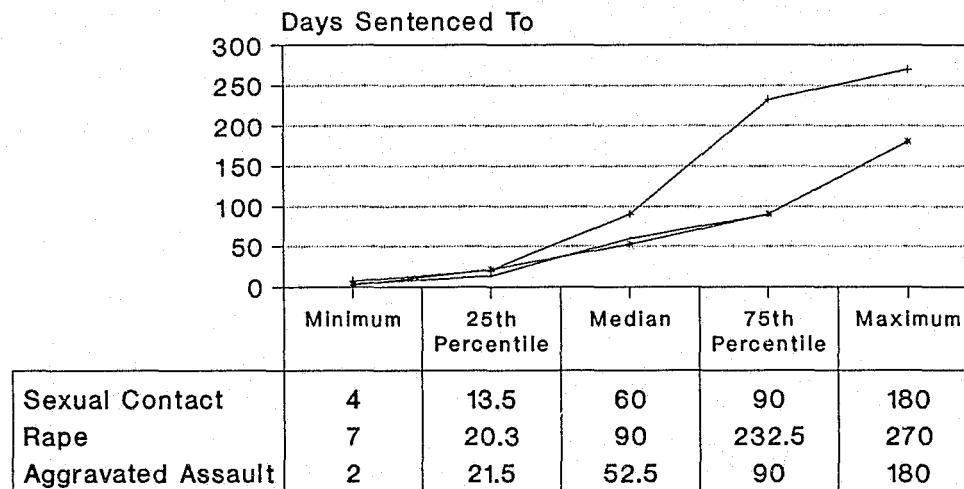
Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact:</u>	13*	12
Sexual Contact	12	
Incest	1	
<u>Rape:</u>	4	4
First Degree	1	
Second Degree	3	
<u>Aggravated Assault:</u>	22*	20
Aggravated Assault	19	
Assault on a Police Officer	3	

\* One charge of Sexual Contact was reduced to Contributing to the Delinquency of a Minor. One charge of Aggravated Assault on a Police Officer was reduced to Simple Assault.

### Actual Jail Sentence (Time After Suspended Time)

The Aggravated Assault group received less severe jail sentences than the other two groups. The Rape group received the most severe sentences.

TOTAL JAIL SENTENCE  
SUSPENDED IMPOSITION OF SENTENCE



Mean Sentence (days):

Sexual Contact = 60.9

Rape = 114.3

Assault = 66.72

— Sexual Contact      + Rape  
— Aggravated Assault

FIGURE O - SDSAC SEX OFFENDER PROJECT

### Jail

Before any suspended time, the Aggravated Assault group were sentenced to less time than the other two groups. Rape charges were sentenced to more time than the other charges. No time was suspended for the Rape group while less than 10% of the other charge groups received suspended time.

## ORIGINAL JAIL SENTENCE AND SUSPENDED TIME

Offense Type	Min	Median	Max	Mean	#Charges	Suspended Time	Min	Max
Sexual Contact	4	60.0	180	62.0	1	15	15	15
Rape	7	90.0	270	114.3	0	---	---	---
Aggravated Assault	3	52.5	180	67.9	1	28	28	28

*Unit - Days.*

### Total Fine

The Rape group received the highest fine (\$1,012) of the three groups while the Aggravated Assault group had the minimum fine of \$15. No fines were suspended. On the average, the Sexual Contact charges were fined less than the other two groups.

Offense Type	Number	Min	Median	Max	Mean
Sexual Contact	1	\$250	----	\$ 250	\$ 250
Rape	1	\$1,012	----	\$1,012	\$1,012
Aggravated Assault	3	\$ 15	\$113	\$1,015	\$ 381

### Supervision

The courts retained jurisdiction over the Sexual Contact group over a longer period of time than the other groups. The Aggravated Assault group was sentenced to the least time under court jurisdiction.

Offense Type	Number of Charges	Min	Median	Max	Mean
Sexual Contact	13	365	1,460.0	3,650	1,586.2
Rape	4	730	912.5	1,825	1,095.0
Aggravated Assault	22	365	730.0	1,825	907.9

### NO TIME INCARCERATED

Of the 28 Sexual Contact charges receiving suspended impositions of sentences, 42.8% resulted in offenders spending no time incarcerated. 50% of the Rape charges and 36.1% of the Aggravated Assault charges receiving suspended impositions resulted in no time incarcerated.

Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact:</u>	12	12
<u>Rape:</u>	4*	4
First Degree	2	
Second Degree	2	
<u>Aggravated Assault:</u>	13	13
Aggravated Assault	11	
Assault on Police	2	

\* Two Rape charges were amended to Sexual Contact. Six Aggravated Assault charges were reduced to Simple Assault, and two Aggravated Assault charges were reduced to Disorderly Conduct.

### Total Fine

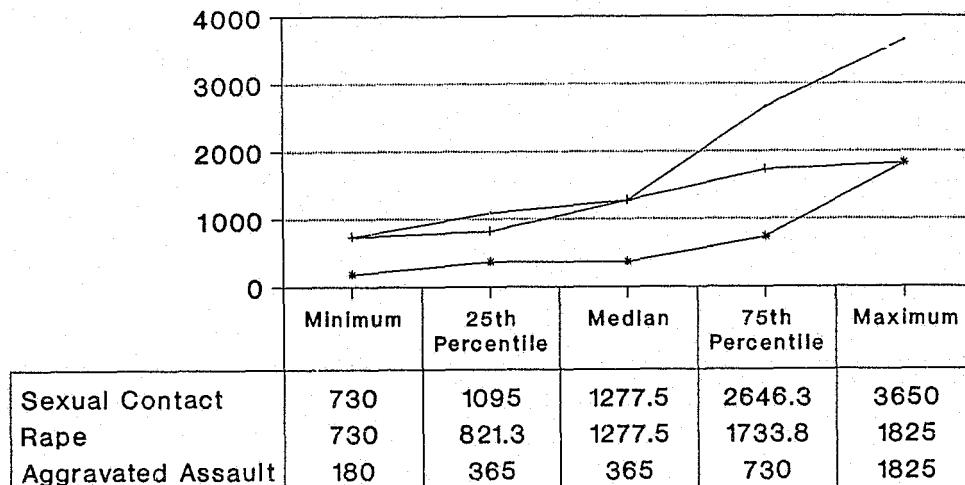
The Rape offender received the highest fine of the three groups. Only one offender who was charged with Aggravated Assault had his fine suspended in the amount of \$15.

Offense Type	Number	Min	Median	Max	Mean
Sexual Contact	1	\$ 18	---	\$ 18	\$ 18.00
Rape	1	\$1,000	---	\$1,000	\$1,000.00
Aggravated Assault	3	\$ 100	\$112	\$ 115	\$ 108.40

### Supervision

All sentences of suspended impositions resulting in no time incarcerated were imposed with supervision. The sexual assault groups were sentenced to more probation time than the Aggravated Assault group. On the average, the Sexual Contact group was sentenced to the most time supervised.

SUPERVISION - NO TIME INCARCERATED  
SUSPENDED IMPOSITIONS



### Mean Sentence (days):

Sexual Contact = 1,764.2

Rape = 1,277.5

Assault = 581.5

— Sexual Contact      +— Rape  
—\*— Aggravated Assault

FIGURE P - SDSAC SEX OFFENDER PROJECT

### Fines

No Sexual or Rape offenders were fined for the charges against them without any other sentencing conditions. Six Aggravated Assault offenders were fined for the charges against them. These six offenders each had one charge against them. All six of these charges had been amended to misdemeanors in court proceedings. Three charges were reduced to Simple Assault and three charges were reduced to Disorderly Conduct.

Minimum Fine • \$ 65
25th Percentile • \$ 91.25
Median Fine • \$ 100
75th Percentile • \$ 125.25
Maximum Fine • \$ 165
Mean Fine • \$ 107

### Suspended Execution of Sentence/Suspended Sentence

A total of 226 charges (46.9% of charges sentenced) received suspended executions of sentence. Some sentencing resulted in a combination of prison and jail time. Some yielded prison or jail time, and others ended in no incarceration at all. For a definition of suspended execution of sentence, see Appendix F.

### PRISON TIME AND JAIL TIME

One Rape offender was sentenced to 425 days of incarceration - 60 days to be served in the State Penitentiary and 365 days in a county jail facility. This offender was originally charged with one count of First Degree Rape but this charge was reduced to Sexual Contact during court proceedings. After his release from incarceration, this offender would be subject to five years of probation.

### **PRISON TIME**

Only 10% of the suspended execution charges resulted in prison time. 12.2% of the sentenced Rape charges which received suspended executions were sentenced to prison compared to 7.0% of the Sexual Contact group and 2.1% of the Aggravated Assault group.

Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact</u>	8*	7
<u>Rape:</u>	9*	7
First Degree	4	
Second Degree	4	
Third Degree	4	
Aggravated Assault	6	6

\* One Sexual Contact charge was amended to First Degree Rape. Two Rape charges were amended to Sexual Contact.

### **Total Prison Time**

On the average, the Rape offenders were sentenced to over 1.8 times more prison time than the Sexual Contact group. The maximum sentence for the Sexual Contact

charges was 3.5 times less than the maximum sentence for the Rape charges and almost 2 times less than the maximum sentence for the Aggravated Assault charges.

### TOTAL PRISON SENTENCE SUSPENDED EXECUTION/SUSPENDED SENTENCE

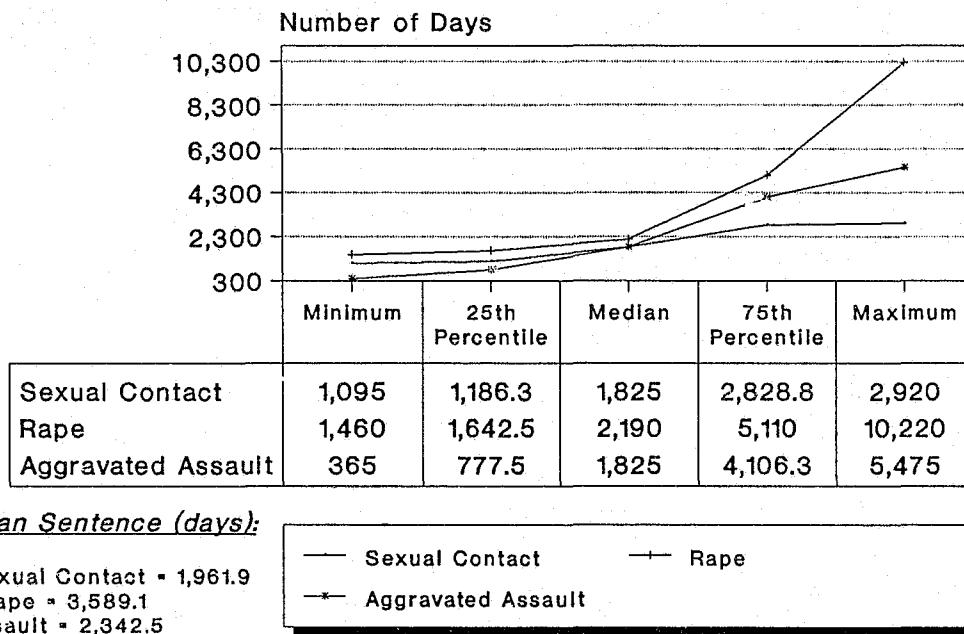


FIGURE Q - SDSAC SEX OFFENDER PROJECT

### Prison

More time was suspended for Rape charges than for the other two groups. The Sexual Contact group had less time suspended than both the other groups.

### ORIGINAL PRISON SENTENCE BEFORE SUSPENDED TIME

Offense	Minimum	Median	Maximum	Mean
Sexual Contact	2,190	3,650	3,650	3,148.1
Rape	3,650	3,650	12,775	5,272.2
Aggravated Assault	1,825	2,920	7,300	3,710.8

Unit = Days.

### SUSPENDED TIME

Offense	Mininum	Median	Maximum	Mean
Sexual Contact	730	1,095	2,190	1,186.3
Rape	730	1,825	2,555	1,683.1
Aggravated Assault	730	1,277.5	1,825	1,368.3

*Unit - Days.*

### Supervision

Rape offenders were sentenced to more probation time than the other groups. The Sexual Contact offenders were sentenced to the least amount of probation time.

Offense Type	Number of Charges	Min	Median	Max	Mean
Sexual Contact	2	365	547.5	730	547.5
Rape	4	1,460	1,825.0	2,190	1,825.0
Aggravated Assault	1	910	-----	910	910.0

*Unit : Days.*

### **JAIL TIME**

57.9% of the charges sentenced to suspended executions received jail time. Of the 131 total charges sentenced to suspended executions of sentence with jail time, the majority were Aggravated Assault charges (68.7%).

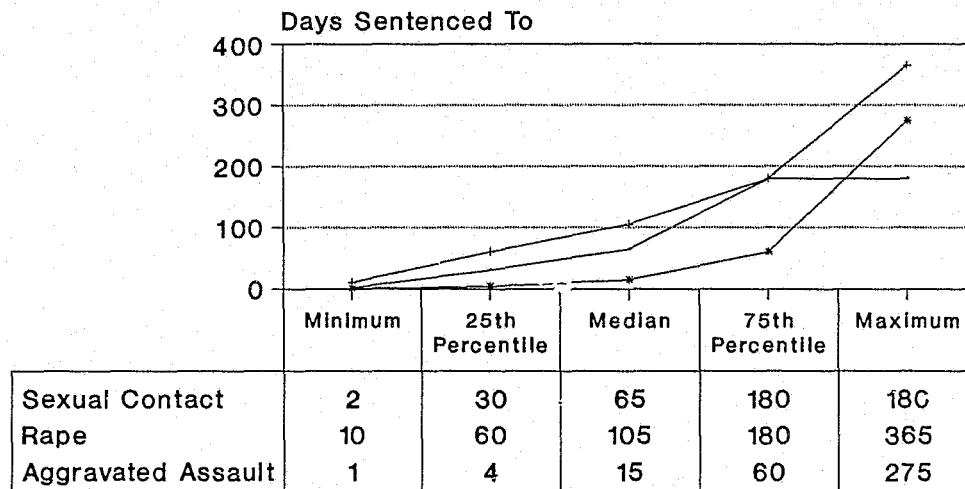
Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact:</u>	27*	24
Sexual Contact	25	
Misdemeanor Sex Offenses	2	
<u>Rape:</u>	14	13
First Degree	6	
Attempted First Degree	1	
Second Degree	5	
Spousal Rape	2	
<u>Aggravated Assault:</u>	90*	85
Aggravated Assault	86	
Assault on Police	4	

- \* Three charges of Sexual Contact were reduced to Contributing to the Delinquency of a Minor. Two charges of Sexual Contact were reduced to Simple Assault. Three charges of Rape were reduced to Simple Assault, and two charges were amended to Sexual Contact. Sixty-two charges of Aggravated Assault were reduced to Simple Assault and twelve charges were reduced to Disorderly Conduct.

### **Total Jail Time**

After any suspended time, the Aggravated Assault group was sentenced to less jail time than the other two groups. On the average, Rape charges were sentenced to 81.3 more days than the Aggravated Assault charges and 41.3 more days than the Sexual Contact charges.

**TOTAL JAIL TIME SENTENCED  
SUSPENDED EXECUTION OF SENTENCE**



Mean Sentence (days):

Sexual Contact = 86.9  
Rape = 128.2  
Assault = 46.9

— Sexual Contact      -+ Rape  
—\*— Aggravated Assault

FIGURE R - SDSAC SEX OFFENDER PROJECT

Jail

86.6% of the Aggravated Assault charges received suspended sentences compared to 25.9% of the Sexual Contact group and 28.6% of the Rape group. However, less time was suspended for the Aggravated Assault charges than the other groups.

**ORIGINAL JAIL SENTENCE  
BEFORE SUSPENDED TIME**

Offense	# Charges	Min	Median	Max	Mean
Sexual Contact	27	30	180	365	149.0
Rape	14	10	180	365	186.4
Aggravated Assault	90	3	90	1,800	164.1

## SUSPENDED JAIL TIME

Offense	# Charges	Min	Median	Max	Mean
Sexual Contact	7	85	300.0	335	239.4
Rape	4	30	240.0	305	203.8
Aggravated Assault	78	1	67.5	1,780	135.2

### Total Fine

33% of the Aggravated Assault charges sentenced to suspended execution were fined while only 22% of the Sexual Contact charges and 21.4% of the Rape charges were fined. The fines imposed on Rape charges were the most severe. 20% of the fined Aggravated Assault charges (6 charges) had some amount suspended ranging from \$25 to \$250. No other offense group had fines suspended.

Offense Type	Number	Min	Median	Max	Mean
Sexual Contact	6	\$ 15	\$315	\$ 500	\$ 276.67
Rape	3	\$200	\$500	\$5,000	\$1,900.00
Aggravated Assault	30	\$ 15	\$115	\$1,652	\$ 309.93

### Supervision

7.4% of Sexual Contact charges and 22.2% of Aggravated Assault charges were not sentenced to supervision. The Sexual Contact charges were sentenced to more time under supervision than the other two groups.

Offense Type	Number of Charges	Min	Median	Max	Mean
Sexual Contact	25	365	1,460.0	5,475	1,912.0
Rape	14	365	1,095.0	2,555	1,329.6
Aggravated Assault	70	90	365.0	2,920	670.2

*Unit - Days.*

### Community Service

Only 8.4% of the total charges sentenced to suspended execution with jail time were also sentenced to community service. The Sexual Contact group was sentenced to more hours of community service than the other two groups.

Offense Type	Number of Charges	Min	Median	Max	Mean
Sexual Contact	3	100	400	400	300.0
Rape	2	100	125	150	125.0
Aggravated Assault	6	200	200	960	343.3

*Unit - Hours.*

**NO TIME INCARCERATED**

14.8% of the total number of charges sentenced were sentenced to suspended executions of sentence with no time incarcerated. More Aggravated Assault charges (85.9%) were sentenced to suspended executions resulting in no time incarcerated.

Offense Type	Number of Charges	Number of Offenders
<u>Sexual Contact:</u>	4	4
<u>Rape:</u>	6*	6
First Degree	5	
Second Degree	1	
<u>Aggravated Assault:</u>	61	59
Aggravated Assault	60	
Assault on Police	1	

\* Two Sexual Contact charges were amended to Simple Assault. One Rape charge was amended to Sexual Contact, and two were reduced to Simple Assault. 32 Aggravated Assault charges were amended to Simple Assault. 19 Aggravated Assault charges were reduced to Disorderly Conduct. One Aggravated Assault charge was amended to a Traffic violation and one was amended to a Firearms violation.

**Total Fine**

At least half of each offense group were fined. The Aggravated Assault group received fines in lesser amounts than the other two groups.

15% of the Aggravated Assault charges fined received suspended fines compared to 33% of the fines for charges of Rape. Of the total fines imposed, only 18.2% were suspended. The Rape charge had the highest amount suspended, \$500.

**TOTAL FINE  
AFTER ANY SUSPENDED AMOUNT**

Offense Type	Number	Min	Median	Max	Mean
Sexual Contact	2	\$100	\$292.50	\$ 485	\$ 292.50
Rape	3	\$115	\$270	\$ 500	\$ 295.00
Aggravated Assault	33	\$ 12	\$100	\$ 957	\$ 172.70

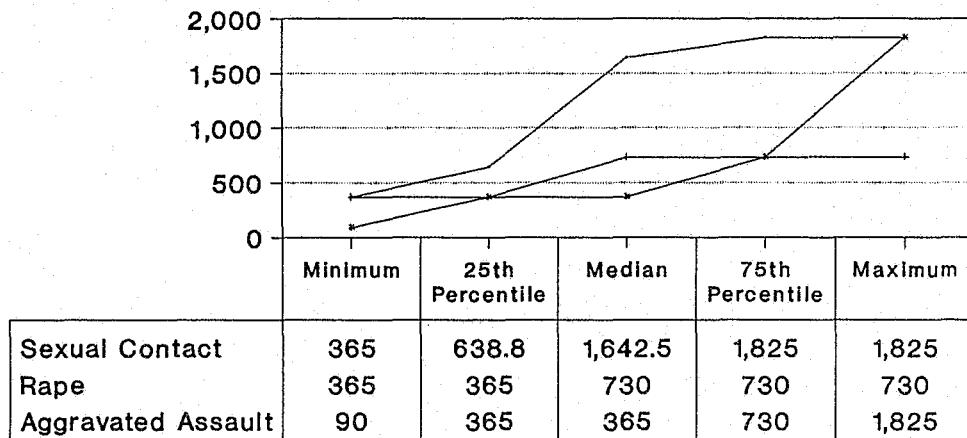
**SUSPENDED FINES**

Offense	Number	Minimum	Median	Maximum	Mean
Rape	1	\$500	-----	\$500	\$500
Aggravated Assault	5	\$100	\$150	\$350	\$190

### Supervision

The Sexual Contact group was sentenced to more time supervised than the other two groups. The Aggravated Assault group was sentenced to the least time.

SUPERVISION - NO TIME INCARCERATED  
SUSPENDED EXECUTIONS



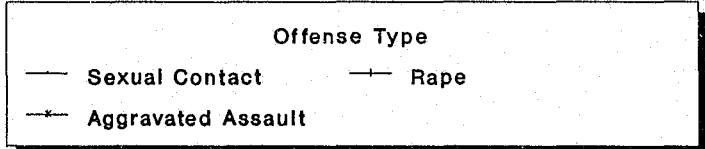
Mean Sentence (days):

Sexual Contact = 1,368.8

Rape = 584

Assault = 533.8

FIGURE S - SDSAC SEX OFFENDER PROJECT



Sexual Contact - 4 Charges  
Rape - 5 Charges  
Assault - 46 Charges

### Community Service

Four Aggravated Assault offenders (4 charges) were sentenced to Community Service. Minimum sentence was 40 hours to a maximum of 300 hours with the median at 75 hours. The average sentence was 122.5 hours.

### Committed to Human Services Center

One Sexual Contact offender was committed to the HSC on one charge of Sexual Contact.

### Sentencing Summary

This section is a summary of the sentencing related to all charges regardless of other conditions of sentencing. Thus, the sections on prison and jail include all charges which resulted in incarceration whether they resulted from suspended impositions, suspended executions, or straight sentencing.

A total of 87 prosecuted charges (15.3%) were dismissed or acquitted at trial leaving 481 charges (84.7%) which were convicted and sentenced.

#### Breakdown of Charges Sentenced:

Approximately 18% less Rape charges were prosecuted and sentenced than the number of charges in each of the other two groups.

Offense Type	Charges Sentenced	Percent of Prosecuted Charges for Offense
Sexual Contact	114	88.4%
Rape	74	69.8%
Aggravated Assault	293	88.0%
<b>TOTAL</b>	<b>481</b>	

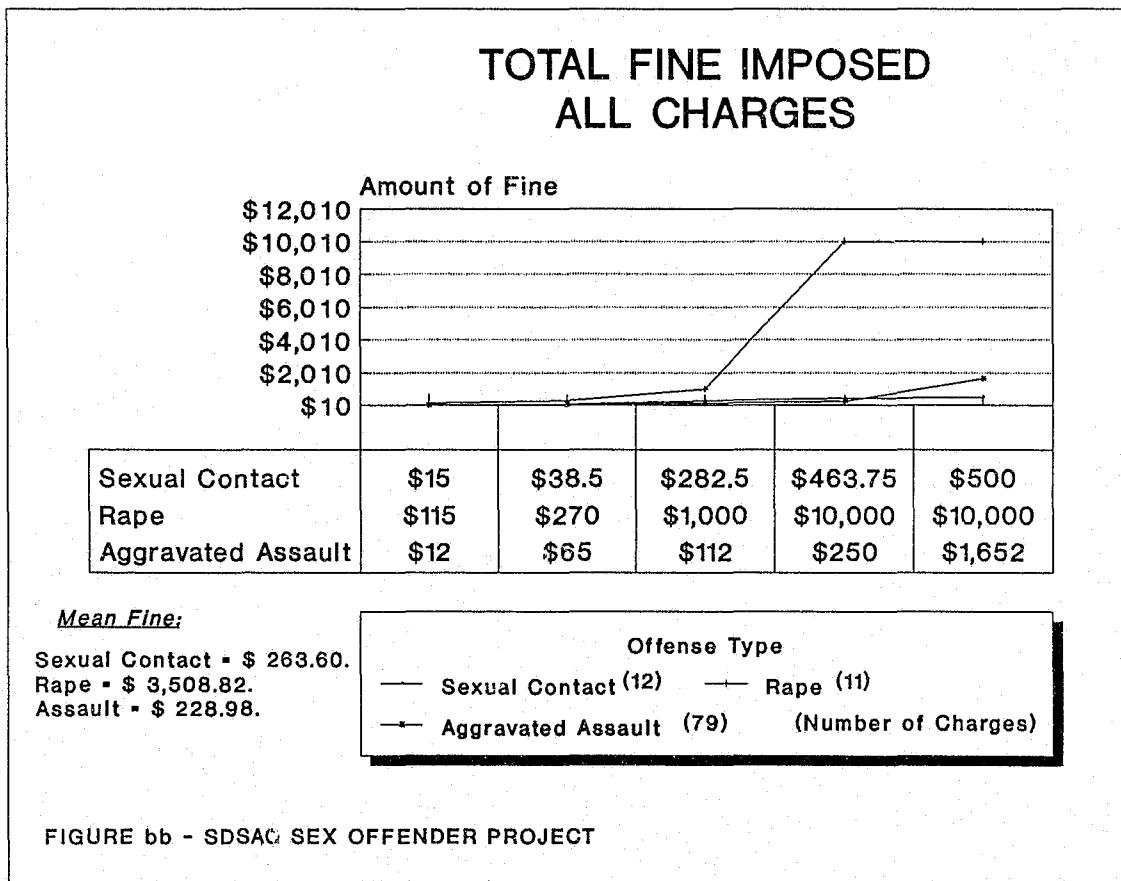
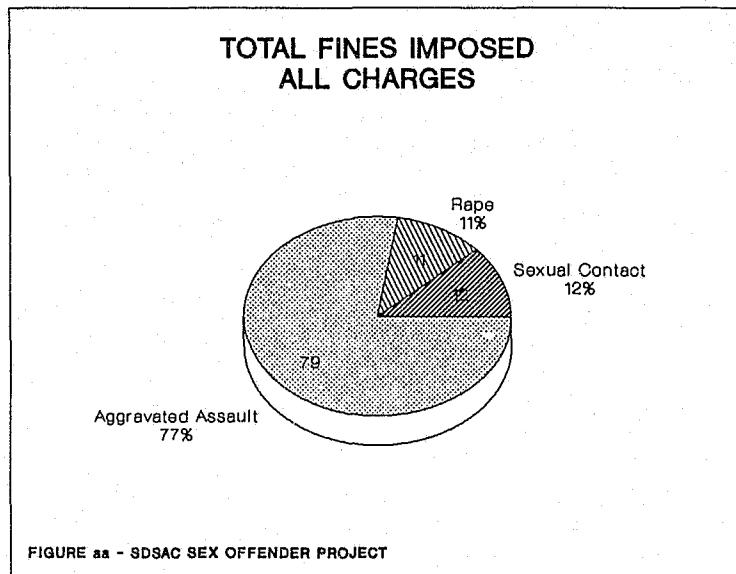
#### Type of Sentence

Almost 47% of the sentenced charges received suspended executions of sentence. Only 1% of the sentenced charges required probation without any other punishment.

Type of Sentence	Sexual Contact	Rape	Aggravated Assault
Prison	36.0%	45.9%	18.1%
Jail	2.6%	1.4%	13.3%
Probation	1.8%	1.4%	.7%
Suspended Imposition	24.6%	10.8%	12.3%
Fine	0	0	2.0%
Suspended Execution	34.2%	40.5%	53.6%
Committed to Human Services Center	.8%	0	0
<b>TOTAL CHARGES SENTENCED</b>	<b>114</b>	<b>74</b>	<b>293</b>

### Total Fines

Considering all fines imposed, 77.5% of the fines were for Aggravated Assault charges. Rape charges received stiffer fines than the other charge groups.



### Suspended Fine Amount

Only 14.7% of the fines imposed had any amount suspended. No Sexual Contact charges received suspended fines in any amount. 17.7% of the Aggravated Assault fines were suspended.

Offense Type	Number of Charges	Min	Median	Max	Mean
Rape	1	\$500	-----	\$500	\$500.00
Aggravated Assault	14	\$ 15	\$125	\$515	\$155.71

### Supervision

Of the sentenced charges in each offense group, more Sexual Contact charges (56.1%) were sentenced to supervision. The Sexual Contact charges were also sentenced to more time under probation.

### PERCENTAGE OF EACH OFFENSE GROUP SENTENCED TO SUPERVISION

% of Each Offense Group

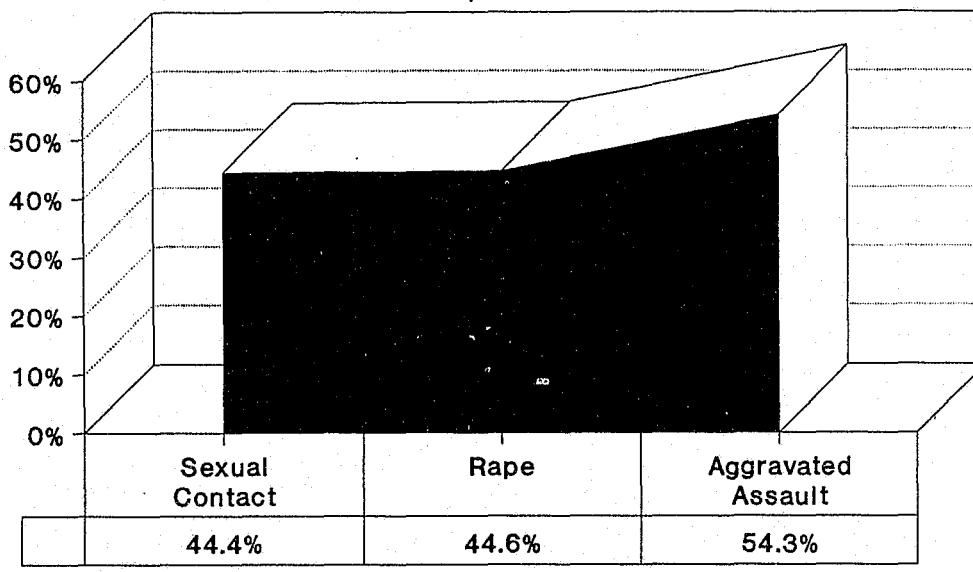
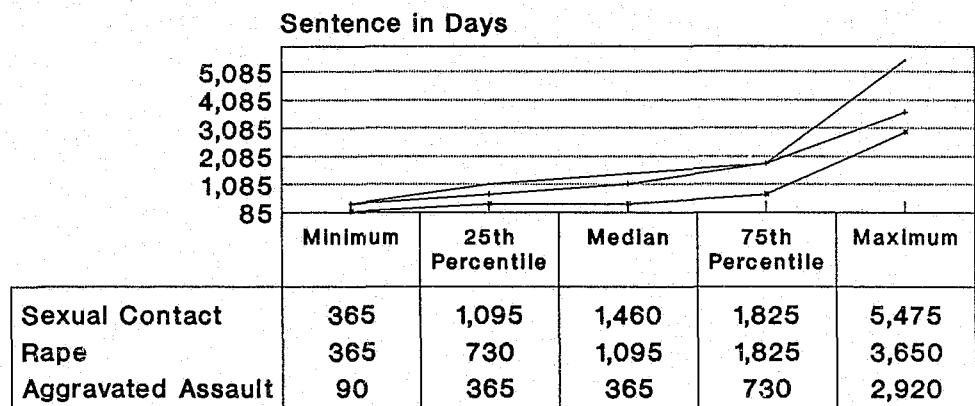


FIGURE cc - SDSAC SEX OFFENDER PROJECT

## PROBATION TIME ALL CHARGES



**Mean Sentence (days):**

Sexual Contact = 1,759.10  
 Rape = 1,327.30  
 Assult = 676.5

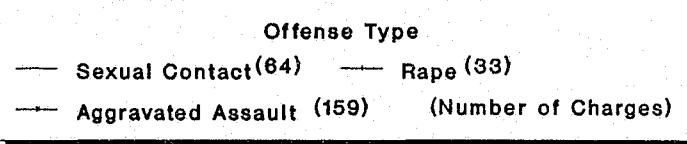


FIGURE dd - SDSAC SEX OFFENDER PROJECT

**Community Service**

More Aggravated Assault charges received sentences requiring community service yet sentencing of the Sexual Contact charges required more time.

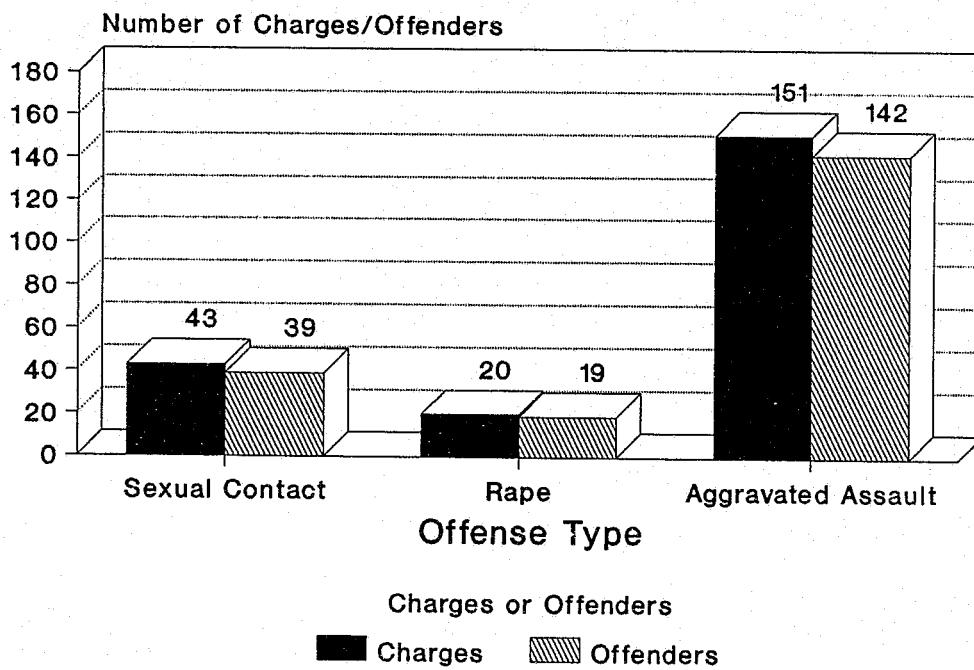
Offense Type	Number of Charges	Min	Median	Max	Mean
Sexual Contact	3	100	400	400	300.0
Rape	2	100	125	150	125.0
Aggravated Assault	13	40	200	960	223.9

***Unit = Hours***

**Offenders Sentenced to Jail**

A total of 198 offenders were sentenced to jail time on 214 charges. 70.6% of these charges were for Aggravated Assault.

## SENTENCED TO JAIL



**FIGURE ee - SDSAC SEX OFFENDER PROJECT**

Fifteen offenders were sentenced to jail time on more than one charge. The maximum number of charges an offender was sentenced to jail on was three charges of Aggravated Assault.

### Total Jail Sentence

Overall, the Rape group was sentenced to more time in jail. All three groups had a maximum sentence of 365 days.

Total Sentence	Sexual Contact	Rape	Aggravated Assault
Less than 10 days	4	1	39
10 - 15 days	3	1	17
16 - 30 days	8	0	26
31 - 45 days	0	0	6
46 - 60 days	6	3	13
61 - 90 days	12	2	12
106 - 120 days	0	2	2
136 - 180 days	9	4	19
181 - 269 days	0	0	5
270 - 365 days	1	7	12

## TOTAL JAIL TIME ALL CHARGES

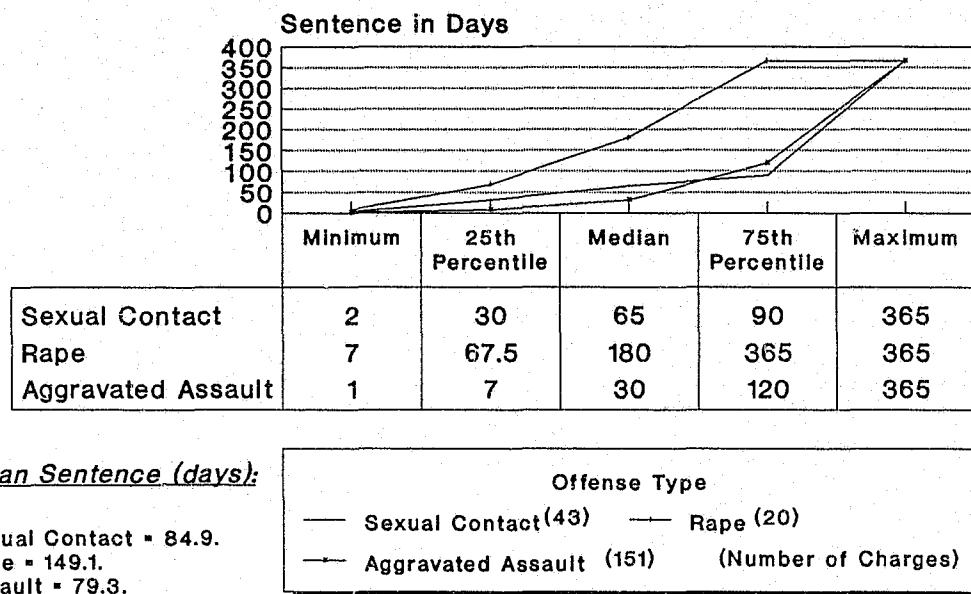
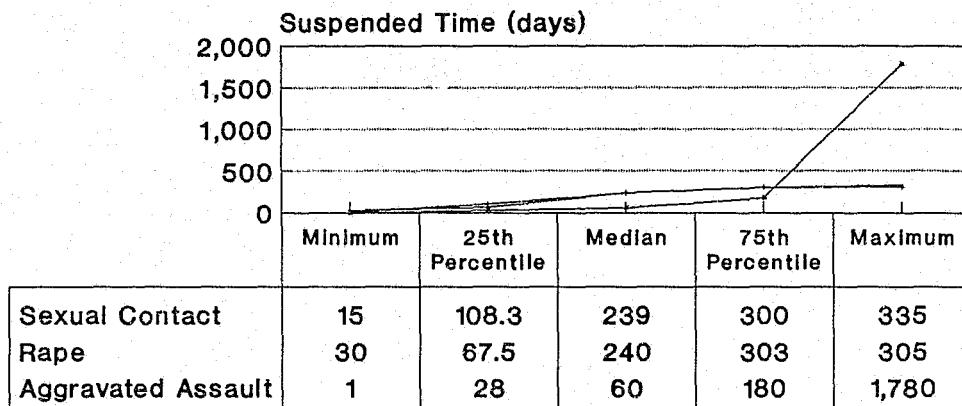


FIGURE ff - SDSAC SEX OFFENDER PROJECT

### Suspended Time

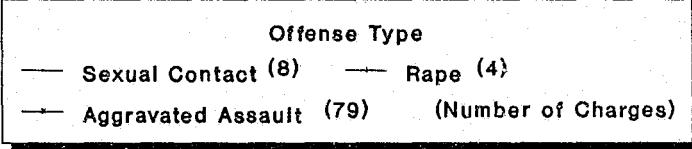
More Aggravated Assault charges received suspended jail time. However, the sexual assault charges had more time suspended.

## SUSPENDED JAIL TIME ALL CHARGES



**Mean Sentence (days):**

Sexual Contact = 211.4.  
Rape = 203.8.  
Assault = 133.9.



**FIGURE gg - SDSAC SEX OFFENDER PROJECT**

### **Offenders Sentenced to South Dakota State Penitentiary**

A total of 128 offenders (19.9% of the total study group) were sentenced to the South Dakota State Penitentiary on 156 charges (16.2% of the total study charges).

#### **Breakdown of Offenders and Charges**

59.5% of the sentenced Rape charges resulted in imprisonment in the penitentiary compared to 45.6% of the sentenced Sexual Contact charges and 20.5% of the sentenced Aggravated Assault charges.

### **SENTENCED TO PRISON**

Offense Type	Number of Charges	Number of Offenders
Sexual Contact	41	52
Rape	38	44
Aggravated Assault	53	60

\*\*\* The number of offenders does not sum to 128 due to 4 offenders being sentenced on cross-offense charges.

## CROSS-OFFENSE OFFENDERS

Type	Number of Offenders
Rape/Sexual Contact	2
Aggravated Assault/Rape	2

Ten offenders (7.8%) were sentenced to the penitentiary on more than one study charge. The most counts an offender was imprisoned on was 4 counts of Sexual Contact.

146 of these charges (93.6%) were first incident charges for 121 offenders while 10 charges (6.4%) committed by 9 offenders were second incident charges. Two of the offenders imprisoned on second incident charges were also imprisoned on first incident charges.

### Total Prison Sentence

Prison sentences for Rape were more severe than for Sexual Contact. Three offenders charged with Aggravated Assault in which the charges were upgraded to manslaughter/homicide were sentenced to the penitentiary for LIFE.

Total Sentence	Sexual Contact	Rape	Aggravated Assault
Less than 1 year	4	1	1
1 to 3 years	1	0	12
3 to 4 years	14	5	10
5 to 6 years	11	9	12
7 to 8 years	6	4	7
9 to 10 years	9	5	5
11 to 15 years	7	11	7
16 to 20 years	0	1	1
21 to 25 years	0	5	0
26 to 30 years	0	1	2
Over 30 years	0	1	0
LIFE	0	1	3

\*\*\* Unit = Number of Charges.

## TOTAL PRISON TIME ALL CHARGES

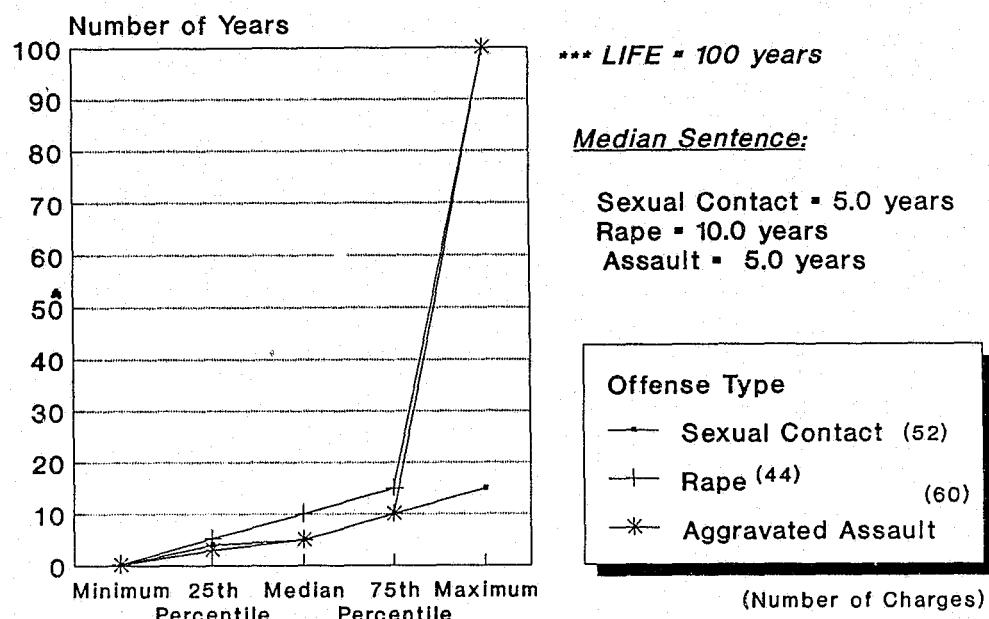


FIGURE gg - SDSAC SEX OFFENDER PROJECT

Offense Type	Min	Median	Max	25th Ntile	75th Ntile
Sexual Contact	1 mth	5 yrs.	15 yrs	4.0 yrs.	10 yrs.
Rape	2 mths	10 yrs.	LIFE	5.25 yrs.	15 yrs.
Aggravated Assault	1 mth	5 yrs.	LIFE	3.0 yrs.	10 yrs.

### Suspended Time

Of those sentenced to prison, more Rape charges (26.3%) received suspended time with more time suspended than the other two offense groups. The Sexual Contact charges received the least time suspended.

## SUSPENDED PRISON TIME ALL CHARGES

### Mean Suspended Time:

Sexual Contact = 1,305  
Rape = 1,727.8  
Assault = 1,429.3

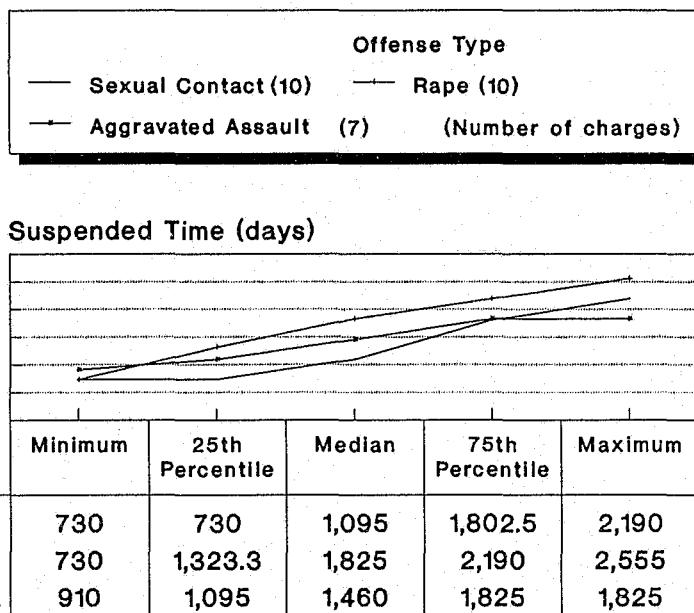


FIGURE hh - SDSAC SEX OFFENDER PROJECT

### PRISONERS RECEIVED AND RELEASED AT STATE PENITENTIARY

Data concerning study offenders was collected from the South Dakota State Penitentiary's Received/Released Report. This report records admittances to the penitentiary and releases. Reported information includes offender name, birth date, charge (s), sentence, date received, date released, and the type of release.

From disposition data, it was determined that 128 offenders were sentenced to the South Dakota State Penitentiary on 156 charges. However, due to the dynamic nature of the criminal justice system, there were actually 137 offenders from this study who entered the penitentiary on 163 study charges.

Of those sentenced to prison during court proceedings, three offenders with six charges were not received at the penitentiary. One offender who was to serve time for three counts of Aggravated Assault was prosecuted in federal court on charges of Second Degree Murder and Assaulting a Federal Officer with a Weapon. This offender is now serving a sixty year and 78 month sentence at a federal correctional facility. Another offender appealed her original sentence on two counts of Aggravated Assault. Her appeal was dismissed, but her sentence was reduced to 60 days in jail and five years probation with no time in prison. The third offender received an amended judgement on his one charge of First Degree Rape. This judgement did not require him to report to the penitentiary. He received a jail sentence of one year and 51 days with five years probation.

Twelve study offenders who were not sentenced to time in the penitentiary at trial entered the penitentiary due to probation violations. One of these offenders was charged with two counts.

- |  |
|--|
| 128 Offenders Sentenced to Prison<br>- 3 (2 Appeals & 1 Sentenced to Federal Facility) |
| 125 Offenders Originally Sentenced to Prison<br>+ 12 Probation Violators               |
| 137 Offenders Received at Penitentiary   |

**Charges Resulting in Penitentiary Admittances:**

156 Original Charges Leading to Prison Sentences  
- 6 (Appeals & Federal Sentencing)  
-----

150 Original Charges Leading to Prison Sentences  
+ 13 Charges Resulting from Probation Violations  
-----

163 Charges Leading to Imprisonment

**BREAKDOWN OF CHARGES**

Sexual Contact	56 charges
Rape	42 charges
Aggravated Assault	61 charges
Firearms Violations	2 charges (reduction of Assault)
Homicide	2 charges (upgrade of Assault) -----
	163 charges

Eighteen offenders (13.1%) were sentenced to prison time for two study charges. Six offenders were sentenced on three study charges, and two offenders were received at the penitentiary on four study charges. Fifteen offenders had charges which ran concurrently, and two offender's charges were to run consecutively. One offender charged with three counts had two charges which were to run concurrently and the third consecutively.

### AGE OF PRISONERS

Upon admittance to the South Dakota State Penitentiary, 62.8% of these offenders were age 21 to 39 years. Less than 6% of these offenders were age 50 or older.

Age Group	Number of Offenders
20 Years and Under	16
21 to 29 Years	59
30 to 39 Years	27
40 to 49 Years	27
50 to 59 Years	4
60 Years and Over	4
<b>TOTAL</b>	<b>137</b>

### YEAR RECEIVED AT PENITENTIARY

55.5% of the prisoners were received in 1988. One offender was received in 1990 because his appeal proceedings were not completed until December 1989.

Year Received	Number of Offenders
1987	52
1988	76
1989	8
1990	1

### PRISON SENTENCES

After sentencing, the courts retain the power to amend an active sentence at anytime. Sometimes, this occurs after an

offender has been received at the penitentiary and sometimes before admission. Two offenders received amended sentences before entering the penitentiary.

### AMENDED SENTENCES

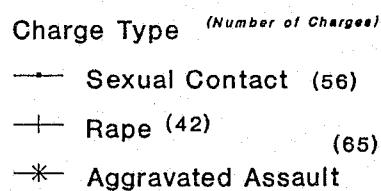
Charge	Sentence at Disposition	Amended Sentence	Difference
Sexual Contact	7 years	5 years	2 years
Aggravated Assault	5 years	3 years	2 years

#### Overall Sentence:

Overall, the Rape offenders received sentences with more time incarcerated.

### SENTENCE AT TIME OF ADMITTANCE TO SOUTH DAKOTA STATE PENITENTIARY

LIFE = 100 years



#### Median Sentence (years):

Sexual Contact = 5.5 years  
Rape = 10.0 years  
Assault = 5.0 years

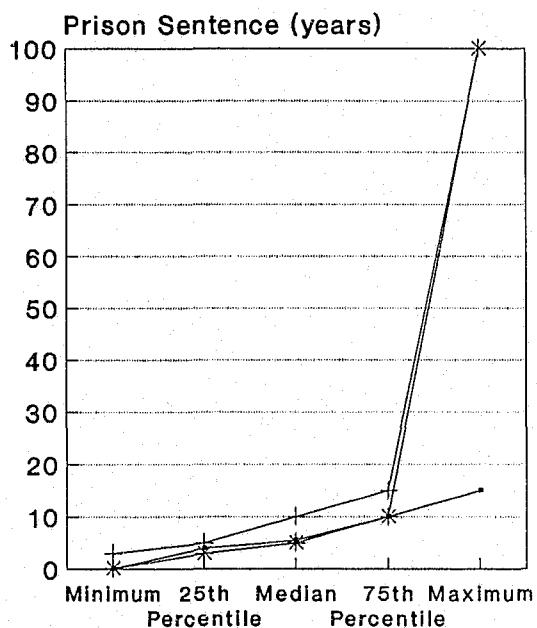


FIGURE I - SDSAC SEX OFFENDER PROJECT

PRISONERS RELEASED TO DATE

Thirty-eight offenders (29.2%) under study have been released from the South Dakota State Penitentiary. Two other offenders who were serving time for Aggravated Assault escaped. Of those formally released by the penitentiary, over half (56.6%) were paroled.

BREAKDOWN OF OFFENDERS RELEASED  
FROM SOUTH DAKOTA STATE PENITENTIARY

Offense Type	Number of Offenders
Sexual Contact	12 Offenders
Rape	8 Offenders
Aggravated Assault	20 Offenders

BREAKDOWN OF RELEASE TYPES  
FROM SOUTH DAKOTA STATE PENITENTIARY

Type of Release	Number of Offenders
SIS Border	1 ( 2.5%)
Discharge	5 (12.5%)
Escape	2 ( 5.0%)
Parole	20 (50.0%)
Suspended Sentence	7 (17.5%)
Expiration of Sentence	5 (12.5%)
	-----
	40

One offender was to be granted parole but violated penitentiary regulations and the parole was revoked. Her sentence was then amended to five years.

Year of Release

Of those offenders released, 42.5% were released in 1988 and 42.5% were released in 1989.

Year of Release	Number of Offenders
1987	4
1988	17 (1 Escape)
1989	17 (1 Escape)
1990	2
TOTAL	40

TIME INCARCERATED FOR PRISONERS RELEASED

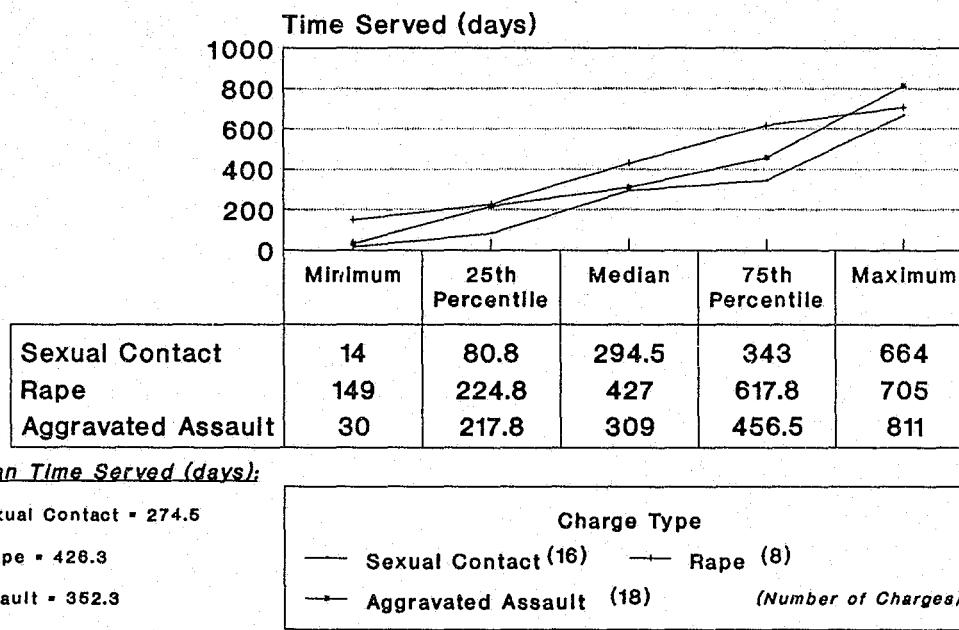
Two offenders (Sexual Contact and Aggravated Assault) who were released actually spent their full sentence incarcerated - both were sentenced to 30 days.

Of the two escapees, one spent 497 days incarcerated while the other had served 528 days. One escapee had approximately 4.6 years left to serve on his sentence, and the other had 323 days left to serve.

Actual Time Spent in Prison (Formal Releases)

Of those prisoners released, rape offenders were imprisoned longer than the other two offender groups. The Sexual Contact group appeared to have spent the least amount of time in prison.

**TIME INCARCERATED FOR PRISONERS RELEASED  
FROM SOUTH DAKOTA STATE PENITENTIARY**



**FIGURE II - SDSAC SEX OFFENDER PROJECT**

The minimum difference between the actual time served and the sentence was two days related to the sentence of a Sexual Contact charge. The maximum difference was 6.9 years for a Rape charge.

Care should be taken when considering differences in time of less than a month due to many offenders receiving credit for time served in county jail facilities before being admitted to the penitentiary.

## DIFFERENCE BETWEEN TIME SERVED AND SENTENCE

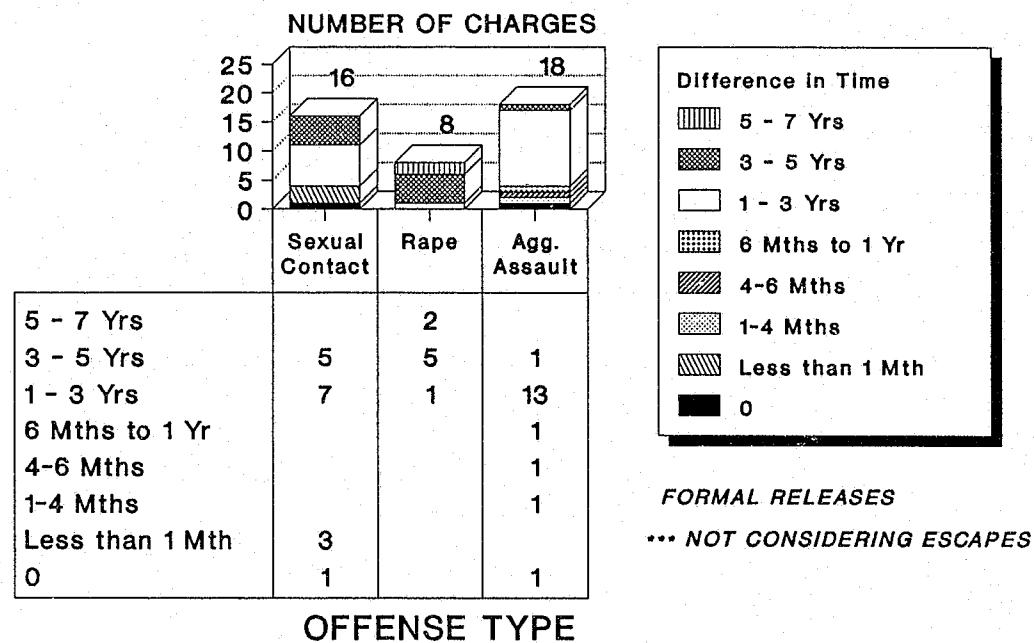


FIGURE III - SDSAC SEX OFFENDER PROJECT

### **CRIMINAL HISTORY SUMMARY**

Data concerning each offender's criminal activities prior to the commencement of the tracking period, January 1, 1987, was collected through the manual review of each offender's DCI file. Summary information collected included the total number of felony charges and felony convictions; total number of sex felony charges and convictions; total number of aggravated assault felony charges and convictions; total number of out-of-state felonies; total number of misdemeanor charges and convictions; total number of sexual misdemeanors and convictions; and total number of aggravated assault misdemeanors and convictions.

Conviction information could only be determined through available disposition data. Charges were classified by the original charge of the arresting agency and not by the charge at the time of disposition.

The charges of Sexual Contact, Attempted Sexual Contact, Incest, Rape, Attempted Rape and Spousal Rape were considered sex felonies. Charges of Aggravated Assault, Aggravated Assault on Police, and Murder were considered aggravated felonies. Misdemeanor sex charges included prostitution, voyeurism, and pornography. Misdemeanor aggravated charges included Simple Assault. It should be noted that although Aggravated Assault on a Police Officer was not considered a felony until 1982, for the purposes of this study all charges of Aggravated Assault on a Police Officer regardless of date were counted as felonies.

Criminal Histories were compared by offender type.

### **REVIEW OF OFFENDER BREAKDOWN**

Offense Type	Number of Offenders
Sexual Contact	104 (16.1%)
Rape	87 (13.5%)
Aggravated Assault	404 (62.6%)
Rape/Aggravated Assault	8 (.1.2%)
Sexual Contact/Rape	41 ( 6.4%)
Aggravated Assault/Sexual Contact	1 ( .2%)

The number of offenders for each of the following charts does not sum to the total number of offenders. For some study offenders, the offense which qualified them for the study was their first offense. Also, these charts only reflect available arrest and disposition data. Thus, any missing information regarding past offenses could not be quantified.

#### TOTAL FELONIES

The Aggravated Assault offenders had more total felony charges previous to January 1, 1987. However, the Rape/Aggravated Assault offenders had more felonies per offender on the average than the other groups. The Aggravated Assault offenders also had more felony convictions. The Rape/Aggravated Assault offenders had the highest conviction rate at 60% of the charges. The Aggravated Assault/Sexual Contact offenders had no felony charges against them prior to January 1, 1987.

#### FELONY ARRESTS PRIOR TO JANUARY 1, 1987

	Sexual Contact	Rape	Agg. Assault	SC/Rape	Rape/Agg
# of Offenders	25	39	155	8	2
# of Charges	71	189	617	20	15
Min # of Charges	1	1	1	1	2
Avg # Chgs Each	2.8	4.9	3.9	2.5	7.5
Max # of Charges	8	30	20	6	13

#### FELONY CONVICTIONS FOR ARRESTS PRIOR TO JANUARY 1, 1987

	Sexual Contact	Rape	Agg. Assault	SC/Rape	Rape/Agg
# of Offenders	20	27	116	6	2
# of Charges	38	88	314	10	9
Min # of Charges	1	1	1	1	2
Avg # of Chgs Ea.	1.9	3.3	2.7	1.7	4.5
Max # of Charges	4	14	12	4	7

## NUMBER OF OFFENDERS ARRESTED ON FELONY CHARGES PRIOR TO JANUARY 1, 1987

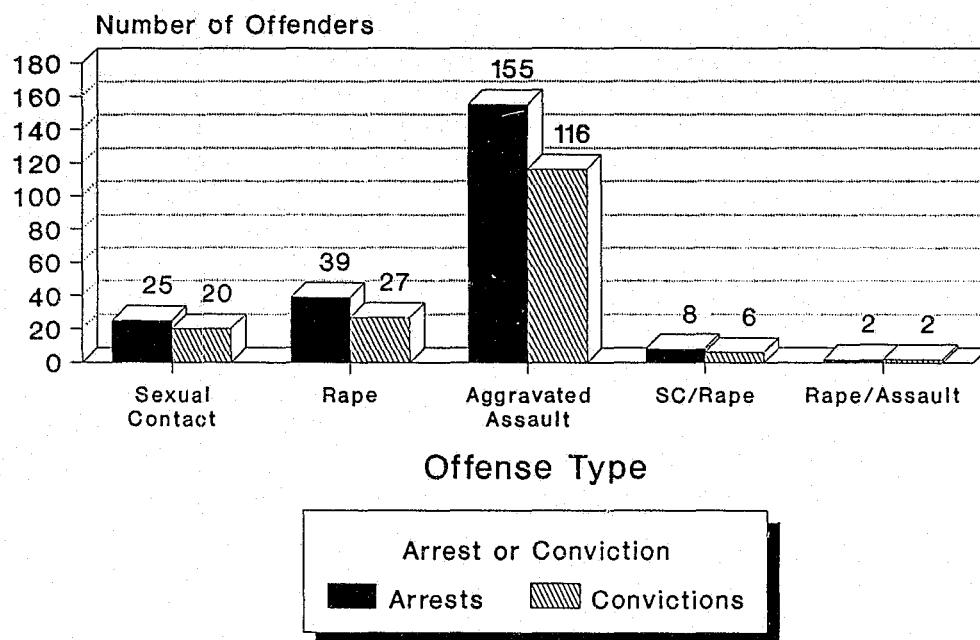


FIGURE C1 - SDSAC SEX OFFENDER PROJECT

### OUT-OF-STATE FELONIES

More Aggravated Assault offenders were arrested on more out-of-state felony charges than any other group. The maximum number of felonies charged with was 30. The Aggravated Assault/Sexual Contact group had no prior out-of-state felony arrests.

### OUT-OF-STATE FELONIES PRIOR TO JANUARY 1, 1987

	Sexual Contact	Rape	Agg. Assault	SC/Rape
# Of Offenders	29	18	66	4
# Of Charges	15	100	209	9
Min # of Charges	1	1	1	1
Avg # Chgs Each	1.7	5.6	3.1	2.3
Max # of Charges	3	30	20	5

### SEX FELONIES

More Rape offenders were arrested on more sex felony charges than the other groups. Yet, the Sexual Contact offenders had more sex felonies per offender. The Sexual Contact charges had the highest conviction rate at 77.7%. The Sexual Contact/Aggravated Assault and Rape/Aggravated Assault offenders had no prior arrests for sex felonies.

### SEX FELONY ARRESTS PRIOR TO JANUARY 1, 1987

	Sexual Contact	Rape	Agg. Assault	SC/Rape
# Of Offenders	7	12	11	3
# Of Charges	18	27	14	3
Min # of Charges	1	1	1	1
Avg # Chgs Each	2.6	2.3	1.3	1.0
Max # of Charges	5	7	2	1

### SEX FELONY CONVICTIONS ARRESTS PRIOR TO JANUARY 1, 1987

	Sexual Contact	Rape	Agg. Assault	SC/Rape
# Of Offenders	7	5	8	1
# Of Charges	14	10	10	1
Min # of Charges	1	1	1	1
Avg # Chgs Each	2.0	2.0	1.3	1.0
Max # of Charges	4	3	2	1

## NUMBER OF OFFENDERS ARRESTED ON FELONY SEX CHARGES PRIOR TO JANUARY 1, 1987

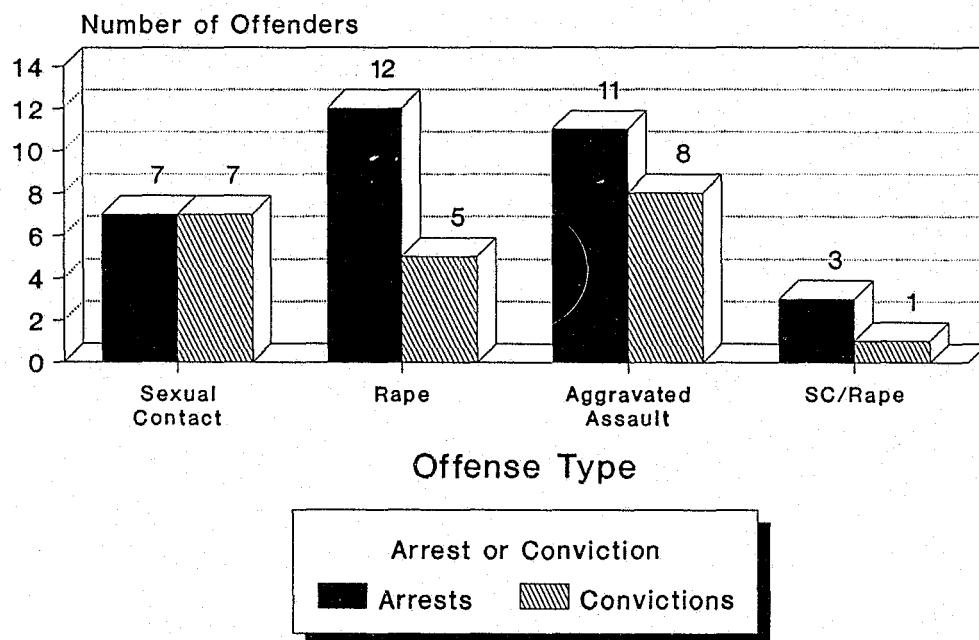


FIGURE C2 - SDSAC SEX OFFENDER PROJECT

### AGGRAVATED ASSAULT FELONIES

The Aggravated Assault offenders had more Aggravated Assault felonies, but the Sexual Contact offenders had more Aggravated Assault felonies per offender on the average. The Rape charges had the highest convictions rate at 57.1%.

### FELONY ASSAULT ARRESTS PRIOR TO JANUARY 1, 1987

	Sexual Contact	Rape	Agg. Assault	SC/Rape
# Of Offenders	5	11	59	2
# Of Charges	11	14	99	2
Min # of Charges	1	1	1	1
Avg # Chgs Each	2.2	1.3	1.7	1.0
Max # of Charges	4	3	6	1

**FELONY ASSAULT CONVICTIONS  
ARRESTS PRIOR TO JANUARY 1, 1987**

	Sexual Contact	Rape	Agg. Assault	SC/Rape
# Of Offenders	3	7	31	1
# Of Charges	4	8	43	1
Min # of Charges	1	1	1	1
Avg # Chgs Each	1.3	1.1	1.4	1.0
Max # of Charges	2	2	4	1

**TOTAL MISDEMEANORS**

The Aggravated Assault offenders were arrested on the most misdemeanor charges prior to January 1, 1987. One Aggravated Assault offender had been arrested on a total of 55 misdemeanors. The Rape/Aggravated Assault charges had the highest conviction rate while the Aggravated Assault charges had the lowest at 8.4%. The Sexual Contact/Aggravated Assault group had no prior misdemeanor charges.

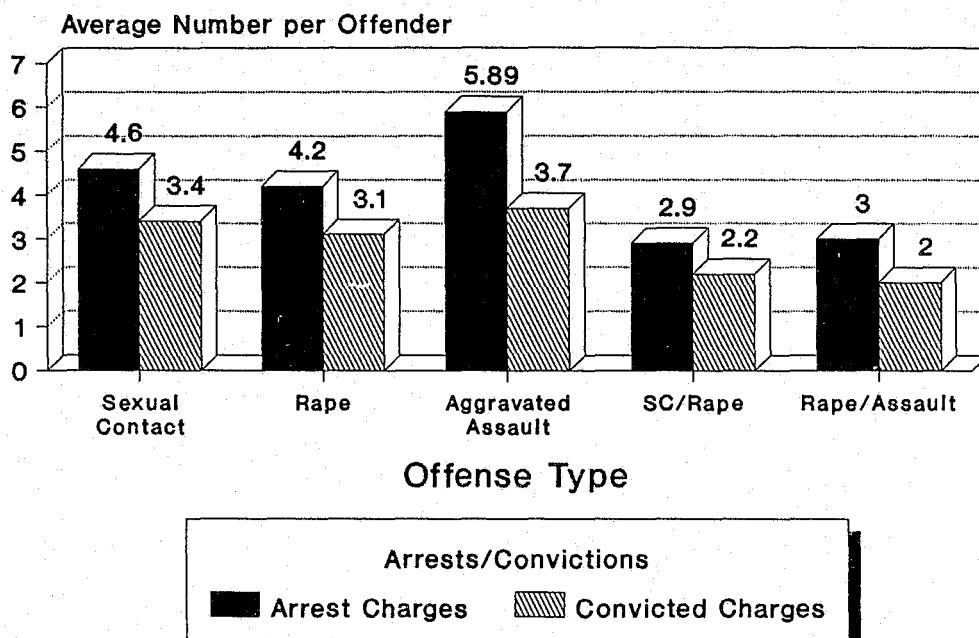
**TOTAL MISDEMEANOR ARRESTS  
PRIOR TO JANUARY 1, 1987**

	Sexual Contact	Rape	Agg. Assault	SC/Rape	Rape/Assault
# Of Offenders	33	49	248	21	2
# Of Charges	151	208	1427	61	6
Min # of Charges	1	1	1	1	2
Avg # Chgs Each	4.6	4.2	5.8	2.9	3.0
Max # of Charges	22	27	55	8	4

**MISDEMEANOR CONVICTIONS FOR ARRESTS  
PRIOR TO JANUARY 1, 1987**

	Sexual Contact	Rape	Agg. Assault	SC/Rape	Rape/Assault
# Of Offenders	26	40	217	18	2
# Of Charges	89	125	121	40	4
Min # of Charges	1	1	1	1	1
Avg # Chgs Each	3.4	3.1	3.7	2.2	2.0
Max # of Charges	12	15	25	6	3

## AVERAGE NUMBER OF MISDEMEANOR CHARGES PER OFFENDER



**FIGURE C3 - SDSAC SEX OFFENDER PROJECT**

### SEX MISDEMEANORS

The Sexual Contact offenders had no prior arrests for sex misdemeanors nor did the Rape/Aggravated Assault or Aggravated Assault/Sexual Contact offenders. The Aggravated Assault offenders were arrested and convicted on the most charges and had the most charges per offender. The Sexual Contact/Aggravated Assault group had no prior arrests for sexual misdemeanors.

### SEXUAL MISDEMEANOR ARRESTS PRIOR TO JANUARY 1, 1987

	Sexual Contact	Rape	Agg. Assault	SC/ Rape
# Of Offenders	0	1	9	1
# Of Charges		1	15	1
Min # of Charges		1	1	1
Avg # Chgs Each		1.0	1.7	1.0
Max # of Charges		1	3	1

**SEXUAL MISDEMEANOR CONVICTIONS  
ARRESTS PRIOR TO JANUARY 1, 1987**

	Sexual Contact	Rape	Agg. Assault	SC/ Rape
# Of Offenders	0	1	5	1
# Of Charges		1	8	1
Min # of Charges		1	1	1
Avg # Chgs Each		1.0	1.6	1.0
Max # of Charges		1	3	1

**ASSAULT MISDEMEANORS**

The Aggravated Assault offenders had the most Aggravated Assault misdemeanors, but the Sexual Contact offenders had more Assault misdemeanors per offender. Aggravated Assault offenders had the most charges convicted, but the Rape offenders had the highest conviction rate at 88.2%. The Rape/Aggravated Assault and Sexual Contact/Aggravated assault offenders had no arrests on misdemeanor assault charges prior to January 1, 1987.

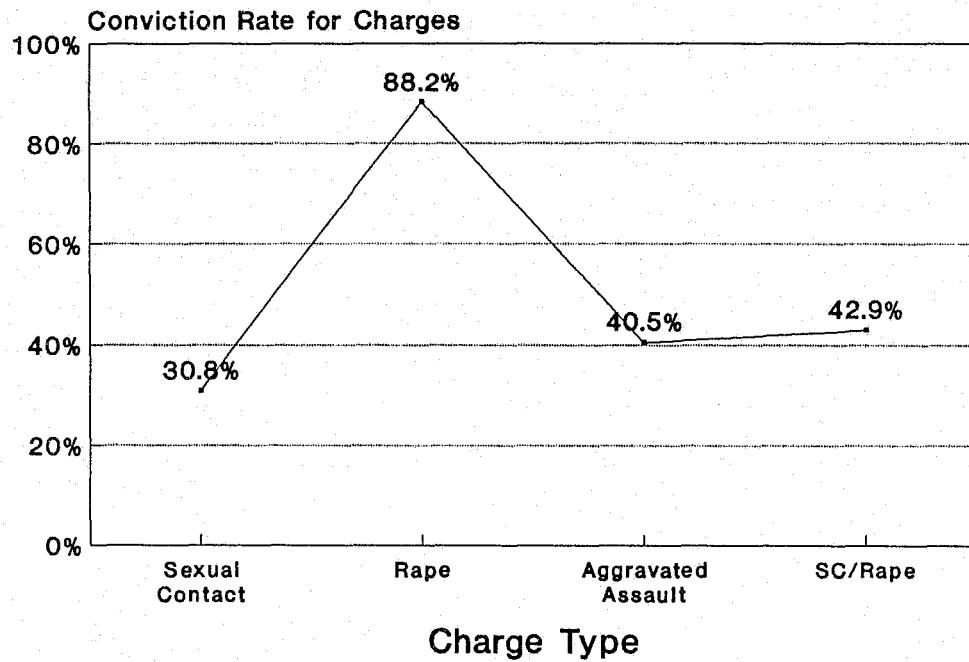
**MISDEMEANOR ASSAULT ARRESTS  
PRIOR TO JANUARY 1, 1987**

	Sexual Contact	Rape	Agg. Assault	SC/ Rape
# Of Offenders	5	10	74	4
# Of Charges	13	17	121	7
Min # of Charges	1	1	1	1
Avg # Chgs Each	2.6	1.7	1.6	1.8
Max # of Charges	6	4	5	3

**MISDEMEANOR ASSAULT CONVICTIONS  
ARRESTS PRIOR TO JANUARY 1, 1987**

	Sexual Contact	Rape	Agg. Assault	SC/ Rape
# Of Offenders	3	8	38	2
# Of Charges	4	15	49	3
Min # of Charges	1	1	1	1
Avg # Chgs Each	1.3	1.9	1.3	1.5
Max # of Charges	2	4	3	2

## CONVICTION RATE FOR ASSAULT MISDEMEANOR CHARGES - PRIOR TO JANUARY 1, 1987



**FIGURE C4 - SDSAC SEX OFFENDER PROJECT**

## RESULTS OF ANALYSIS -PROFILE

### A. CSO Form

Information was collected from all of the eight circuit courts in South Dakota on all sexual and aggravated assault offenders sentenced during the period from January 1, 1987 to April 30, 1989. A 48-question (168 variables) form was developed in cooperation with Court Service Officers (CSO's). The form was designed to quantify information being collected by CSO's. This form collected both objective and subjective data related to each offender and his/her offense. This survey instrument was completed by the court services officer. Some questions were similar to those questions asked on the Inmate Questionnaire. See Appendix D for a copy of the questionnaire. Data were collected on 186 offenders and 161 victims.

Data for Questions #1 through #3 is not reported here. This data was utilized to classify the offenders into the three offender groups.

### Over what period of time was the crime committed?

(Question #4)

The average response for the sexual contact group was that the crime was committed over a period of about one month while the average response for the rape offenders was that the offense occurred between one week and several weeks. The aggravated assault group's average response was that the crime happened one time and did not recur.

Who Reported Offense to the Police? - (Question #5)

Families of the victims were more likely to report sexual contact offenses to the police (44.3%), followed by the victims themselves (25.3%) and social service personnel (20.3%). The victims of rape (39.5%) were most likely to report these offenses to the police. Families of victims (34.9%), social service workers (18.6%) and neighbors/friends (11.6%) were the other major reporting sources of rape offenses. The victims of aggravated assault (56.4%) were most likely to report that offense to the police, followed by law enforcement (22.6%), neighbor/friend (9.7%) and families of victims (8.1%).

**WHO REPORTED OFFENSE TO THE POLICE ?  
DATA FROM CSO FORM**

Source	Sexual Contact	Rape	Aggravated Assault	Sig..
Victim	25.3%	39.5%	56.4%	y
Offender	2.5%	0	0	n
Victim's Family	44.3%	34.9%	8.1%	y
Offender's Family	6.3%	4.7%	3.3%	n
Neighbor/Friend	5.1%	11.6%	9.7%	n
Law Enforcement	3.8%	0	22.6%	y
Social Services	20.3%	18.6%	0	y
Medical Personnel	1.3%	4.7%	1.6%	n
School Official	3.8%	4.7%	0	n
Counselor/ Therapist	3.8%	2.3%	0	n
Minister	1.3%	0	0	n
Day Care	0	0	0	n
Stranger	0	7.0%	8.1%	y

\* Some categories may have double reporting (several sources may have reported the same offense), hence summed values exceed 100%

\*\* Statistical significance: "y" indicates the differences were statistically significant and "n" indicates no statistical significance existed.

## WHO REPORTED THE OFFENSE ? DATA FROM CSO FORM

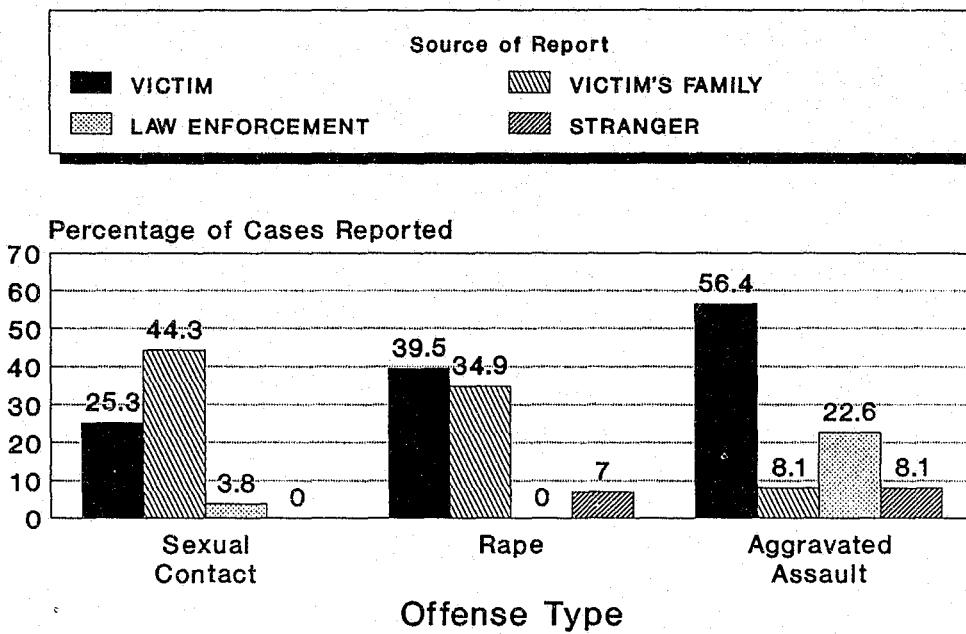


FIGURE P1 - SDSAC SEX OFFENDER PROJECT

What was the relationship of the offender to the victim?

(Question #6)

Sexual victims (rape and sexual contact) were more likely to be assaulted by family members and friends than were aggravated assault offenders. Aggravated assault victims were generally attacked by strangers.

### RELATIONSHIP OF OFFENDER TO VICTIM DATA FROM CSO FORM

Relationship	Sexual Contact	Rape	Aggravated Assault
Mother/Father	25.6%	9.3%	3.2%
Stepmother/ Stepfather	14.1%	20.9%	0
Friend	17.9%	9.3%	3.2%
Acquaintance	11.5%	7.0%	14.5%
Brother/Sister	1.3%	0	0
Spouse	0	4.7%	6.5%
Other Relatives	10.3%	9.3%	1.6%
Boyfriend/ Girlfriend	6.4%	7.0%	8.1%
Parent's Boyfriend/ Girlfriend	5.1%	4.7%	0
Stranger	3.8%	14.0%	38.7%
Other	3.8%	14.0%	24.2%

Was anyone aware of the crime and should have reported it?

(Question #7)

In over one-third (34.6%) of the sexual contact cases, someone was aware of the situation and did not report it to the authorities. The rape and aggravated assault offenses were not as widely known.

**WAS ANYONE AWARE OF THE CRIME AND  
SHOULD HAVE REPORTED IT?  
DATA FROM CSO FORM**

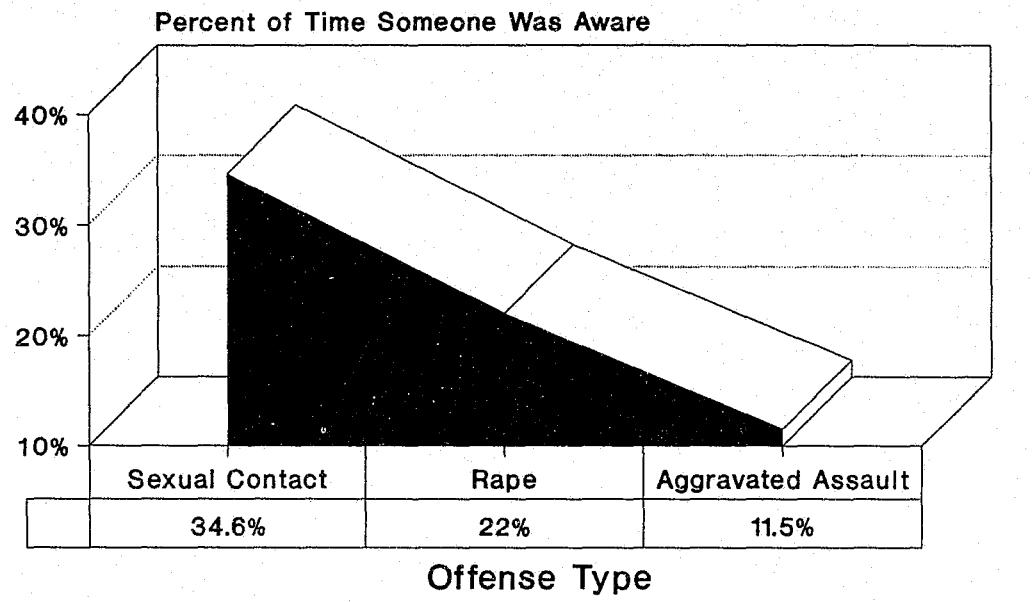


FIGURE P2 - SDSAC SEX OFFENDER PROJECT

If yes, who knew about the offense and should have reported it to the authorities?

(Question #7)

Family members and friends were most likely to know about crimes yet not report them to the appropriate authorities. Ministers and school officials were less likely to be aware of the crimes.

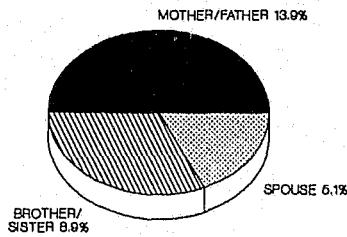
## WHO KNEW ABOUT THE OFFENSE ? DATA FROM CSO FORM

Relationship	Sexual Contact	Rape	Aggravated Assault
Mother/Father	13.9%	9.3%	3.2%
Brother/Sister	8.9%	4.7%	1.6%
Spouse	5.1%	2.3%	1.7%
Other Relatives	10.1%	7.0%	1.7%
Friend	8.9%	11.6%	4.8%
Acquaintance	6.3%	2.3%	4.8%
Minister	0	0	0
Counselor/Therapist	0	0	0
School Teacher/ Administrator	1.3%	0	0
Boyfriend/ Girlfriend	1.3%	4.7%	0

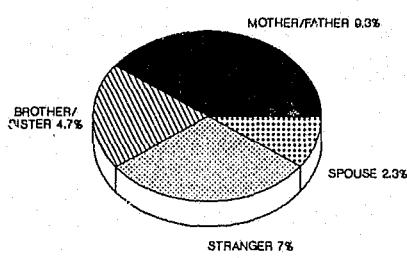
\*\*\* Accumulated percentages do not sum to 100% because this data only reflects positive responses to the question.

## **WHO KNEW ABOUT THE OFFENSE AND SHOULD HAVE REPORTED IT ?**

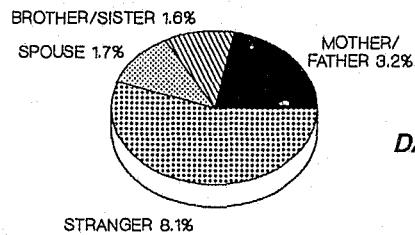
### **SEXUAL CONTACT OFFENSES**



### **RAPE OFFENSES**



### **AGGRAVATED ASSAULT OFFENSES**



**DATA FROM CSO FORM**

**FIGURE P3 - SDSAC SEX OFFENDER PROJECT**

Has the offender spent time in jail for the crime committed previous to sentencing?

(Question #8)

Rape and aggravated assault offenders were more likely to spend time in jail before being sentenced than were sexual contact offenders. Sexual contact offenders may be less likely to spend time in jail before sentencing because they are more likely to make bond than the other offenders. Through analysis of other data, it appears that sexual contact offenders are more likely to be in a higher income level than the other offenders; thus, they may find it easier to make bond. Also, the nature of the victim may be a factor in spending time in jail previous to sentencing. In the case of rape or aggravated assault, a strong complaining witness is generally present while in the case of sexual contact the witness is usually a child who may not be considered a strong witness. Overall, 76.4% of all offenders spent time in jail before being sentenced.

#### SPENT TIME IN JAIL BEFORE SENTENCING

<u>Offense</u>	<u>Spent Time in Jail</u>
Sexual Contact	66.2%
Rape	83.7%
Aggravated Assault	83.9%

Difference in Time Between Occurrence of Crime and Reporting of Crime - (Questions #9 and #10)

The average time period between the occurrence of the crime and when it was reported was over eight months for each of the sexual crimes. All of the aggravated assault crimes in this study were reported during the month in which they occurred. The time differential for the sexual crimes was significantly different from the aggravated assault time differential.

#### TIME BETWEEN CRIME AND REPORT OF CRIME

<u>Offense</u>	<u>Time Elapsed</u>
Sexual Contact	8.6 months
Rape	8.8 months
Aggravated Assault	0

### General Location of Crime - (Question #11)

As would be expected, the general location of the crime varied according to whether it was a sexual or aggravated assault offense. The sexual crimes were more likely to occur inside and the aggravated assault crimes were more likely to occur outdoors.

## GENERAL LOCATION OF CRIME DATA FROM CSO FORM

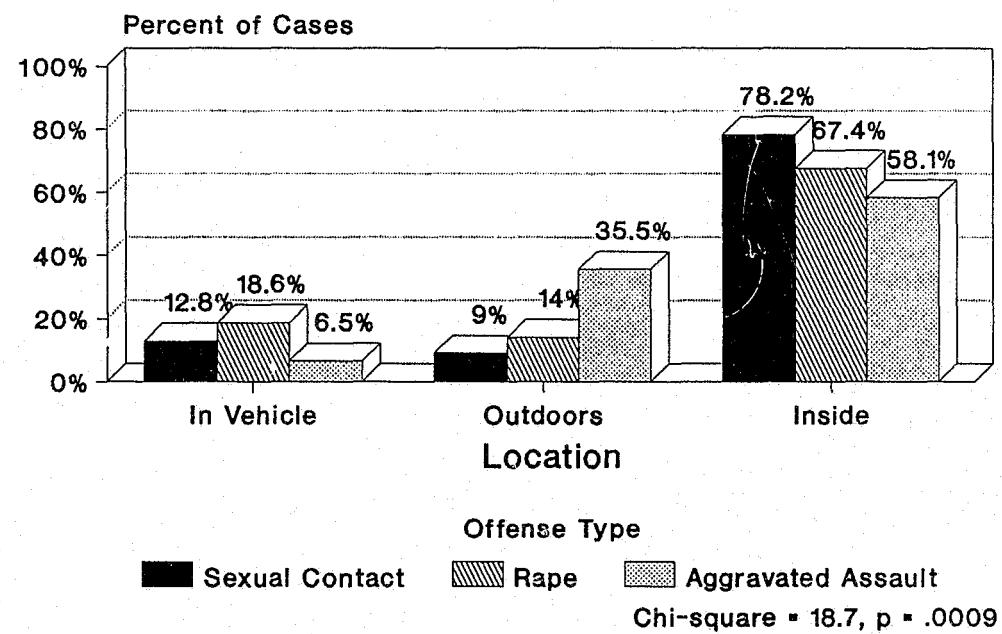


FIGURE P4 - SDSAC SEX OFFENDER PROJECT

Specific Location of Crime - (Question #12)

There were also some differences noted in the specific location of sexual and aggravated assault offenses. Sexual offenses were more likely to occur in homes and aggravated assault cases were more likely to be committed near bars and other downtown locations.

**SPECIFIC LOCATION OF CRIME  
DATA FROM CSO FORM**

Source	Sexual Contact	Rape	Aggravated Assault	Sig**
Home of Victim	58.2%	44.2%	29.0%	y
Home of Offender	49.4%	44.2%	17.7%	y
Some Other Home	8.9%	13.9%	8.1%	n
Residential Area	5.1%	13.9%	14.5%	n
Outside City	19.0%	13.9%	8.1%	n
Near Bar	2.5%	9.3%	12.9%	y
Downtown Area	1.3%	4.7%	8.1%	n
Near/In Victim's Hotel	1.3%	2.3%	0	n
Near/In Victim's Workplace	2.5%	4.7%	8.1%	n
Other	6.3%	7.0%	14.5%	n

\*\* Statistical significance: "y" indicates the differences were statistically significant and "n" indicates no statistical significance existed among the three groups for the specific location of crime.

Percents sum to more than 100% due to multiple events and locations in some cases. Thus, the categories are not mutually exclusive (i.e., one offense may qualify as the home of victim and in residential area, etc.).

## SPECIFIC LOCATION OF CRIME DATA FROM CSO FORM

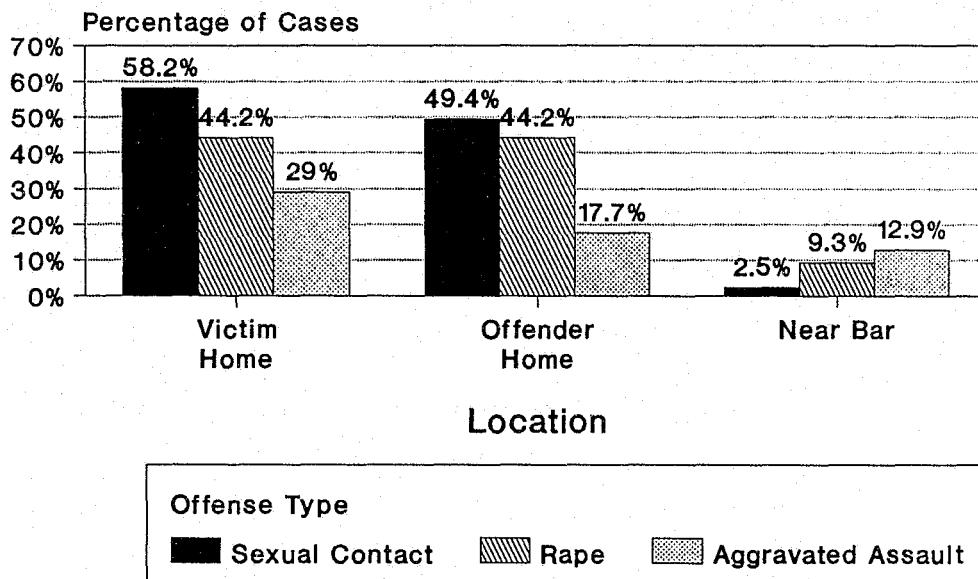


FIGURE P5 - SDSAC SEX OFFENDER PROJECT

Weapon Used in Commission of Crime - (Question #13)

As would be expected, there were significant differences between the sexual offenses and aggravated assault offenses across all weapon categories. Various weapons were used to injure or attempt to injure persons in all aggravated assault offenses. In the majority (91.1%) of the sexual contact offenses and in about two-thirds (67.4%) of the rape cases, no weapons were reported to have been involved.

**WEAPON USED IN COMMISSION OF CRIME**  
**DATA FROM CSO FORM**

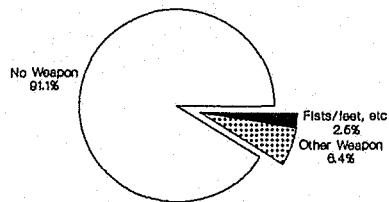
Source	Sexual Contact	Rape	Aggravated Assault	Sig**
Fists/feet,etc.	2.5%	13.9%	33.9%	y
Gun	0	0	25.8%	y
Knife	0	7.0%	27.4%	y
Club/stick,etc.	0	0	4.8%	y
Other Weapon	6.4%	11.7%	8.1%	y
No Weapon	91.1%	67.4%	0	y

\*\* Statistical significance: "y" indicates differences which were statistically significant and "n" indicates no significant statistical difference existed.

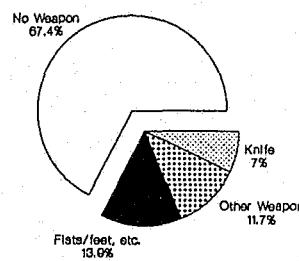
## TYPE OF WEAPON USED IN CRIME

DATA FROM CSO FORM

### SEXUAL CONTACT OFFENSES



### RAPE OFFENSES



### AGGRAVATED ASSAULT OFFENSES

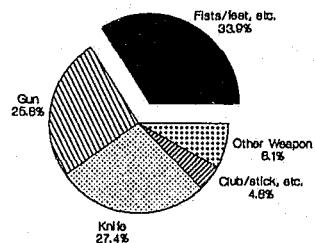


FIGURE P6 - SDSAC SEX OFFENDER PROJECT

Types of Threats and Rewards Used in Commission of the Crime

(Question #14)

Bodily threats were more prevalent in rapes and aggravated assault crimes than they were in sexual contact crimes. Rewards were more likely to be offered to victims by offenders in sexual crimes than in aggravated assault crimes.

**TYPES OF THREATS AND REWARDS  
USED IN COMMISSION OF CRIME**

Threat/Reward	Sexual Contact	Rape	Aggravated Assault	Sig**
Bodily Threats	10.1%	25.6%	40.3%	y
Promise of Money	6.3%	2.3%	0	n
Promise of Goods	10.1%	7.0%	0	y
Attention/Affection	19.0%	11.6%	3.2%	y
Threat of Telling Others	15.2%	11.6%	1.6%	y
Threat of Broken Home	2.5%	7.0%	3.2%	n
Other	5.1%	11.6%	6.5%	n
No Threat/Reward	46.8%	39.5%	37.1%	n
No Response	0	0	8.1%	n

**DATA FROM CSO FORM**

\*\* Statistical significance: "y" indicates the differences were statistically significant and "n" indicates no statistically significant difference existed.

\*\*\* Percents sum to more than 100% for sexual offenses due to the use of multiple threats/rewards.

## TYPES OF THREATS AND REWARDS USED IN CRIME

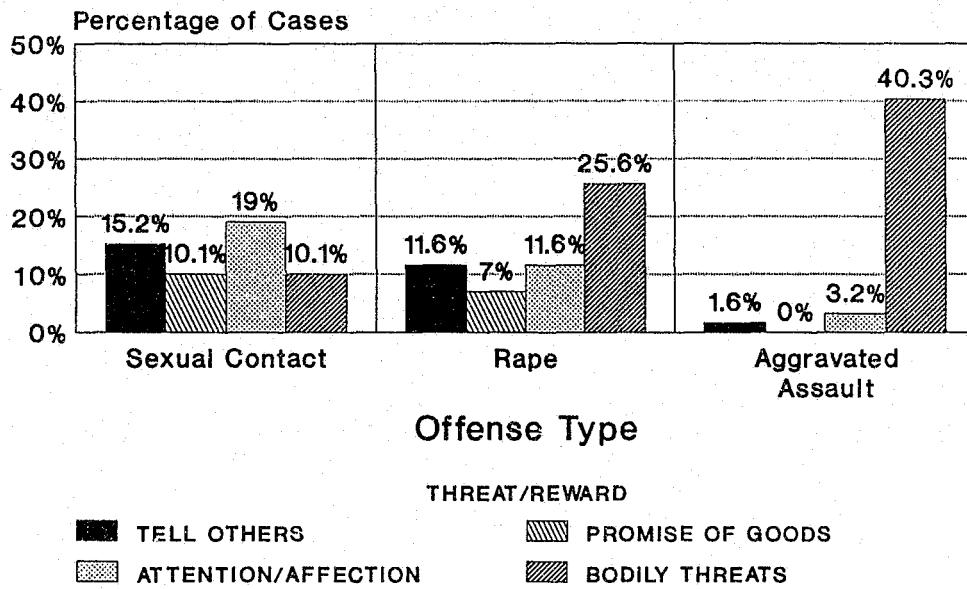


FIGURE P7 - SDSAC SEX OFFENDER PROJECT

What was the extent of physical injury to the victim?

(Question #15)

Over half of both sexual assault offenses reportedly resulted in "No Physical Injury" while 60% of the aggravated assault incidents resulted in physical injury to some extent and possible first aid or medical attention. According to data from the CSO form, the sexual contact offenses produced the least injury to the victim. Only 14.7% of the sexual contact offenses resulted in some type of physical injury to the victim.

### EXTENT OF PHYSICAL INJURY TO THE VICTIM DATA FROM CSO FORM

Extent of injury	Sexual Contact	Rape	Aggravated Assault
No Injury	76.0%	60.5%	38.3%
Some Injury, Extent Unknown	10.7%	9.3%	5.0%
First Aid/No Hospitalization	0	4.7%	5.0%
Medical Attention	4.0%	20.9%	23.3%
Hospitalization	0	2.3%	26.7%
Don't Know	9.3%	2.3%	1.7%

Chi-square = 55.6, p < .0001

Factors Reported by Offenders to have Contributed to  
the Commission of the Crime - (Question #16)

Alcohol was identified as being a more prevalent contributing factor in aggravated assault crimes than in sexual crimes, although the rates are high across all groups. Alcohol was the leading contributor to the commission of the crimes in each of the three crime categories. Emotional problems, stress and marital problems were the other overall leading factors contributing to the crimes committed. A history of sexual abuse and alleged seduction by the victim were two factors which were prevalent in the sexual crimes but absent in the aggravated assault crimes. Financial problems was a factor which was mentioned significantly more often by aggravated assault offenders than by either of the sexual offender groups.

**CONTRIBUTING FACTORS REPORTED BY OFFENDERS  
DATA FROM CSO FORM**

Factor	Sexual Contact	Rape	Aggravated Assault	Sig**
Alcohol	39.2%	44.2%	71.0%	y
Stress	21.5%	18.6%	32.3%	n
Marital Problems	25.3%	18.6%	19.4%	n
Finance Problems	8.9%	2.3%	17.7%	y
Emotional Instability	32.9%	27.9%	19.4%	n
Family Problems	1.3%	0	1.6%	n
History of Sexual Abuse	17.7%	9.3%	0	y
History of Physical Abuse	7.6%	7.0%	1.6%	n
Drugs	5.1%	2.3%	11.3%	n
Victim Seduction	13.9%	27.9%	0	y
Other Factors	15.2%	14.0%	11.3%	n

\*\* Statistical significance: "y" indicates the differences were statistically significant and "n" indicates no statistically significant difference exists.

\*\*\* Percents sum to more than 100% due to multiple contributing factors.

Factors reported by others (family, neighbors, etc.) which contributed to the commission of the crime.

(Question #17)

Alcohol and emotional instability appeared to be the major contributors to the commission of the crime across all three offense groups. Stress and alcohol appeared to be more of a factor in aggravated assault offenses than in sexual assault offenses. A history of sexual abuse, seduction by the victim, and a history of physical abuse were reported by others as being significant factors for sexual offenders but not for aggravated assault offenders.

**CONTRIBUTING FACTORS REPORTED BY OTHERS  
DATA FROM CSO FORM**

Factor	Sexual Contact	Rape	Aggravated Assault	Sig**
Alcohol	36.7%	32.5%	69.3%	y
Stress	13.9%	13.9%	27.4%	n
Marital Problems	21.5%	16.3%	16.1%	n
Finance Problems	8.9%	9.3%	9.7%	n
Emotional Instability	30.4%	30.2%	17.7%	n
Family Problems	2.5%	2.3%	0	n
History of Sexual Abuse	8.9%	2.3%	0	y
History of Physical Abuse	0	6.9%	0	y
Drugs	3.8%	6.9%	8.1%	n
Victim Seduction	7.6%	13.9%	0	y
Other Factors	12.6%	2.3%	9.7%	n

\*\* Statistical significance: "y" indicates the differences were statistically significant and "n" indicates no statistically significant differences exists.

Was there a court ordered psychiatric evaluation?

(Question #18)

Over one-third (38.1%) of all offenders were ordered by the court to have psychiatric evaluations. There was no significant (statistical) difference among the groups.

**PERCENT OF COURT ORDERED  
PSYCHIATRIC EVALUATIONS**

<u>Offense</u>	<u>Court Ordered Evaluation</u>
Sexual Contact	41.6%
Rape	34.9%
Aggravated Assault	36.1%

*No significant differences.*

DATA FROM CSO FORM

Was there a psychiatric evaluation requested by the defense?

(Question #19)

Overall in about one-third (33.7%) of the cases, the defense requested psychiatric evaluations. There were no significant (statistical) differences among the groups.

**PERCENT OF PSYCHIATRIC EVALUATIONS  
REQUESTED BY THE DEFENSE**

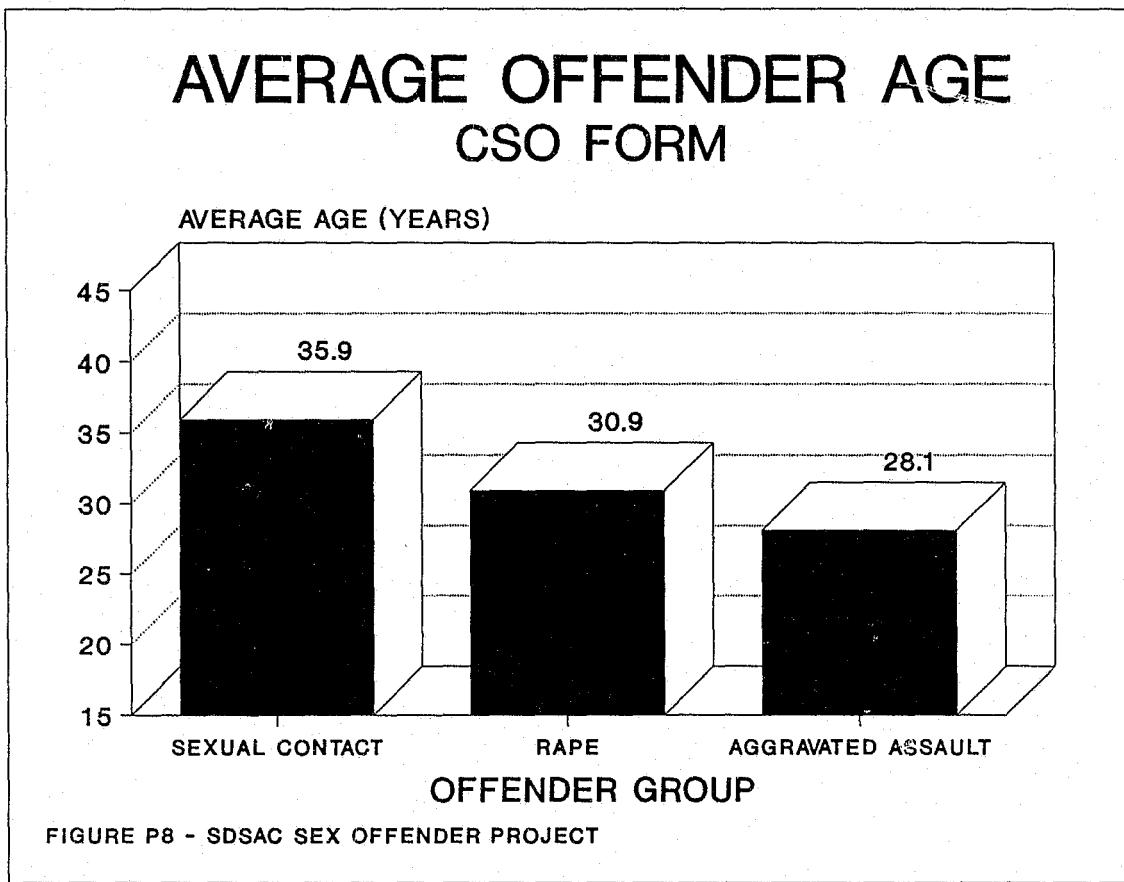
<u>Offense</u>	<u>Defense Ordered Evaluation</u>
Sexual Contact	33.8%
Rape	39.5%
Aggravated Assault	29.5%

*No significant differences.*

DATA FROM CSO FORM

Age of Offender - (Question #20)

The sexual contact persons (age = 35.9 years) were significantly older ( $F = 7.0$ ,  $p = < .01$ ) than both the rapists (age = 30.9 years) and the aggravated assault offenders (age = 28.1 years).



Race of Offenders by Type of Crime Committed -

(Question #22)

Native Americans were more likely to be arrested for aggravated assault than they were for sexual offenses. Whites were more likely to be arrested for sexual offenses than they were for aggravated assault.

**RACE OF OFFENDERS BY TYPE OF CRIME  
DATA FROM CSO FORM**

Race	Sexual Contact	Rape	Aggravated Assault
American Indian	11.5%	14.0%	38.7%
Asian	1.3%	0	1.6%
Black	1.3%	7.0%	0
White	85.9%	79.1%	59.7%
Hispanic	0	0	0
Other	0	0	0

Chi-square = 8.5, p = .01

Was offender employed at time of crime? -

(Question #23)

The striking trend resulting from this question is the overall number of offenders who were unemployed at the time of the crime. Most (59.7%) of the aggravated assault offenders were unemployed, as was about 37% of the sexual offender groups.

WAS OFFENDER EMPLOYED AT TIME OF CRIME ?

<u>Offense</u>	<u>Percent Employed</u>
Sexual Contact	62.8%
Rape	63.1%
Aggravated Assault	40.3%

F = 4.7, p = .01

DATA FROM CSO FORM

Is the offender currently employed? - (Question #24)

The average response across all three offender groups was that they were not currently employed. Sexual contact offenders were more likely to be employed than either rape offenders or aggravated assault offenders.

IS THE OFFENDER CURRENTLY EMPLOYED ?

<u>Offense</u>	<u>Percent Employed</u>
Sexual Contact	42.3%
Rape	17.1%
Aggravated Assault	23.0%

F = 5.4, p = .0053

DATA FROM CSO FORM

Occupation of Offenders - (Question #25)

The offenders were predominantly unskilled/semi-skilled and skilled workers. Overall, there was no significant difference among the offender groups by occupational categories.

**OCCUPATION OF OFFENDERS  
DATA FROM CSO FORM**

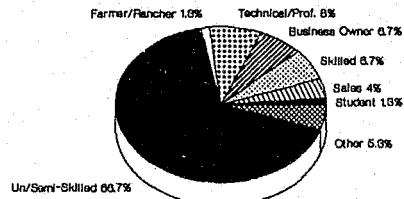
Race	Sexual Contact	Rape	Aggravated Assault
Unskilled/ Semi-skilled	66.7%	69.0%	71.2%
Skilled	6.7%	11.9%	8.5%
Technical/ Professional	8.0%	0	1.7%
Sales	4.0%	2.4%	0
Farmer/Rancher	1.3%	2.4%	0
Business Owner/ Manager	6.7%	0	3.4%
Student	1.3%	7.1%	8.5%
Other	5.3%	7.1%	6.8%

*No overall significant differences.*

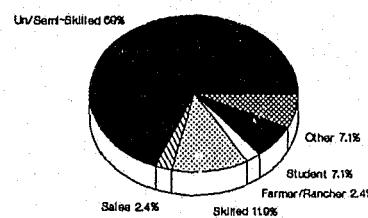
# OCCUPATION OF OFFENDER

DATA FROM CSO FORM

## SEXUAL CONTACT OFFENDERS



## RAPE OFFENDERS



## AGGRAVATED ASSAULT OFFENDERS

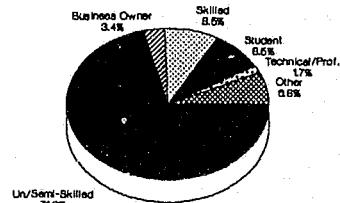


FIGURE P9 - SDSAC SEX OFFENDER PROJECT

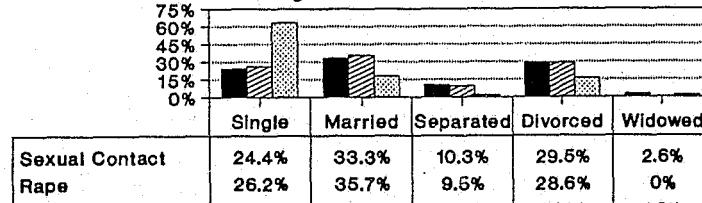
## Marital Status - (Question #26)

The aggravated assault offenders were more likely to be single, while the sexual offenders were likely to be married, separated or divorced.

# MARITAL STATUS

DATA FROM CSO FORM

Percentage of Offenders



Marital Status

Offense Type

- Sexual Contact
- ▨ Rape
- ▨ Aggravated Assault

Chi-square = 27.4, p = .0006

FIGURE 12 - SDSAC SEX OFFENDER PROJECT

How many times has the offender been married?

(Question #27)

Overall, the offenders were married about one and one half times. There were no differences among the three groups.

**AVERAGE NUMBER OF TIMES OFFENDER  
HAS BEEN MARRIED**

Offense	Average Number of Times
Sexual Contact	1.5 times
Rape	1.6 times
Aggravated Assault	1.3 times

*No significant differences.*

DATA FROM CSO FORM

Number and ages of children (if applicable)

(Question #28)

The sexual assault groups reported more children than did the aggravated assault group. This is likely a function of age (aggravated assault offenders are younger). Due to the high variations in numbers of children, there was no significant differences between any two sets of means. Data concerning the ages of the offenders' children were incomplete and thus can not be reported here.

**AVERAGE NUMBER OF CHILDREN**

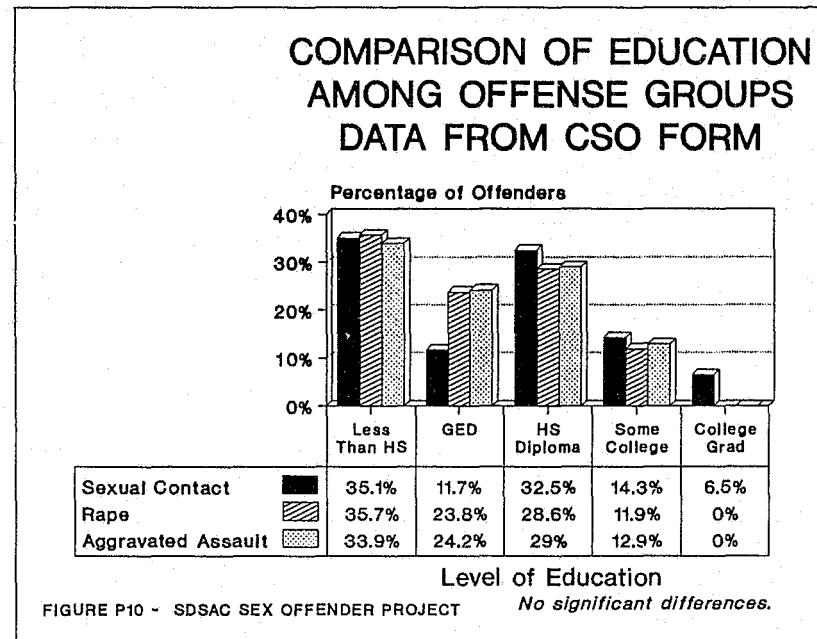
Offense	Average Number of Children
Sexual Contact	3.19 children
Rape	2.47 children
Aggravated Assault	2.04 children

*No significant differences.*

DATA FROM CSO FORM

### Education - (Question #29)

Overall about one-third of the offenders had achieved less than a high school education. About one-quarter of the rape and aggravated assault groups were reported to have a GED certificate.



### Financial Status - (Question #30)

Overall, no group reported a stable financial status. The sexual contact offenders reported marginally more assets than the other two groups.

### **FINANCIAL STATUS**

Net Worth	Sexual Contact	Rape	Aggravated Assault
Less Than 10K	71.1%	88.1%	91.7%
More Than 10K	28.9%	11.9%	8.3%

Chi-square = 11.0, p = .004

*DATA FROM CSO FORM*

Does the offender (or spouse, if married) receive welfare/public assistance?

(Question #31)

Slightly over 20% of the offenders received welfare assistance at the time the CSO Form was completed. There were no significant differences among the groups with regard to this variable.

### PERCENT RECEIVING PUBLIC ASSISTANCE

Offense	Receive Assistance
Sexual Contact	21.3%
Rape	20.0%
Aggravated Assault	23.7%

*No significant differences.*

DATA FROM CSO FORM

Income - (Question #32)

The sexual contact group tended to have a greater yearly income than did the other two groups. About one-third of the aggravated assault people had no income. About 21% of sexual contact offenders had incomes of \$15,000 or more, while only 10% of the rapists and about 5% of the aggravated assault offenders reported incomes of \$15,000 or more.

### INCOME DATA FROM CSO FORM

Income	Sexual Contact	Rape	Aggravated Assault
No Income	11.1%	22.5%	32.2%
Less Than \$5,000	18.1%	25.0%	30.5%
\$5,000 to \$7,499	18.1%	7.5%	13.6%
\$7,500 to \$9,999	15.3%	15.0%	11.9%
\$10,000 to \$14,999	16.7%	20.0%	6.8%
\$15,000 to \$19,999	9.7%	5.0%	1.7%
\$20,000 & Above	11.1%	5.0%	3.4%

Chi-square = 21.7, p = .04

How religious does the offender consider himself/  
herself?

(Question #33)

On a 7-point scale where "1" indicated a "Not Religious" response and "7" indicated a "Very Religious" response, the court services officer scored the offender's religious convictions. All three offender groups were scored on the low end (2 to 3) on the religious scale. The overall mean score was 2.8. There were no significant mean differences among the three offender groups.

How often does the offender generally attend church?

(Question #34)

Church attendance was rated by the court services officers on a 7-point scale where "1" indicated a response of "Never" and "7" indicated a response of "Always". Again, all three offender groups were scored on the low end of the scale (2 to 3) by the court services officers. The overall mean score was 2.5. There were no statistically significant differences among the mean values of the three offender groups.

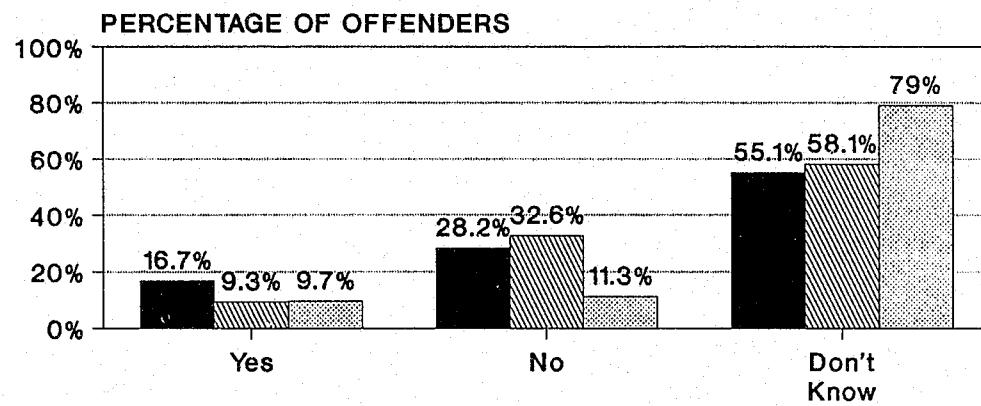
Was the offender physically abused as a child? If yes, by whom was he/she abused?

(Question #35)

In most cases, whether the offender had been physically abused as a child was undetermined by the court services officer. Of the determined cases, more were reportedly not physically abused as children than those that were. Sexual contact offenders were reported to be abused more often than the other offenders.

In the cases in which the offender had been abused, the father was the predominant abuser across all three offender groups. In the sexual contact group and aggravated assault group, the mother was the second most common abuser. For the rape offenders reporting physical abuse, the stepfather was the next common abuser.

**WAS THE OFFENDER PHYSICALLY ABUSED AS A CHILD?  
DATA FROM CSO FORM**



**WAS THE OFFENDER ABUSED?**

**OFFENDER TYPE**

■ Sexual Contact    ■ Rape    ■ Aggravated Assault

FIGURE P11 - SDSAC SEX OFFENDER PROJECT

Chi-square = 11.4, p = .02

**BY WHOM WAS OFFENDER PHYSICALLY ABUSED ?**  
**DATA FROM CSO FORM**

Relationship of Abuser	Sexual Contact	Rape	Aggravated Assault	Sig**
Father	8.8%	7.0%	8.1%	n
Stepfather	1.2%	2.3%	1.6%	n
Mother	5.1%	0	3.2%	n
Stepmother	2.5%	0	0	n
Other Immediate Family	0	0	1.6%	n
Other Relative	2.5%	0	1.6%	n
Family Friend	1.3%	0	1.6%	n
Acquaintance	1.3%	0	0	n
Stranger	0	0	0	n
Other	3.8%	2.3%	0	n

*No Significant Differences.*

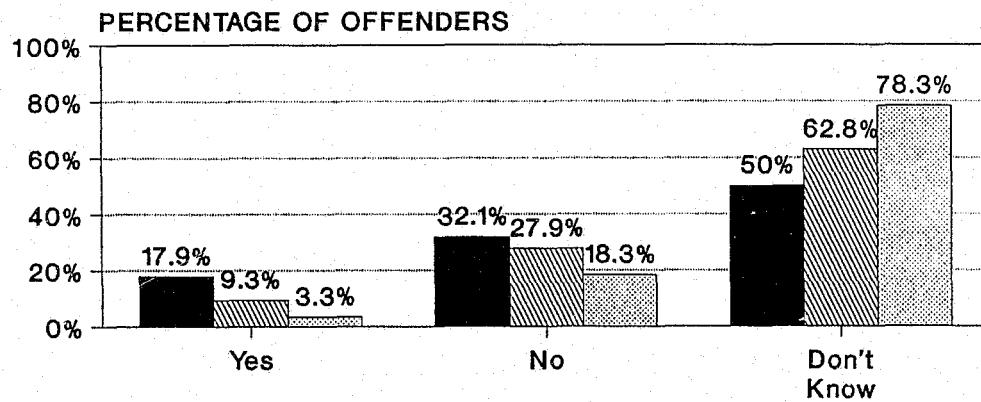
Was the offender sexually abused as a child? If yes,  
by whom was he/she abused?

(Question #36)

As in the case of determining physical abuse, the court services officers were unable to determine whether the offender had been sexually abused as a child for the majority of offenders across all three offender groups. For those cases they were able to determine, the court services officers generally evaluated offenders as not being subjected to sexual abuse in childhood. Sexual contact offenders were more likely to be sexually abused than were other offenders in the study.

For those sexual contact offenders who were determined to have been sexually abused, another relative (aunt, uncle, etc.) was the most frequent abuser. Other immediate family members were the most prevalent abusers for rape offenders while fathers, stepfathers, other immediate family, other relatives, and acquaintances were equally cited as sexual abusers of aggravated assault offenders.

**WAS THE OFFENDER SEXUALLY ABUSED  
AS A CHILD?  
DATA FROM CSO FORM**



**WAS THE OFFENDER SEXUALLY ABUSED?**

**OFFENDER TYPE**

■ Sexual Contact    ■ Rape    ■ Aggravated Assault

FIGURE P12 - SDSAC SEX OFFENDER PROJECT

Chi-square = 13.5, p = .009

**BY WHOM WAS OFFENDER SEXUALLY ABUSED ?**  
**DATA FROM CSO FORM**

Relationship of Abuser	Sexual Contact	Rape	Aggravated Assault	Sig**
Father	1.2%	2.3%	1.6%	n
Stepfather	0	0	1.3%	n
Mother	1.3%	0	0	n
Stepmother	1.3%	0	0	n
Other Immediate Family	2.5%	4.7%	1.6%	n
Other Relative	5.1%	0	1.6%	n
Family Friend	3.8%	0	0	n
Acquaintance	3.8%	2.3%	1.6%	n
Stranger	0	2.3%	0	n
Other	3.8%	0	0	n

How cooperative were offenders in answering questions?

(Question #37)

All groups were quite cooperative in providing information for the presentencing investigation. The sexual contact and aggravated assault groups were significantly more cooperative ( $F = 3.2$ ,  $p = .04$ ) than the rapists based on mean rating values. The court services officers reported that 89.3% of the sexual contact offenders were cooperative to some degree in providing information. 82.9% of the rape offenders and 93.3% of the aggravated assault offenders were also cooperative. Only 6.7% of aggravated assault offenders were considered to be uncooperative while 10.6% and 17.1% of the sexual contact and rape offenders (respectively) were found to be uncooperative.

### COOPERATIVENESS OF OFFENDERS

Degree of Cooperation	Sexual Contact	Rape	Aggravated Assault
Very Cooperative	56.0%	36.6%	48.3%
Somewhat Cooperative	33.3%	46.3%	45.0%
Not Cooperative	9.3%	7.3%	6.7%
Very Uncooperative	1.3%	9.8%	0

Chi-square = 13.2,  $p = .04$

DATA FROM CSO FORM

In your opinion, how believable were the statements and other information furnished by the offender?

(Question #38)

Overall, the court services officers found the majority of offender statements and information to be believable to some degree. The court services officers found about 29.9% of the sexual contact offenders to be unbelievable. 24.4% of the rape offenders and 11.5% of the aggravated assault offenders were not considered reliable sources of information by the court services officers.

HOW BELIEVABLE WERE OFFENDER'S STATEMENTS?  
DATA FROM CSO FORM

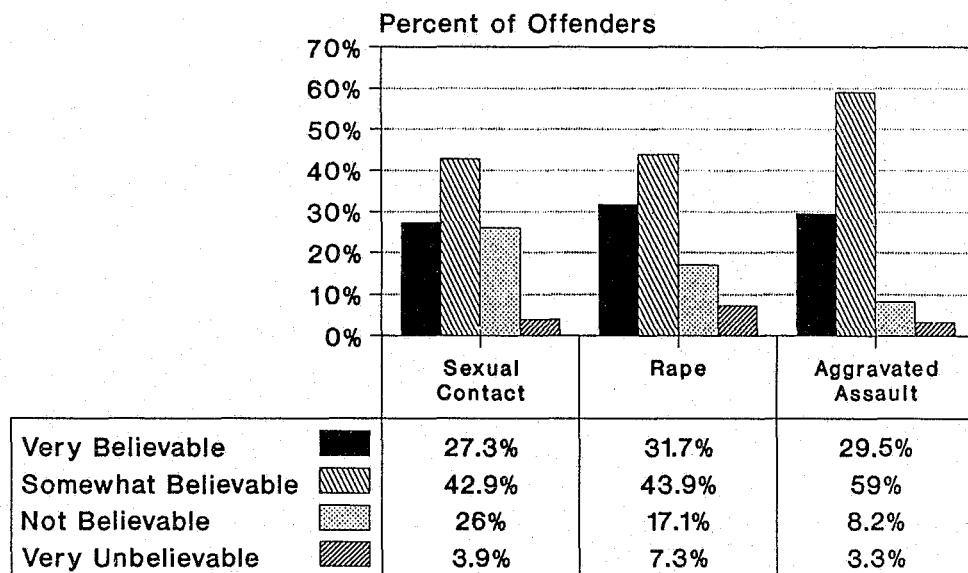


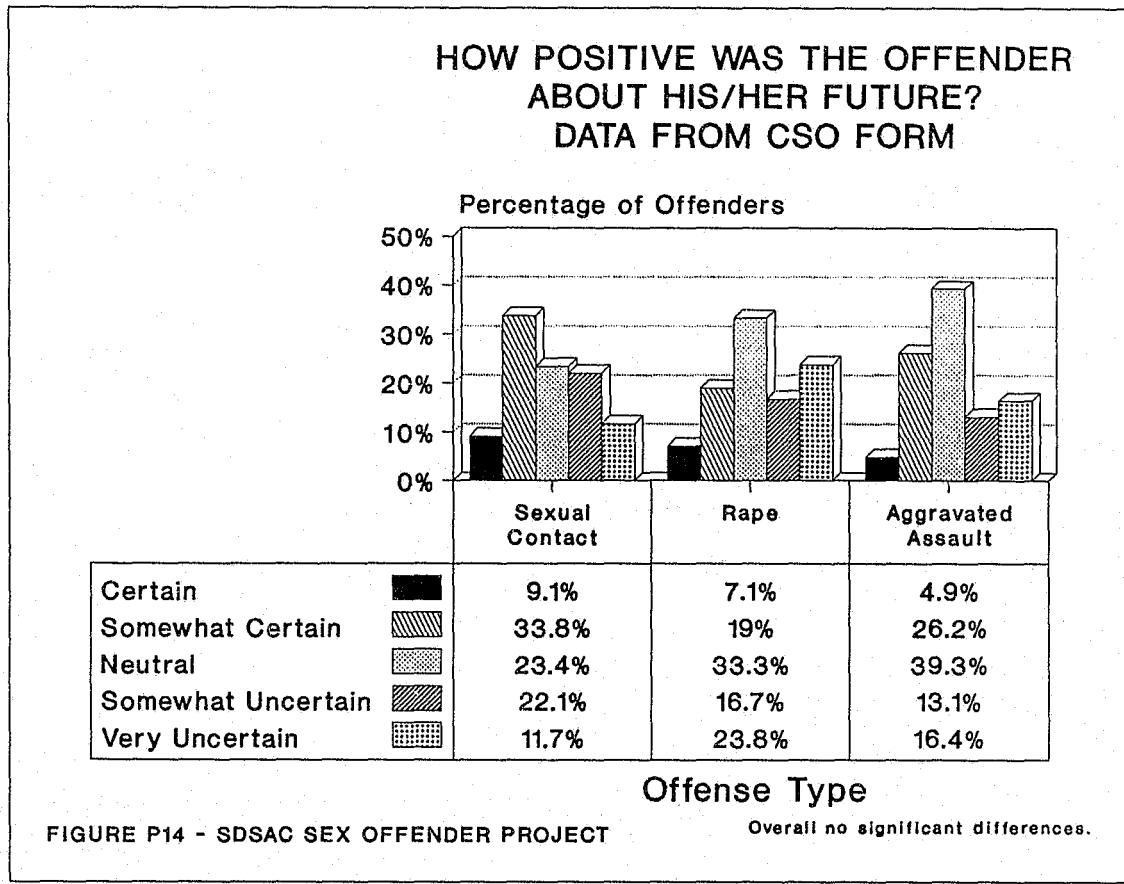
FIGURE P13 - SDSAC SEX OFFENDER PROJECT

Overall no significant differences.

How positive was the offender about his/her general future?

(Question #39)

Overall, the offenders reported mixed feelings concerning their general future. The sexual contact offenders (42.9%) were reported to be more certain of a positive future than the other offender groups. 40.5% of the rape offenders were generally uncertain of a positive future while 39.3% of the aggravated assault group were neutral about their future. Overall, there were no statistically significant differences.



Reaction of Offenders to the Offense Committed -

(Question #40)

The court services officers were asked to report the various reactions of the offenders during the presentencing investigation to the crimes committed. Sexual offenders (sexual contact and rape) were more likely to deny that the crime occurred than the aggravated assault group. Overall, all groups tended to minimize and justify their actions. Approximately one-third of the offenders appeared to regret their crime.

**REACTION OF OFFENDERS TO THE OFFENSE  
DATA FROM CSO FORM**

Reaction	Sexual Contact	Rape	Aggravated Assault
Denial	22.8%	25.6%	6.4% *
Minimization	38.0%	46.5%	38.7%
Justification	21.5%	25.6%	32.3%
Fabricate Stories	13.9%	13.9%	6.4%
Regret	38.0%	30.2%	38.7%
Indifferent	11.4%	18.6%	9.7%

\* Significantly different

DEMOGRAPHIC INFORMATION ON VICTIM:

Was there more than one victim of the crime?

(Question #41)

Overall, about 22% of the offenders involved more than one victim in the crime. There were no significant differences among the three groups

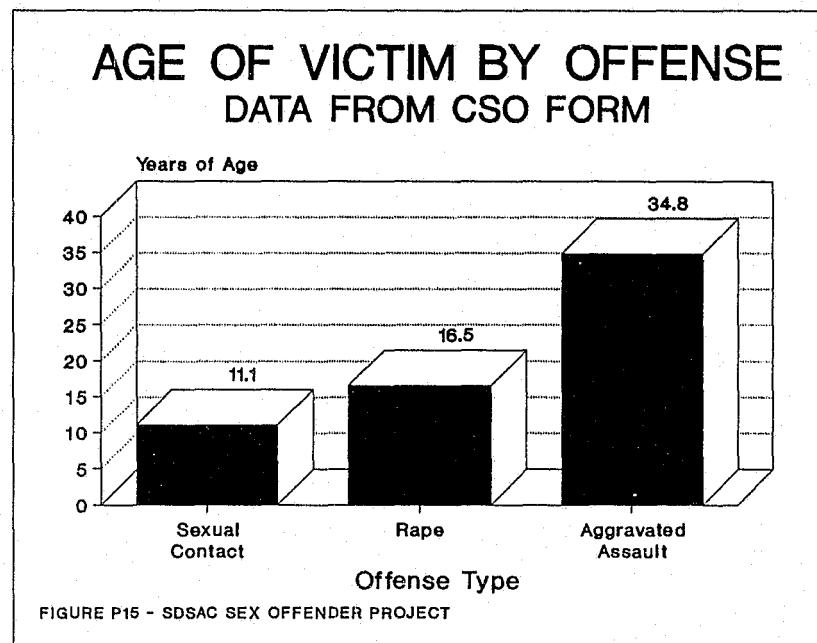
**WAS THERE MORE THAN ONE VICTIM OF THE CRIME ?**

More Than One Victim ?	Sexual Contact	Rape	Aggravated Assault
YES	20.8%	30.2%	16.7%
NO	79.2%	69.8%	83.3%

*Overall no significant difference.*

### Age of Victim - (Question #42)

The sexual contact victims (age = 11.1 years) were significantly younger ( $F = 55.2$ ,  $p = < .0001$ ) than were victims of rapes (age = 16.5 years) or victims of aggravated assault offenders (age = 34.8 years). See Figure 18 below.



### Sex of Victim - (Question #43)

Over 80% of the sexual assault victims were female. About one-third (34.6%) of the aggravated assault victims were females and about two-thirds (65.4%) were males.

### SEX OF VICTIM

Sex	Sexual Contact	Rape	Aggravated Assault
Male	17.4%	15.0%	65.4%
Female	82.6%	85.0%	34.6%

Chi-square = 38.9,  $p < .0001$

DATA FROM CSO FORM

Race of Victim - (Question #44)

Of the racial groups - American Indian, White and Asian - percentages were fairly consistent in each crime category. Based on 1980 Census information and results of this study, American Indians and Asian people were victims of crime more often than would be expected. American Indians constitute about 6.5% of the population, while about 11% of the crimes were committed against them. Asians account for .3% of South Dakota's population but 1.9% of the crimes studied were committed against them. Whites comprise about 92% of the state's population, but only constituted about 87% of the victims of the crimes studied.

**RACE OF VICTIM  
DATA FROM CSO FORM**

Race	Sexual Contact	Rape	Aggravated Assault
American Indian	11.8%	9.8%	11.5%
Asian	1.5%	2.4%	1.9%
Black	0	0	0
White	86.8%	87.8%	86.5%
Hispanic	0	0	0
Other	0	0	0

**1980 CENSUS INFORMATION - SOUTH DAKOTA**

Racial Group	Population	Percent of Population
American Indian	44,968	6.5%
Asian	1,738	.3%
Black	2,144	.3%
White	635,544	92.0%
Hispanic	4,145	.6%
Other	2,249	.3%

State Total      690,768      100.0%

### **Offender/Victim Comparisons:**

#### Comparison of Victims and Respective Offenders by Race

Overall, American Indians committed over one-third (38.2%) of their crimes against their own race and over one-half (55.9%) against Whites. Whites committed nearly all (95.2%) of their crimes against White victims.

#### **COMPARISON OF VICTIMS AND OFFENDERS BY RACE ACROSS ALL CRIME CATEGORIES**

Offender's Race	Victim's Race				
	Indian	Asian	Black	White	Other
American Indian	38.2%	2.9%	0	55.9%	2.9%
Asian	0	50.0%	0	50.0%	0
Black	0	0	0	100.0%	0
White	4.0%	.8%	0	95.2%	0
Other	0	0	0	0	0

Number of Cases = 164

Considering only sexual contact offenses, Whites committed nearly all (94.9%) of their sexual contact crimes against White victims. American Indians committed almost three-fourths of their crimes against their own race and over one-fourth (28.6%) against Whites. Since the number of cases (n=68) is low, these findings are considered to be tentative.

#### **COMPARISON OF VICTIMS AND OFFENDERS BY RACE SEXUAL CONTACT OFFENSES**

Offender's Race	Victim's Race				
	Indian	Asian	Black	White	Other
American Indian	71.4%	0	0	28.6%	0
Asian	0	100.0%	0	0	0
Black	0	0	0	100.0%	0
White	5.1%	0	0	94.9%	0
Other	0	0	0	0	0

Number of Cases = 68

With regard to only rape offenses, Whites committed nearly all (93.8%) of rape crimes against White victims. American Indians committed one-half of their crimes against their own race and one-half against Whites. The number of cases (n=41) is quite low so findings are considered to be tentative.

#### COMPARISON OF VICTIMS AND OFFENDERS BY RACE RAPE OFFENSES

Offender's Race	Victim's Race				
	Indian	Asian	Black	White	Other
American Indian	50.0%	0	0	50.0%	0
Asian	0	0	0	0	0
Black	0	0	0	100.0%	0
White	3.1%	3.1%	0	93.8%	0
Other	0	0	0	0	0

Number of Cases = 41

Considering only aggravated assault offenses, American Indians committed about one-fourth (26.3%) of their crimes against their own race and about two-thirds against Whites. Whites committed nearly all (96.9%) of their aggravated assault crimes against White victims. The number of cases (n=52) is quite low so findings are considered to be tentative.

#### COMPARISON OF VICTIMS AND OFFENDERS BY RACE AGGRAVATED ASSAULT OFFENSES

Offender's Race	Victim's Race				
	Indian	Asian	Black	White	Other
American Indian	26.3%	5.3%	0	68.4%	0
Asian	0	0	0	100.0%	0
Black	0	0	0	0	0
White	3.1%	0	0	96.9%	0
Other	0	0	0	0	0

Number of Cases = 52

### Marital Status of Victim

(Question #45)

Most victims across all offense groups were single. 100% of the sexual contact victims were single. This would be expected since these victims are generally young children.

### MARITAL STATUS OF VICTIM DATA FROM CSO FORM

Marital Status	Sexual Contact	Rape	Aggravated Assault
Single	100.0%	85.4%	46.8%
Married	0	9.8%	40.4%
Separated	0	0	0
Divorced	0	4.9%	8.5%
Widowed	0	0	4.3%

### Education of Victim - (Question #46)

Across all offender groups, most of the victims had not completed high school. In fact, 100% of the sexual contact victims had not completed high school. Again, this finding would be expected for this offense group due to the general age of these victims.

### EDUCATION OF VICTIM DATA FROM CSO FORM

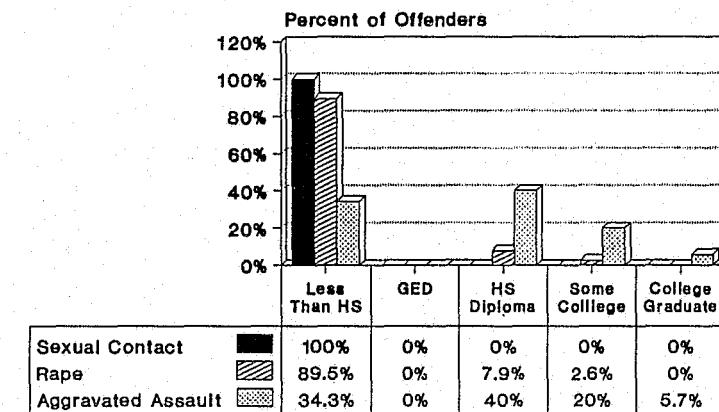


FIGURE P16 - SDSAC SEX OFFENDER PROJECT

Does the victim receive welfare/public assistance?

(Question #47)

Overall, only about 18% of the victims received welfare/public assistance. This is not necessarily only reflective of the victim's income but may also reflect the victim's age. There were no significant group differences.

**PERCENT RECEIVING WELFARE ASSISTANCE**

<u>Offense</u>	<u>Receive Welfare</u>
Sexual Contact	19.4%
Rape	19.4%
Aggravated Assault	14.6%

*Overall no significant differences.*

**DATA FROM CSO FORM**

Which of the following categories represents the victim's yearly income (include welfare assistance)?  
For victims who are age 18 and under and living at home, indicate the family's yearly income.

(Question #48)

The majority of the sexual contact victims (66%) earned \$4,999 or less a year. 53.8% of the rape victims earned between \$7,500 and \$19,999 a year. 53.8% of the aggravated assault victims earned between \$10,000 and \$24,999 a year. No victims received over \$34,999 in income.

### VICTIM'S YEARLY INCOME DATA FROM CSO FORM

Income	Sexual Contact	Rape	Aggravated Assault
\$4,999 Or Less	66.0%	38.5%	20.5%
\$5,000 to \$7,499	5.7%	3.8%	10.3%
\$7,500 to \$9,999	5.7%	19.2%	10.3%
\$10,000 to \$14,999	5.7%	15.4%	17.9%
\$15,000 to \$19,999	7.5%	19.2%	23.1%
\$20,000 to \$24,999	7.5%	3.8%	12.8%
\$25,000 to \$34,999	1.9%	0	5.1%
\$35,000 to \$49,999	0	0	0
\$50,000 or More	0	0	0

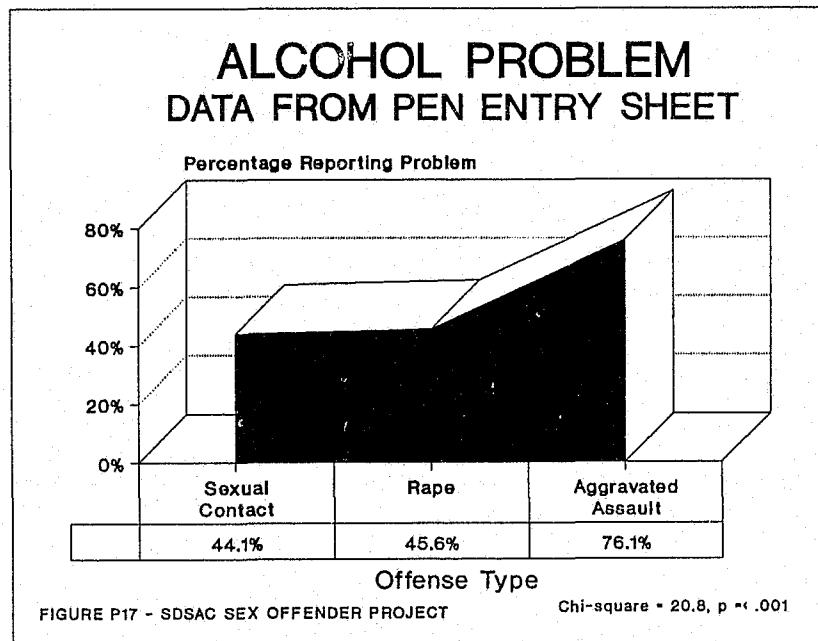
## B. Pen Entry Form

Pen Entry Forms are generated by the South Dakota State Penitentiary for every inmate received. These forms are computerized and record personal and well as offense related information on each offender. There were 189 Pen Entry Forms received for the study groups. A sample Pen Entry Form is included in Appendix D.

All data collected from this form were analyzed in detail. However, in the interest of clarity, not all data are reported here. Data from this instrument which best delineated the offender groups are reported in this section.

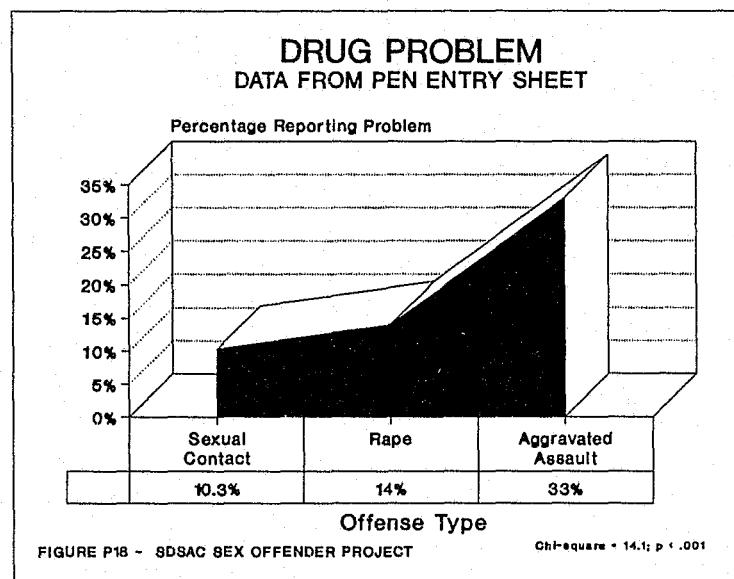
### Alcohol Problem

Consistent with other reported results of this study, aggravated assault offenders reported having a more pronounced alcohol problem compared to the sexual offenders. However, the rate for each group is quite high, indicating that alcohol is a problem for all three offender groups.



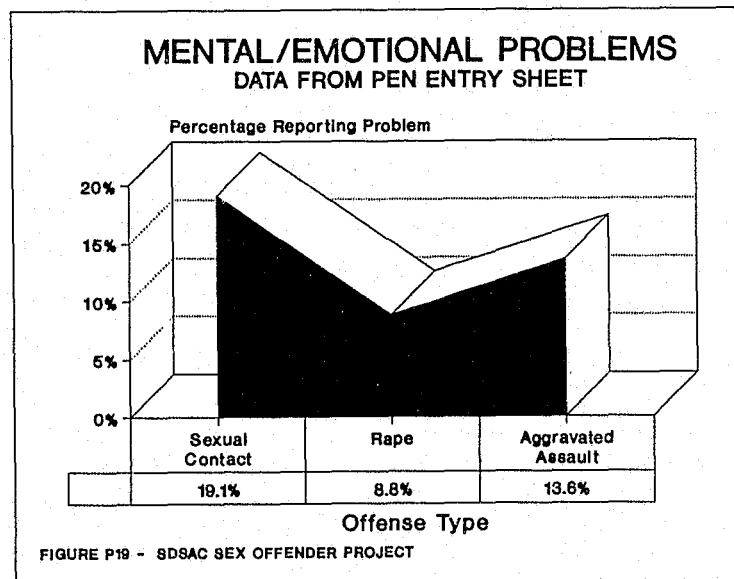
### Drug Problem

The aggravated assault offenders also reported that they had more of a drug problem than did the other two groups. About one-third of the aggravated assault persons indicated that they had a drug problem, compared to 10.3% of the sexual contact group and 14% of the rape offenders.



### Mental/Emotional Problems

About one-fifth of the sexual contact offenders reported having mental/emotional problems. Although the other two groups reported fewer problems, the differences were not statistically significant.



### Marital Status

The aggravated assault offenders were more likely to be single, while the sexual offenders were likely to be married, separated or divorced.

### MARITAL STATUS DATA FROM PEN ENTRY SHEET

Marital Status	Sexual Contact	Rape	Aggravated Assault
Single	29.4%	29.8%	56.8%
Married	30.9%	43.9%	18.2%
Separated	8.8%	3.5%	2.3%
Divorced	29.4%	22.8%	19.3%
Widowed	1.5%	0	3.4%

Chi-square = 27.4, p = .0016

### Education Level

The overall study group averaged less than 12 years of education. There were no significant differences among the three offender groups.

### AVERAGE YEAR OF EDUCATION

Offense	Average Year Completed
Sexual Contact	10.4 years
Rape	11.1 years
Aggravated Assault	10.4 years

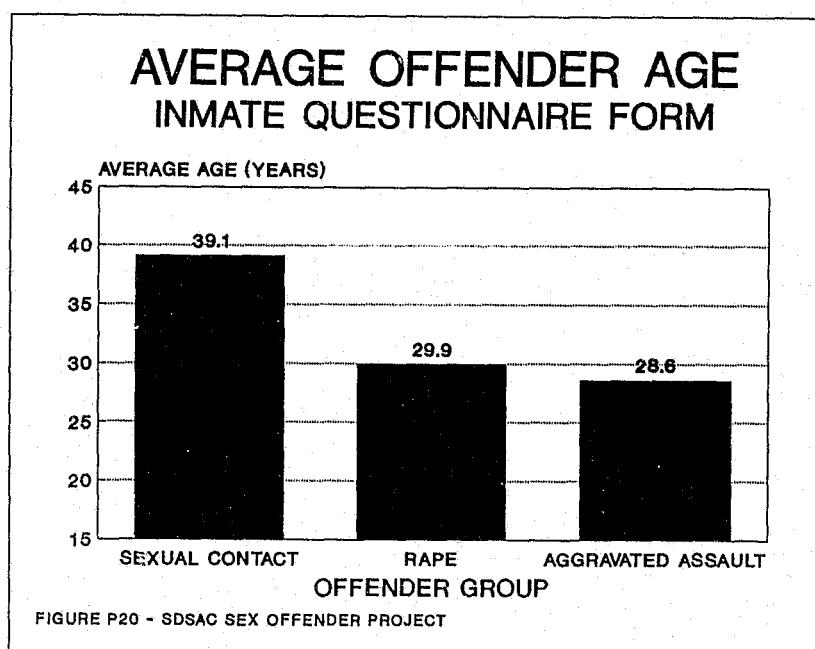
Data from Pen Entry Sheet

### C. Inmate Questionnaire Form

Information was collected on all sexual and aggravated assault offenders entering the South Dakota State Penitentiary between January 1, 1987 and February 15, 1989. A 25-question (131 variables) form was administered in cooperation with South Dakota State Penitentiary officials. The form was designed to quantify a variety of demographic, family, social and psychological factors. The data collected on this form reflected the Inmate's perceptions of himself/herself and his/her offense. Some questions were the same or similar to questions on the CSO Form. A copy of the questionnaire is included in Appendix D. Using this survey instrument, data were collected on 185 inmates.

#### Age - (Question #1)

The sexual contact offenders (average age = 39.1 years) were significantly older ( $F = 15.9$ ,  $p = < .001$ ) than the rapists (average age = 29.9 years) and the aggravated assault offenders (average age = 28.6 years). See Figure 23 below.



Sex - (Question #2)

Inmate Form respondents were predominantly male. There were only four females in the group, and they were classified as aggravated assault offenders.

**SEX OF INMATE  
DATA FROM INMATE QUESTIONNAIRE**

<u>Offense Type</u>	<u>Male</u>	<u>Female</u>
Sexual Contact	55	0
Rape	47	0
Aggravated Assault	79	4

Race - (Question #3)

Analyzing the race/ethnic data, Native Americans were more likely to have committed aggravated assault offenses than sexual offenses. Whites were more likely to commit sexual offenses than aggravated assault offenses.

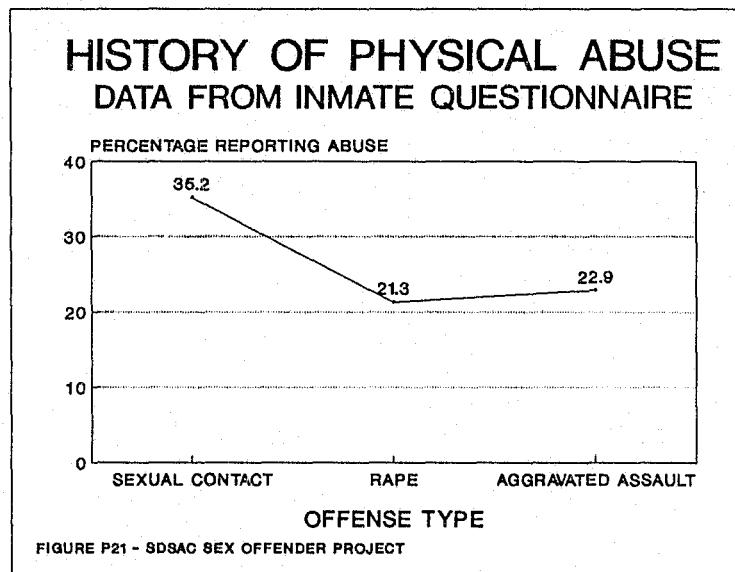
**RACE OF OFFENDERS BY TYPE OF CRIME  
DATA FROM INMATE QUESTIONNAIRE**

<u>Race</u>	<u>Sexual Contact</u>	<u>Rape</u>	<u>Aggravated Assault</u>
American Indian	14.5%	14.9%	39.8%
Asian	0	0	1.2%
Black	1.8%	6.4%	3.6%
White	83.6%	78.7%	61.4%
Hispanic	0	0	0
Other	0	0	0

Chi-square = 8.5, p = .01

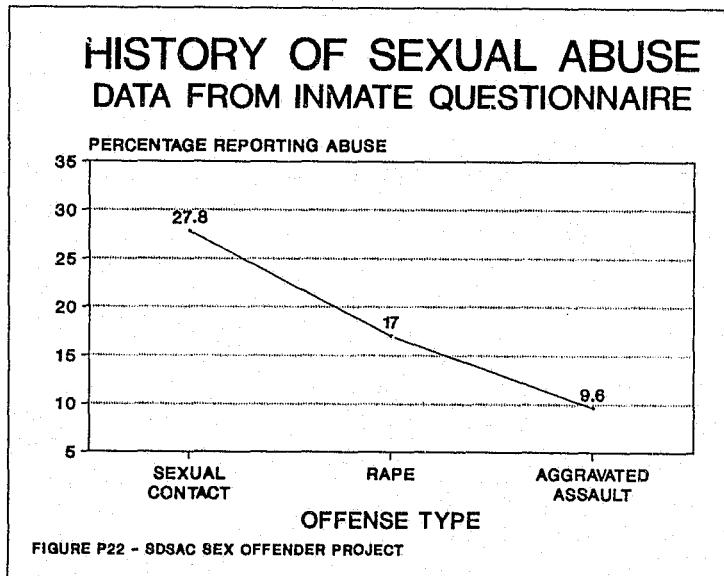
#### History of Physical Abuse - (Question #4)

Over one-third (35.2%) of the sexual contact offenders reported they were physically abused as children, while 21.3% of the rape offenders and 22.9% of the aggravated assault offenders reported being physically abused. These differences were not statistically different.



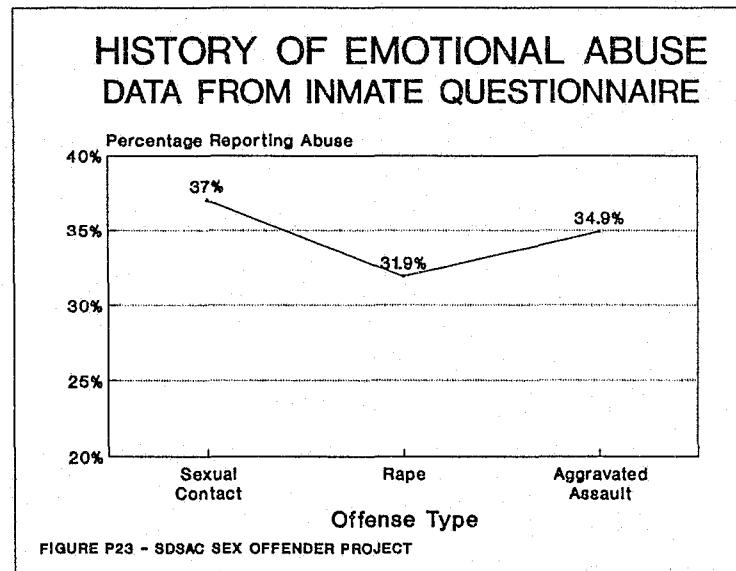
#### History of Sexual Abuse - (Question #5)

Over one-fourth (27.8%) of the sexual contact offenders were sexually abused as children, while 17.0% of rape offenders and 9.6% of aggravated assault offenders reported being sexually abused. Data suggest there is a relationship between a history of sexual abuse and a tendency toward committing a sexual offense ( $\chi^2 = 7.7$ ,  $p = .02$ ).



### History of Emotional Abuse - (Question #6)

Over one-third (37.0%) of the sexual contact offenders reported being emotionally abused as children, while 31.9% of the rape offenders and 34.9% of aggravated assault offenders claimed to have been emotionally abused. Comparatively, these percentages do not indicate that this is one of the determinants of sexual offender tendencies.



### Religion - (Question #7 and #8)

Overall, no differences appeared to exist among the three groups with respect to their religious convictions. No group rated themselves high on this scale. The average (mean) values in the chart below are taken from a 7-point scale on which a rating of "1" indicated a "Not Religious" response and a rating of "7" indicated a "Very Religious" response. The overall average of the groups fell in the middle of the scale.

### **RELIGIOUS CONVICTIONS DATA FROM INMATE QUESTIONNAIRE**

Group	Mean	F	Probability
Sexual Contact	4.1	1.44	.24
Rape	4.4		
Aggravated Assault	3.9		

*Ratings on a Scale of 1-7 with 7 Indicating "Very Religious"*

There was also no significant difference among the groups with respect to church attendance. No group reported attending church regularly. A rating of "1" indicated a "Never Go" response, and a rating of "7" indicated an "Always Go" response.

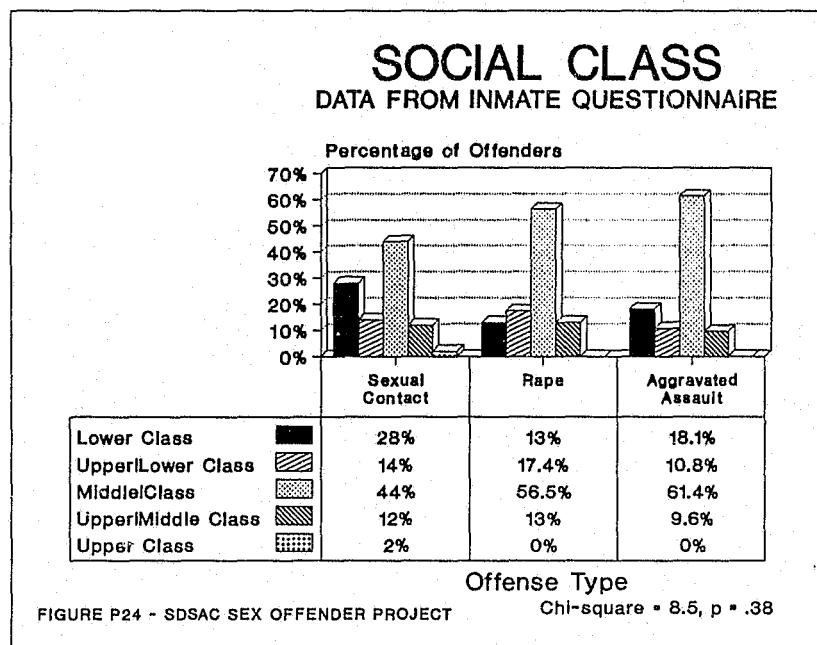
### CHURCH ATTENDANCE DATA FROM INMATE QUESTIONNAIRE

Group	Mean	F	Probability
Sexual Contact	3.8	1.38	.26
Rape	3.7		
Aggravated Assault	3.3		

*Ratings on a Scale of 1-7 with 7 Indicating "Always Go"*

### Social Class - (Question #9)

No significant differences appeared among the three groups with regard to self-identified social class designations. Most respondents indicated that they classified themselves as Middle class.



Family - (Questions 10, 17-19, 21-25)

The offenders were asked to rate their feelings on a series of 53 concepts concerning family and home life such as grade school, women, children, marriage, father, mother, etc. (refer to the Inmate Questionnaire - Appendix D). The mean results for the three groups were not significantly different for the 53 variables. The mean responses for each concept and response scale are illustrated in the following tables:

**OFFENDER'S HOME LIFE**  
(Question #10)

Rating Scale (7 point)	Sexual Contact	Rape	Aggravated Assault
Bad to Good	4.9	5.1	4.8
Sad to Happy	4.8	4.9	4.7
Insecure to Secure	4.5	5.1	4.8
Smooth to Stormy	3.9	3.8	3.9
Unstable to Stable	4.7	5.1	4.7

*Data from Inmate Questionnaire*

**OFFENDER'S GRADE SCHOOL EXPERIENCES**  
(Question #17)

Rating Scale (7 point)	Sexual Contact	Rape	Aggravated Assault
Sad to Happy	4.8	5.1	4.8
Bad to Good	4.7	5.2	4.8
Failure to Success	4.7	5.0	4.9
Worthless to Valued	4.9	5.1	5.2
Helpful to Not Helpful	3.1	2.7	3.0

*Data from Inmate Questionnaire*

## OFFENDER'S FEELINGS ABOUT WOMEN

(Question #18)

Rating Scale (7 point)	Sexual Contact	Rape	Aggravated Assault
Worthless to Valued	5.8	6.0	5.9
Bad to Good	5.7	5.9	5.8
Not Helpful to Helpful	5.8	5.9	6.0
Mean to Kind	5.7	5.9	5.5
Not Fair to Fair	5.2	5.4	5.3
Unequal to Equal	5.9	5.9	5.7
Honest to Dishonest	3.3	2.8	3.2
Beautiful to Ugly	2.6	2.2	2.6

*Data from Inmate Questionnaire*

## OFFENDER'S FEELINGS ABOUT CHILDREN

(Question #19)

Rating Scale (7 point)	Sexual Contact	Rape	Aggravated Assault
Worthless to Valued	6.5	6.5	6.6
Bad to Good	6.3	6.4	6.5
Not Needed to Needed	6.2	6.2	6.0
Sad to Happy	6.0	5.9	5.8
Honest to Dishonest	2.4	2.1	2.6
Beautiful to Ugly	2.4	1.9	2.3

*Data from Inmate Questionnaire*

## OFFENDER'S FEELINGS ABOUT MARRIAGE (Question #21)

Rating Scale (7 point)	Sexual Contact	Rape	Aggravated Assault
Sad to Happy	5.2	5.8	5.5
Bad to Good	5.4	5.8	5.5
Failure to Success	4.7	5.4	5.1
Worthless to Valued	5.5	5.9	5.5

*Data from Inmate Questionnaire*

## OFFENDER'S FEELINGS ABOUT OWN MARRIAGE (Question #22)

Rating Scale (7 point)	Sexual Contact	Rape	Aggravated Assault
Sad to Happy	4.5	5.2	5.1
Bad to Good	4.8	5.3	5.3
Failure to Success	4.2	4.7	4.9
Worthless to Valued	4.9	5.6	5.6

*Data from Inmate Questionnaire*

## OFFENDER'S RELATIONSHIP WITH PARTNER (Question #23)

Rating Scale (7 point)	Sexual Contact	Rape	Aggravated Assault
Sad to Happy	6.0	5.4	5.6
Bad to Good	5.6	5.3	5.6
Failure to Success	5.9	5.2	5.1
Worthless to Valued	5.7	5.8	5.8

*Data from Inmate Questionnaire*

**OFFENDER'S FATHER**  
**(Question #24)**

Rating Scale (7 point)	Sexual Contact	Rape	Aggravated Assault
Sad to Happy	4.9	4.8	4.9
Bad to Good	5.5	5.6	5.4
Failure to Success	5.4	5.5	5.4
Worthless to Valued	5.6	5.9	5.5
Mean to Kind	5.4	5.4	5.1
Easy Going to Strict	4.6	4.0	4.3
Honest to Dishonest	2.4	2.2	2.8
Helpful to Not Helpful	2.7	2.7	3.2

*Data from Inmate Questionnaire*

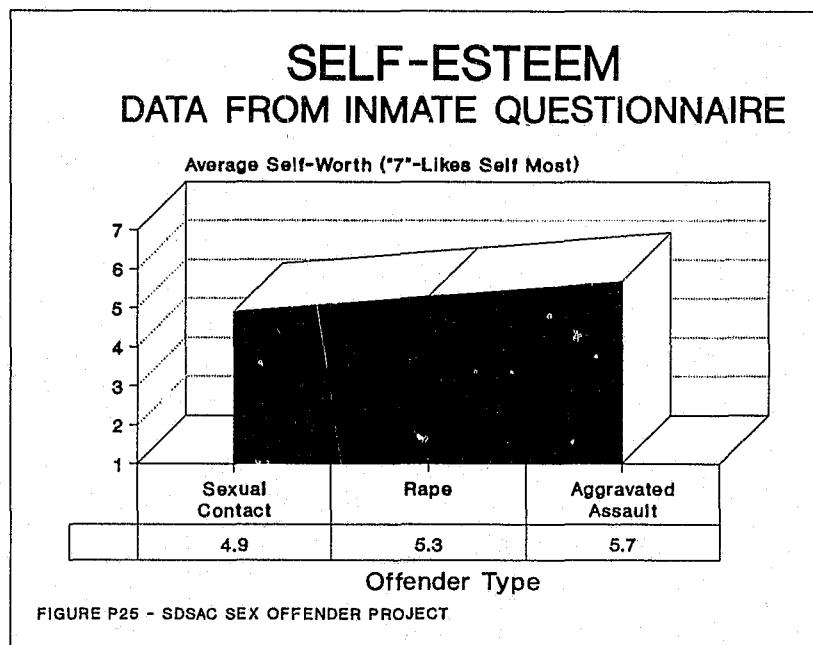
**OFFENDER'S MOTHER**  
**(Question #25)**

Rating Scale (7 point)	Sexual Contact	Rape	Aggravated Assault
Sad to Happy	5.4	5.5	5.6
Bad to Good	6.2	6.2	6.2
Failure to Success	5.7	5.6	5.8
Worthless to Valued	6.2	6.5	6.3
Mean to Kind	6.3	6.3	6.2
Easy Going to Strict	4.0	3.7	3.6
Honest to Dishonest	1.9	1.8	2.3
Helpful to Not Helpful	2.3	1.6	2.8

*Data from Inmate Questionnaire*

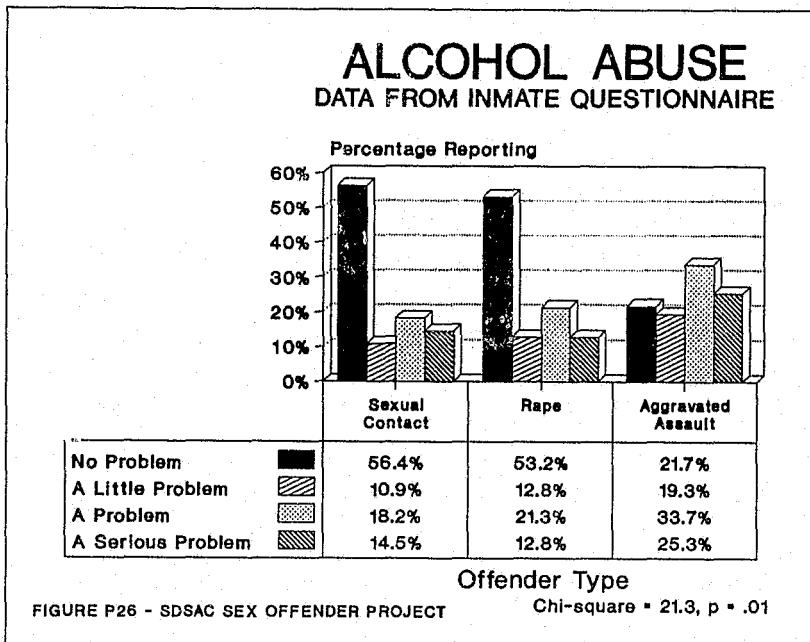
Self-Esteem - (Question #11 and #15)

The offenders were asked to rate themselves on a series of 18 questions concerning such characteristics as maturity, loneliness, organization, etc... The three groups differed on only one factor on the 7-point rating scale. The aggravated assault offenders rated themselves higher ( $F = 3.7$ ,  $p = .03$ ) on self-esteem or self-worth than did other offenders. See Figure 28 below.



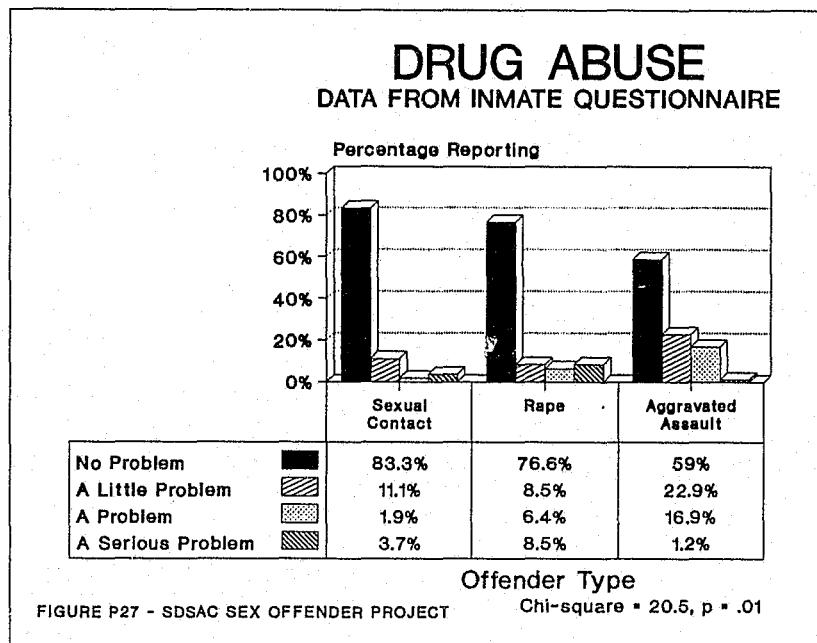
### Alcohol Abuse - (Question #12)

The aggravated assault group data reflected a more pronounced drinking problem compared to the sexual offenders. These differences were statistically significant. Overall, one-half of the sexual offenders reported no drinking problem, while over three-fourths of aggravated assault group indicated that they had some form of a drinking problem. About 25% of the aggravated assault group reported that they had a serious drinking problem.



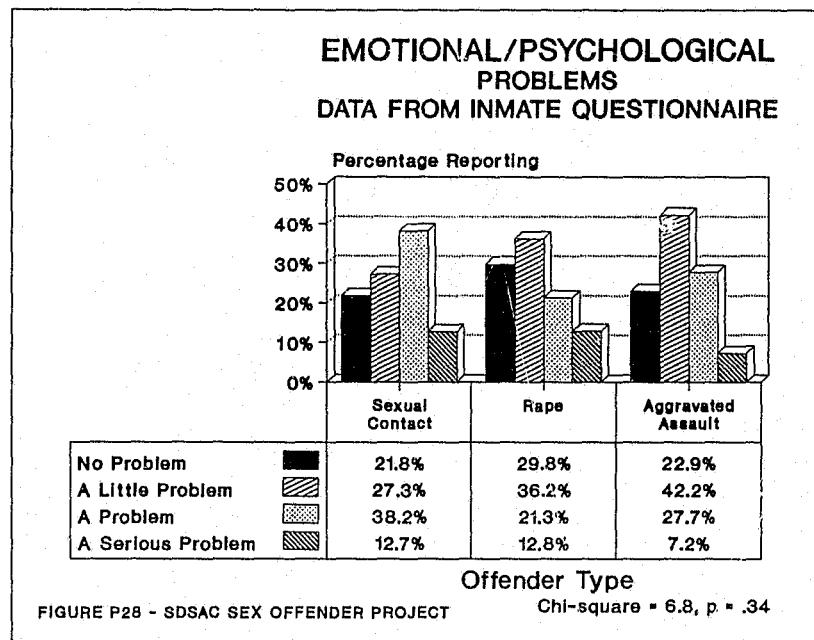
### Drug Abuse - (Question #13)

The aggravated assault group reported a significantly higher incidence of drug abuse when compared to the other two groups. Over three-fourths of the sexual offenders reported no problems with drugs, while 41% of the aggravated assault group admitted some form of drug abuse. It is interesting to note, however, that more of the sexual offenders and rape offenders reported a serious drug problem.



### Emotional/Psychological Problems - (Question #14)

Most of the offender respondents reported some emotional/psychological problems. There were no statistically significant differences among the three groups. Overall about three-fourths of all respondents indicated some emotional problems. This appears to be quite high and may be indicative of some opportunities for preventative measures among offender groups. It is quite striking that so many of the subjects would indicate a problem in this area.



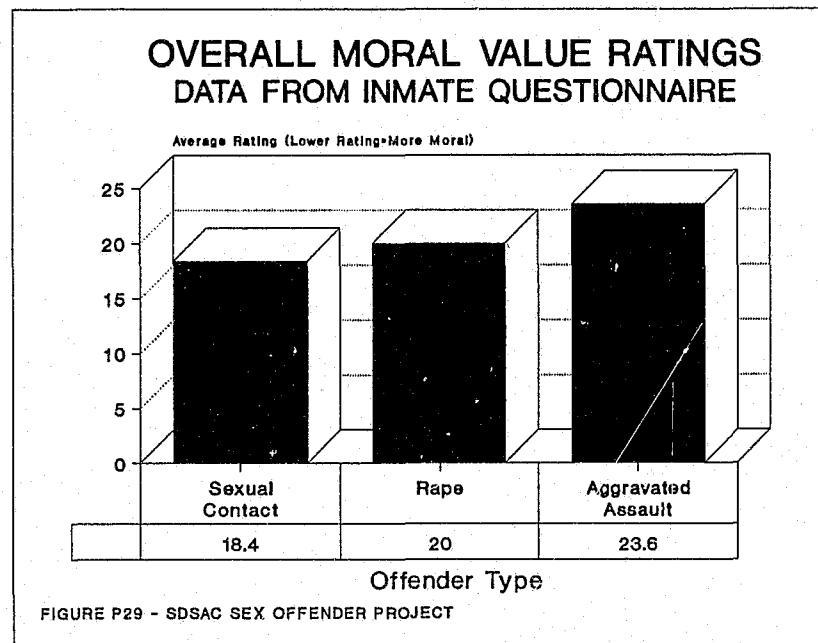
### Morality - (Question #16)

The offenders were asked to rate their beliefs on nine "moral" issues (abortion, premarital sex, incest, rape, extra-marital sex, alcohol abuse, and using/selling drugs) based on a 7-point scale. The sexual contact persons rated premarital sex ( $F = 7.7$ ,  $p > .01$ ) and alcohol abuse ( $F = 4.4$ ,  $p = .01$ ) as being more immoral compared to the other two groups. The sexual contact and rape offenders rated drug abuse ( $F = 12.7$ ,  $p > .00001$ ) and selling illegal drugs ( $F = 10.4$ ,  $p = .001$ ) as more immoral than the aggravated assault people. An overall "moral value" rating was computed by summing the nine individual variable values. The sexual contact and rape groups ( $F = 7.2$ ,  $p = .001$ ) scored significantly lower (indicating more puritanical values) than did the aggravated assault group.

### AVERAGE RATINGS ON MORAL ISSUES DATA FROM INMATE QUESTIONNAIRE

	Sexual Contact	Rape	Aggravated Assault
Premarital Sex	3.6	4.4	4.0
Alcohol Abuse	2.2	2.4	3.0
Using Drugs	1.5	1.5	2.5
Selling Drugs	1.3	1.2	2.0
Incest	1.3	1.3	1.4
Rape	1.2	1.1	1.3
Extra-marital Sex	1.9	2.0	2.2

*Rating Scale from 1 to 7 with 7 Indicating "Most Acceptable"*



Welfare System - (Question #20)

Based on nine scaled responses concerning their feelings about the welfare system, the rape group tended to view this system (unemployment compensation, food stamps, and other social programs) in a more favorable light than did the sexual contact group ( $F = 2.95$ ,  $p = .05$ ). The aggravated assault group mean values were between the two sexual offender groups and were not significantly different.

**OPINION OF WELFARE SYSTEM  
DATA FROM INMATE QUESTIONNAIRE**

Sexual Contact 4.0	Rape 4.8	Aggravated Assault 4.4
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*A Response of "7" Indicated the Most Favorable Opinion*

**AVERAGE RATING OF WELFARE SYSTEM  
DATA FROM INMATE QUESTIONNAIRE**

Sexual Contact 22.4	Rape 26.1	Aggravated Assault 24.5
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*Higher Scores Indicate More Favorable Opinions*

## Regression Analysis

Descriptive statistics (means, frequencies) and univariate tests (t test, analysis of variance) help to describe the variables and identify some basic differences among groups. Discriminant and regression analysis, on the other hand, focus on analyzing the variables together, instead of one at a time. By considering the variables simultaneously, it was possible to select a few variables which explained important relationships. Since many of the independent variables were interrelated, several variables were often effective in distinguishing groups of people, eliminating the need to look at many factors.

### - Based on CSO Questionnaire -

Multiple regression analysis was conducted to determine the feasibility of considering the offenders as two groups: sexual offenders and aggravated assault offenders.

A multiple regression procedure (stepwise) was used to determine which of the independent variables were most important in predicting the dependent variable (sexual offender or aggravated assault offender). The most important factors of the multiple regression procedure were:

- Alcohol Problem of Offender
- Location of the Crime: Offender's Home
- Location of the Crime: Victim's Home
- Employment Status of the Offender
- Stress as a Contributing Factor
- Physical Abuse of Offender
- Believability of the Offender's Statements
- Sexual Abuse of Offender

Aggravated assault offenders were more likely to report drinking problems. Sexual offenses were more likely to occur at the victim's home or the offender's home than were aggravated assault offenses. Sexual offenders were more likely to be employed. Aggravated assault persons were more likely to be under stress at the time of the offense than were sexual offenders. The sexual offenders were more likely to have been sexually and physically abused as children than were aggravated assault offenders. The aggravated assault offenders were more believable in their statements to the court services officers than were the sexual offenders.

These eight factors account for about 33% of the variance of the group classification, indicating a moderate degree of predictability of the dependent measure from the linear combination of independent variables. As the chart illustrates, the variables of alcohol, location of crime (offender's home or victim's home) and employment status were the most important factors in determining offense category.

Variable	Beta	Pearson r	Part Correlation	Partial Correlation
Alcohol	.26	.32	.25	.29
Offender's Home	-.17	-.28	-.16	-.19
'Victim's Home	-.23	-.24	-.22	-.26
Employed ?	.22	.22	.21	.25
Stress	.18	.16	.17	.21
Physical Abuse	-.13	-.09	-.13	-.16
Believable	-.16	-.12	-.15	-.18
Sexual Abuse	-.14	-.23	-.13	-.16

Refer to "Explanation of Statistical Operations" - Appendix G for Descriptions of these Calculations

- Based on Inmate Form -

A multiple regression procedure (stepwise) was used to determine which of the independent variables were most important in predicting the dependent variable (sexual offender or aggravated assault offender). The most important variables were the factors of:

Beliefs about Using Drugs  
 Alcohol Problem  
 Self-Esteem/Self-Worth  
 Beliefs about Premarit' . Sex  
 Beliefs about the current Welfare System

Sexual offenders were more likely to believe that being on drugs was morally wrong than were the other offenders. The sexual offender group did not report a drinking problem to the extent of the aggravated assault group. Sexual offenders liked themselves less than did the aggravated assault group. The sexual offenders were more likely to believe that premarital sex was wrong than were the other offender group. Also, sexual offenders indicated less confidence in the viability of the "welfare" system than did the aggravated assault offenders.

These five factors account for about 30% of the variance of the group classification, indicating a moderate degree of predictability of the dependent measure (categories of offenders: sexual or aggravated assault) from the linear combination of independent variables. In reviewing the four measures of association (Beta weight, correlation coefficient, part correlation, and partial correlation) below, it can be seen that the variables of Illegal Drugs and a Drinking Problem were the most important factors in predicting crime categories (sexual or aggravated assault).

Variable	Beta	Pearson r	Part Correlation	Partial Correlation
Illegal Drugs	.28	.35	.28	.31
Drinking Problem	.33	.34	.33	.37
Self-Esteem	.16	.19	.15	.18
Premarital Sex	.17	.27	.16	.19
Welfare	.15	.09	.14	.17

Refer to "Explanation of Statistical Operations" - Appendix G for Descriptions of these Calculations

- Combined Analysis of CSO Forms and Inmate Forms -

A multiple regression procedure (stepwise) was used to determine which of the independent variables were most important in predicting the dependent variable (sexual offender or aggravated assault offender) when combining the information from the CSO and Inmate Forms. The most important factors were:

Location of Crime: Offender's Home  
Beliefs of Offenders about Selling Drugs  
Location of Crime: Victim's Home  
Employment Status of Offender  
Offender's Alcohol Problem  
Opinion about the Welfare System  
Beliefs about Premarital Sex

Sexual offenses were more likely to occur at the offender's or victim's home than were aggravated assault offenses. Aggravated assault offenders were more likely to believe that selling drugs was an acceptable practice. Sexual offenders were more likely to be employed. The aggravated assault offenders were more likely to have a drinking problem than were the sexual offenders. The aggravated assault offenders had more confidence in the welfare system than did sexual offenders. Sexual offenders were more likely to believe that premarital sex was wrong.

These seven factors account for about 39% of the variance of the group classification, indicating a moderate degree of predictability of the dependent measure from the combination of independent variables. From the following chart, it can be seen that one variable was not more uniformly pronounced in explaining the dependent variables than was any other, but all contributed about equally.

Variable	Beta	Pearson r	Part Correlation	Partial Correlation
Offender's Home	-.22	-.34	-.21	-.26
Selling Drugs	-.22	-.33	-.21	-.26
Victim's Home	-.25	-.26	-.25	-.31
Employed ?	.21	.34	.20	.25
Alcohol	.20	.27	.19	.24
Welfare	.19	.15	.19	.24
Premarital Sex	.17	.21	.17	.21

### Discriminant Analysis

Discriminant analysis was used to determine the ability of the independent variables to distinguish the differences among the study's three group classification system (sexual contact, rape, and aggravated assault). The variables were selected by a stepwise procedure. After the selection of the final "best" variables, discriminant functions were used to classify the individuals into one of the three groups. The better the rate of accurately classifying offenders into their correct offense group, the better the prediction or discriminant function equations.

#### - Inmate Form -

The best variables in distinguishing the three offender groups were:

- Beliefs about Being Bad or Good
- Age of Offender
- Offender Drinking Problem
- Fighter or Peacemaker Tendencies
- Beliefs about Abortion
- Beliefs about Premarital Sex
- Beliefs about Welfare
- Overall Moral Beliefs
- Overall Welfare Assessment

The canonical correlation for the first discriminant function was .57 and .27 for the second.

The aggravated assault offenders had somewhat greater feelings of self-worth than did the sexual offenders. The sexual contact persons were older than offenders in the other two groups. The aggravated assault respondents indicated a more pronounced drinking problem than did the sexual offenders. The rapists viewed themselves as being more of a peacemaker, while the other two groups scored more towards the "fighter" end of the "fighter-peacemaker" continuum. The sexual contact respondents were much more likely to believe that abortion and premarital sex were wrong than were the other groups. The sexual offender groups had more puritanical beliefs about being on illegal drugs and moral issues in general than did the aggravated assault offenders. The sexual contact offenders had a lower opinion of the welfare system than did the other two groups of offenders.

With over three-fifths of the offenders correctly identified, these variables were quite effective in classifying the offenders into the appropriate offense categories. Over two-thirds (69.7%) of the aggravated assault offenders were correctly identified. Most (58.5%) of the rape offenders were correctly classified while over one-half (54.7%) of the sexual contact offenders were correctly classified.

## PERCENT CLASSIFIED INTO GROUPS

Actual Group	Predicted Group		
	Sexual Contact	Rape	Aggravated Assault
Sexual Contact	54.7%	24.5%	20.8%
Rape	22.0%	58.5%	19.5%
Aggravated Assault	17.1%	13.2%	69.7%

... Overall cases correctly classified = 62.4%

### - CSO Form -

The best variables in distinguishing the three groups were

- Location of the Crime: Home of Offender
- Sexual Abuse of Offender as a Child
- Cooperativeness of Offender
- Physical Abuse of Offender as a Child
- Drinking Problem
- Employment Status of Offender
- Denial of Offense by Offender
- Location of the Crime: Home of Victim
- General Location of the Crime

The canonical correlation for the first discriminant function was .61 and .47 for the second.

Sexual offenses were more likely to occur at the victim's home or the offender's home than were aggravated assault offenses. Sexual offenders were more likely to be sexually and physically abused as children than were aggravated assault offenders. Rapists were less cooperative during their presentence investigations than were the other two offender groups. Aggravated assault offenders were much more likely to have a drinking problem than were the sexual offenders. Aggravated assault offenders were much more likely to be unemployed than were the other two groups of offenders. Sexual offenders were much more likely to deny that the offense occurred than were aggravated assault offenders.

These variables were effective in classifying the offender into the appropriate offense categories, resulting in 68.4% of the offenders being correctly identified. Most (69.1%) of the aggravated assault offenders and nearly two-thirds of the rapists were correctly classified. About sixty percent of the sexual contact persons were correctly identified with the misclassification being equally spread in the other two categories.

### PERCENT CLASSIFIED INTO GROUPS

Actual Group	Predicted Group		
	Sexual Contact	Rape	Aggravated Assault
Sexual Contact	57.7%	21.1%	21.1%
Rape	21.1%	63.2%	15.8%
Aggravated Assault	16.4%	14.5%	69.1%

\*\*\* Overall cases correctly classified = 68.4%

- Combined CSO and Inmate Forms -

The best variables for distinguishing the three offender groups were:

Age of Offender  
Employment Status of Offender  
Location of Crime: Victim's Home  
Feelings about Children (Good/Bad Continuum)  
Beliefs on Premarital Sex  
Location of Crime: Offender's Home  
Drinking Problem  
History of Sexual Abuse  
Feelings about Women (Mean/Kind Continuum)

The canonical correlation for the first discriminant function was .61 and .30 of the second.

Sexual contact offenders tend to be older than the other two offender groups. Aggravated assault offenders are more likely to be unemployed than are the other two groups. Sexual contact and rape crimes are more likely to occur at the victim's home or the offender's home than are aggravated assault crimes. Aggravated assault offenders had higher opinions of children being "good" than did other offender groups, although each group rated children as being relatively "good". Sexual contact offenders were more likely to believe that premarital sex was wrong than were the other two offender groups, although none of the groups rated premarital sex as being acceptable. Aggravated assault offenders were more likely to report a drinking problem than were the other two offender groups. Sexual contact offenders were more likely to report being sexually abused as children than were the other offenders. Aggravated assault offenders viewed women as somewhat more "mean" on a "mean to kind" continuum than did the sexual assault offenders.

These nine variables were effective in classifying the offenders into the appropriate offender groups with 63.6% being correctly identified. Four-fifths (80%) of the aggravated assault offenders, and 65% of the sexual contact offenders were correctly classified. Using these variables, the rapists were most difficult to classify with only 40% being correctly classified.

### PERCENT CLASSIFIED INTO GROUPS

Actual Group	Predicted Group		
	Sexual Contact	Rape	Aggravated Assault
Sexual Contact	65.0%	25.0%	10.0%
Rape	23.3%	40.0%	36.7%
Aggravated Assault	5.0%	15.0%	80.0%

\*\*\* Overall cases correctly classified = 63.6%

### **DISCUSSION/SUMMARY**

Past research (1,15,16,17,18,19,20,21) has indicated that sexual contact persons are generally nonaggressive, while rapists are considered to be aggressive and even anti-social. The present study found no difference among the three offender groups with regard to self-reported measures of aggression or violence. All groups scored in the middle of the scale (and even toward the nonviolent and nonaggressive end on some variables) on violence and aggression related variables.

Others (3,12,21,22,23,24) have written that pedophiles are admirers and defenders of children, although their motives for feeling this way are in question. This study found that all groups of offenders rated children very high on all factors. There were no differences among groups of offenders.

Sexual offenders are believed to have poor socialization skills and difficulty maintaining relationships with adults, especially women (3,5,7,8,15,20,26,27,28,29). While no direct measure of socialization was made in this study, perceptions/concepts relating to relationships were measured. There were no differences among the three groups of offenders. Each group had moderate to high ratings on questions regarding relationships.

Sexual offenders have been found to have little or no impulse control (17,21,31,34,61). All offender groups in this study reported "good" scores in this area. There were no significant differences among the three groups. Questions and responses were again self-report and would not likely reflect sophisticated measures of impulse control.

Consistent with other studies (3,16,17,55), this study found that sexual contact offenders were older than rapists. The sexual contact offenders were also older than the aggravated assault offenders.

Sexual offenders are believed to be very conservative in their beliefs about sexually acceptable behavior and moral values (1,8,12). None of the groups studied would be considered to be puritanical in their beliefs, but the sexual contact offenders were found to be the most conservative in their beliefs, followed by the rapist, with the aggravated assault offenders being the least conservative in their beliefs. Sexual contact persons rated premarital sex and alcohol abuse as being more immoral than did rapists and aggravated assault offenders. Sexual contact offenders and rapists considered drug abuse and selling illegal drugs more immoral than the aggravated assault offenders. The overall moral value ratings were significantly more moral for the sexual contact and rape

offender groups than for the aggravated assault offender group.

Sexual offenders are reported to have low opinions of themselves (8,16,17,26,31,34). The findings of this study corroborate this conclusion. No offender group reported a high opinion of themselves, but the aggravated assault offenders scored significantly higher than did the two sexual assault groups on self-reported measures of self-worth.

The research has found mixed results concerning the marital status of sexual offenders (3,22,40). In this study, about 33% of the sexual contact offenders were married and slightly more (about 40%) of the rapists were married. The sexual offenders were more likely to be married than were the aggravated assault offenders.

Consistent with past research (5,16,17,27,40,41), it was found that alcohol was a problem with sexual contact offenders. However, the present study also found aggravated assault offenders to have a more pronounced alcohol problem.

There were no significant differences among the three groups with respect to self-identified social class. Most of the respondents indicated that they were middle class. Other

researchers have reported similar results with respect to sexual offenders (12,40,44).

The three groups of offenders averaged less than a high school education. There were no significant differences among the three groups. Others (39,42) have found that sexual offenders usually do not go beyond a high school education. About 50% of the sexual offenders in this study had a high school diploma.

Consistent with other research findings (5), results from this study indicated that more sexual contact offenders have been sexually abused than have rapists. In the present study, the sexual offender groups reported more sexual abuse as children than did the aggravated assault group.

The South Dakota Statistical Analysis Center's study did not directly measure the family environment. Other researchers (5,46,47,48,49) have found the family environment to be important in the development of conditions which may foster the propensity for family members to commit sexual crimes. The present study did examine measures of home life and feelings about parents. All three offender groups rated these factors as middle of the road to positive, but not high. It would be expected that a group of traditional, non-felony persons would have rated their family life and

parents higher than did these offenders. There were no significant differences among the three groups of offenders on self-reported family-related measures.

Rewards or threats were found in 53.2% of sexual contact offenses and 60.5% of rape offenses in this study. This is consistent with other research (3,31,52) in which the use of rewards or threats were prevalent in sexual contact and rape incidents.

In the present study, there was no direct, clinical measure of emotional stability. About one-third of the sexual offenders indicated that emotional instability contributed to the commission of their crime. Over one-third of the sexual offenders were ordered by the court to have psychiatric evaluations, and in over one-third of sexual offender cases the defense requested psychiatric evaluations. Coincidentally, about three-fourths of the sexual offenders reported at least some emotional problems. These findings are consistent with the findings of others (31,62) who report emotional instability as a factor of sexual abuse.

Some (3,21,32,39,48) have reported that sexual offenders exhibit a resentment of authority. In this study, about 70% of the sexual offenders reporting indicated that they

received an honorable discharge from the military, 11.6% were dishonorably discharged, 13.9% received a medical release, and 4.7% were generally discharged from military service. According to the literature, inability to obtain or maintain employment is another indicator by which to measure resentment of authority. About 37% of the sexual offenders were unemployed at the time the crime was committed. A greater number of aggravated assault offenders (59.7%) were unemployed than sexual offenders.

The average age of the sexual contact victims was 11.1 years, while the victims of rape averaged 16.5 years of age. These values appear to be consistent with the ages reported by other researchers (10,54).

Consistent with the Kinsey Study (10), this study found most (63.6%) sexual victims had been abused by relatives and friends. The father and stepfathers were the most frequent sexual offenders in this study.

All offender groups had generally low to some medium income levels. This is similar to income levels reported in other studies (39,42,46). Some (20%) of the sexual offenders were received public assistance. The sexual contact offenders tended to have somewhat more income than did the rapists and aggravated assault offenders.

Factors which were found in the present study to help distinguish sexual contact and/or rapists from aggravated assault offenders for which corroborating literature was not found included: specific location of crime, race of the offender, reaction of offenders to crime committed, drug abuse, beliefs about the welfare system, and a history of physical abuse as a child. As would be expected, sexual crimes are more likely to occur at the victim's home or the home of the offender than were the aggravated assault crimes. There was little difference in location of sexual contact and rape crimes, except that more rapes occurred in downtown areas and/or near bars. American Indians were found to be involved in many more aggravated assault offenses than would be expected, based on State population estimates. Rapists were viewed by court service officers as being less cooperative than the other offender groups. Sexual offenders were more likely to deny that the crime occurred than were the aggravated assault people. Aggravated assault offenders were more likely to report drug abuse/problems than the sexual offenders. Sexual contact persons had a less favorable view of the overall welfare system than did the rape offenders. Although not statistically significant when considered as a univariate factor, physical abuse as a child was a significant factor in the multivariate analysis (discriminant analysis). Sexual contact offenders were more likely to have been

physically abused as children than were the other offender groups.

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# **APPENDIX A**

**ATTORNEY GENERAL OF SOUTH DAKOTA:  
LETTER OF SUPPORT FOR PROJECT**

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

STATE CAPITOL

Pierre, South Dakota 57501-5090  
Phone (605) 773-3215

ROGER A. TELLINGHUISEN  
ATTORNEY GENERAL

April 13, 1988

Mr. Bernard Shipley, Program Manager  
Bureau of Justice Statistics  
U.S. Department of Justice  
633 Indiana Avenue, N.W.  
Washington, D.C. 20531

Dear Mr. Shipley:

As you are aware, my office has been involved in a project to profile and track the sexual offender in South Dakota. The Statistical Analysis Center has been collecting data in this effort for subjects arrested since January 1, 1987 and will continue to collect data on all those arrested through December 31, 1988. A JS-8 grant in the amount of \$30,000 has been applied for to supplement the investigation of this issue which is intended to fill a substantial gap in criminal justice knowledge about sexual offenders in South Dakota. The knowledge gained will certainly not be specific to South Dakota, but will be transferable to other states.

This letter is an indication of my support, as Attorney General, for the sexual offender project currently in progress. It is my understanding that the Statistical Analysis Center does plan to continue to track the cohort of offenders developed in 1987 and 1988 for several years into the future. The SAC will be monitoring this group's further criminal justice activity, including recidivism and actual time served. I would like to see this important project continue in South Dakota even after federal resources have been exhausted. Please be assured that my office hopes to support this effort with the limited state resources available.

Sincerely,

A handwritten signature in black ink that reads "Roger A. Tellinghuisen".

Roger A. Tellinghuisen  
Attorney General

cc: Donald E. Gromer, Director, Statistical Analysis Center  
Doneen B. Hollingsworth, Statistical Clearinghouse Director

# **APPENDIX B**

## **SOUTH DAKOTA STATUTES - PROJECT OFFENSES**

**22-22-1. Rape defined--Degrees--Felony.** Rape is an act of sexual penetration accomplished with any person other than the actor's spouse under any one or more of the following circumstances:

- (1) Through the use of force, coercion or threats of immediate and great bodily harm against the victim or other persons within the victim's presence, accompanied by apparent power of execution; or
- (2) Where the victim is incapable, because of physical or mental incapacity, of giving consent to such act; or
- (3) Where the victim is incapable of giving consent because of any intoxicating, narcotic or anesthetic agent or hypnosis; or
- (4) Where the victim is less than ten years of age; or
- (5) Where the victim is ten years of age, but less than sixteen years of age, and the perpetrator is at least three years older than the victim; or
- (6) Where persons who are not legally married and who are within degrees of consanguinity within which marriages are by the laws of this state declared void, which is also defined as incest.

A violation of subdivision (1) or (2) or (3) or (4), of this section is rape in the first degree, which is a Class 2 felony. A violation of subdivision (5) of this section is rape in the second degree, which is a Class 3 felony. A violation of subdivision (6) of this section is rape in the third degree, which is a Class 4 felony.

**22-22-7. Sexual contact with child under sixteen -- Felony or misdemeanor.**

Any person, fourteen years of age or older, who knowingly engages in sexual contact with another person, other than his spouse when such other person is under the age of sixteen years is guilty of a Class 4 felony. If the

actor is less than three years older than the other person, he is guilty of a Class 1 misdemeanor.

**22-22-7.1. Sexual contact defined.**

As used in this chapter, the term, "sexual contact," means any touching, not amounting to rape, of the breasts of a female or the genitalia or anus of any person with the intent to arouse or gratify the sexual desire of either party.

**22-18-1.1. Aggravated assault.** Any person who:

- (1) Attempts to cause serious bodily injury to another, or causes such injury, under circumstances manifesting extreme indifference to the value of human life;
- (2) Attempts to cause, or knowingly causes, bodily injury to another with a dangerous weapon;
- (3) Attempts to cause or knowingly causes any bodily injury to a law enforcement officer or other public officer engaged in the performance of his duties;
- (4) Assaults another with intent to commit bodily injury which results in serious bodily injury; or
- (5) Attempts by physical menace with a deadly weapon to put another in fear of imminent serious harm;

is guilty of aggravated assault. Aggravated assault is a Class 3 felony.

# **APPENDIX C**

## **TRACKING SURVEY INSTRUMENTS**

**Standard Fingerprint Card  
Final Disposition Report**

## **Standard Fingerprint Card**

Signature of Person Fingerprinted		TYPE OR PRINT ALL INFORMATION IN BLACK Last Name NAM First Name Middle Name						LEAVE BLANK					
This Data may be computerized in local, state & nat. files													
Date	Signature of Official Taking Fingerprints							PCN	1825331				
Charge		Aliases		Contributor				Date of Birth	DOB				
								Month	Day	Year			
Final Disposition		Date Arrested or Received DOA		Sex	Race	Hgt	Wgt	Eyes	Hair	Place of Birth	POB		
		Your No OCA		LEAVE BLANK									
		FBI No FBI		Class _____									
		SID No SID		Ref _____									
		Social Security No SOC		NCIC CLASS - FPC									
		Caution <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/>									
1 Right Thumb		2 Right Index		3 Right Middle		4 Right Ring		5. Right Little					
6. Left Thumb		7. Left Index		8. Left Middle		9. Left Ring		10. Left Little					
Left Four Fingers Taken Simutaneously				Left Thumb	Right Thumb	Right Four Fingers Taken Simutaneously							

# SOUTH DAKOTA DIVISION OF CRIMINAL INVESTIGATION

Pierre, SD 57501

PHOTO AVAILABLE?	YES	NO
<small>Since photograph may become detached, indicate Name, Date taken, DCI Number, Contributor and Arrest number on reverse side, whether attached to Fingerprint Card or submitted later.</small>		
<small>IF ARREST FINGERPRINTS SENT DCI PREVIOUSLY AND DCI NO. UNKNOWN.</small>		
FURNISH ARREST NO. _____		DATE _____
<small>STATUTE CITATION (see Instruction No. 9)</small>		
1. 2. 3.		
<small>ARREST DISPOSITION (See Instruction No. 5)</small>		
<small>ADN</small>		
<small>EMPLOYER: If U.S. Government, indicate specific Agency. If Military, List Branch of Service &amp; Serial No.</small>		
<small>OCCUPATION</small>		
<small>RESIDENCE OF PERSON FINGERPRINTED</small>		
<small>SCARS, MARKS, TATTOOS, AND AMPUTATIONS</small>		
<small>SMT</small>		
<small>BASIS FOR CAUTION</small>		
<small>ICO</small>		
<small>DATE OF OFFENSE      DOO    SKIN TONE</small>		
<small>SKN</small>		
<small>MISC. No.</small>		
<small>MMU</small>		

## INSTRUCTIONS

1. State Statutes also require fingerprints be submitted directly to FBI Identification Division, Forward immediately for most effective service.
2. Fingerprints should be submitted by Arresting Agency only (multiple prints on same charge should NOT be submitted by other agencies such as Jails, Receiving Agencies, etc.) Request copies of Identification record for all other interested agencies in block below. Give complete mailing address, including zip code.
3. Type or Print all information.
4. Note amputations in proper finger blocks.
5. List final disposition in block on front side. If not now available **SUBMIT LATER FOR COMPLETION OF RECORD**. If Final Disposition not available, show Pre-Trial or Arresting Agency Disposition, e.g., Released, No Formal Charge, Turned Over To, in the Arrest Disposition block provided on this side. If final disposition is not known, make up a Final Disposition Form now to be submitted when the Disposition is finalized.
6. Make certain all impressions are legible, fully rolled and classifiable.
7. CAUTION Check box on front if caution statement indicated. Basis for caution (ICO) Must give reason for caution, e.g., ARMED AND DANGEROUS, SUICIDAL, etc.
8. Miscellaneous Number (MNU) should include such numbers as military service, Passport and/or Veterans Administration (Identify type of number).
9. Provide Statute Citation, identifying specific statute (example PL for PENAL LAW) and Criminal Code Citation including any subsections.
10. All information requested is essential.

SEND COPY TO:

REPLY DESIRED?      YES      NO  
     

Reply will be sent in all cases if subject found to be wanted

If Collect Wire or Collect Telephone Reply Desired, Indicate Here:  
(Wire sent on all unknown deceased)

Wire Reply      Telephone Reply      Telephone No. and Area Code  
       \_\_\_\_\_

LEAVE BLANK

ADDITIONAL INFORMATION

## **Final Disposition Report**

**FINAL DISPOSITION REPORT**

**NOTE:** This vital report must be prepared on each individual whose arrest fingerprints have been forwarded to the DCI Identification Division without final disposition noted thereon. If no final disposition is available to arresting agency, also obtain subject's right four finger impressions on this form, complete left side and forward the form when case referred to prosecutor and/or courts. Agency on notice as to final disposition should complete this form and submit to: Director, DCI c/o 500 East Capitol Avenue, Pierre, SD, 57501-5050, Attention: Identification Division.

(See instructions on reverse side)

# **APPENDIX D**

## **PROFILE SURVEY INSTRUMENTS**

**CSO Form**  
**South Dakota State Penitentiary Entrance Record**  
**Inmate Questionnaire**

## **CSO Form**

Name of Court Services Officer completing form \_\_\_\_\_

Phone Number of CSO \_\_\_\_\_

County of Origination \_\_\_\_\_ Circuit # \_\_\_\_\_

Name of Offender \_\_\_\_\_ DCI Number \_\_\_\_\_

Date of Birth of Offender: \_\_\_\_\_

Crime Information On Offender

1. Crimes offender was charged with:  
(check all that apply)

- Sexual contact with child under 16
- Attempted sexual contact with child under 16
- Incest
- Attempted incest
- Rape
- Attempted rape
- Aggravated assault
- Attempted aggravated assault
- Photographing child in obscene act
- Attempted photographing child in obscene act

2. Crime offender was convicted of:

- Sexual contact with child under 16
- Attempted sexual contact with child under 16
- Incest
- Attempted incest
- Rape
- Attempted rape
- Aggravated assault
- Attempted aggravated assault
- Photographing child in obscene act
- Attempted photographing child in obscene act

3. About how many times was the crime in #2 committed? \_\_\_\_\_

4. Over what period of time was the crime in #2 committed?

- Happened one time
- Happened for several days
- Happened for about one week
- Happened for several weeks
- Happened for about one month
- Happened for about 2-6 Months
- Happened for about 7-12 months
- Happened for about 1-2 years
- Happened for about 3-5 years
- Happened for 6 or more years

5. Who reported the offense to the police?

- Victim
- Offender
- Family member of victim
- Family member of offender
- Neighbor/friend of victim
- Law enforcement personnel
- Social service personnel
- Medical personnel
- School teacher/administrator
- Counselor/therapist
- Minister
- Day care personnel
- Stranger
- Other ( \_\_\_\_\_ ) write in

6. What is the relationship of the offender to the victim?

- Mother/father of victim
- Step mother/stepfather of victim
- Friend of victim
- Acquaintance of victim
- Brother/sister of victim
- Spouse of victim
- Other relative of victim
- Boyfriend/girlfriend of victim
- Boyfriend/girlfriend of mother/father
- Child care provider/worker
- Stranger
- Other ( \_\_\_\_\_ ) write in

7. Was anyone, besides the offender, aware of the offense (and should have reported it) before the offense was actually reported?

- Yes
- No

If yes, who knew (check all that apply)?

- Mother/father
- Brother/sister
- Spouse
- Other relative
- Friend
- Acquaintance
- Minister
- Counselor/therapist
- School teacher/administrator
- Boyfriend/girlfriend
- Other ( \_\_\_\_\_ ) write in

8. Has offender spent tie in jail (including time at the Human Service Center) for the crime committed in #2?

Yes

No

If yes, how much time has offender spent in jail for the crime?

Months

9. Approximately when did the offense in #2 first occur?

Month       Year

10. Approximately when was the offense in #2 reported?

Month       Year

11. General location of crime:

In vehicle

Outdoors

Inside of house or building

12. Geographic location of crime:

At home of victim

At home of offender

In someone else's home

In a residential area

Outside city or town limits

In or near a bar or lounge

In downtown area

In or near victim's hotel/motel room

At or near victim's place of work

Other (please describe) \_\_\_\_\_

13. What type(s) of weapons were used in the commission of the crime? (check all that apply)

Fists, feet, etc.

Gun

Knife

Club, stick, etc.

Other weapon (please describe) \_\_\_\_\_

No weapon was used in the crime

14. What types of other threats/rewards were used in the commission of the crime?

- Bodily threats
- Promise of money
- Promise of other material goods
- Promise of attention and/or affection
- Threat of telling others about incident
- Threat by offender of leaving home or breaking up the family
- Other ( \_\_\_\_\_ ) write in
- No threats/rewards were used in the crime

15. What was the extent of physical injury to the victim?

- No physical injury
- Some physical injury, extent of injury is not known
- First aid was required, but not hospitalization
- Medical attention at doctor's office or hospital, but not overnight hospitalization
- Hospitalization was required
- Don't know

16. Factors reported by offender which contributed to the commission of the crime: (check all that apply)

- Alcohol
- Stress
- Marital problems
- Financial problems
- Emotional instability with the children
- Offender was sexually abused as a child
- Offender was physically abused as a child
- Drugs
- Seduction of offender by victim
- Other factors ( \_\_\_\_\_ ) write in

17. Factors reported by others (family, neighbors, etc.) which contributed to the commission of the crime:  
(check all that apply)

- Alcohol
- Stress
- Marital problems
- Financial problems
- Emotional instability
- Problems with the children der was sexually abused as a child
- Offender was physically abused as a child
- Drugs
- Seduction of offender by victim
- Other factors ( \_\_\_\_\_ ) write in

18. Did the court order a psychiatric evaluation of the offender?
- Yes  
 No
19. Did the defense request a psychiatric evaluation of the offender?
- Yes  
 No

Demographic and Related Information On Offender

20. Age of offender: \_\_\_\_\_
21. Sex of offender:  Male  Female
22. Race of offender:  American Indian  
 Asian  
 Black  
 White  
 Hispanic  
 Other
23. Was offender employed at the time of the commission of the crime?
- Yes  No
24. Is offender currently employed?
- Yes  No

If yes to #23 and #24, is employment with the same firm/organization?

Yes  No

25. General work performed or occupation of offender:
- Unskilled worker (laborer, waiter, etc.)  
 Semi-skilled worker (barber, clerk, truck driver, etc.)  
 Skilled worker (carpenter, plumber, etc.)  
 Technical/professional  
 Sales  
 Farmer/Rancher  
 Business Owner/Manager (other than farmer or rancher)  
 Student  
 Other (\_\_\_\_\_ ) write in

26. Current marital status of offender:  Single  
 Married  
 Separated  
 Divorced  
 Widowed
27. How many times has the offender been married? \_\_\_\_\_  
(if applicable)
28. Number and ages of children:  
(if applicable)
29. Education:  Less than high school  
 GED  
 High school diploma  
 Some college  
 College graduate
30. What is the financial net worth (assets minus liabilities) of the offender (plus spouse, if married)  
 Less than \$5,000  
 \$5,000 to \$9,999  
 \$10,000 to \$19,999  
 \$20,000 to \$49,999  
 \$50,000 to \$100,000  
 Over \$100,000
31. Does the offender (o spouse, if married) receive welfare/public assistance?  
 Yes     No
32. Which of the following categories represents the offenders's (plus spouse's, if married) yearly income (include welfare assistance)?
- |   |  |
|---|--|
| <input type="checkbox"/> 1. Has no income or assistance | <input type="checkbox"/> 7. \$20,000 to 24,999   |
| <input type="checkbox"/> 2. \$4,999 or less             | <input type="checkbox"/> 8. \$25,000 to 34,999   |
| <input type="checkbox"/> 3. \$5,000 to 7,499            | <input type="checkbox"/> 9. \$35,000 to \$49,999 |
| <input type="checkbox"/> 4. \$7,500 to \$9,999          | <input type="checkbox"/> 10. \$50,000 or more    |
| <input type="checkbox"/> 5. \$10,000 to 14,999          |  |
| <input type="checkbox"/> 6. \$15,000 to 19,999          |  |

33. How religious does the offender consider himself/herself?

1---2---3---4---5---6---7  
Not Very  
Religious Religious

34. How often does the offender generally attend church?

1---2---3---4---5---6---7  
Never      Sometimes      Always

35. Was offender physically abused as a child? Yes  
No  
Don't Know

If "Yes" by whom was he/she abused?  
(check all that apply)

- Father
  - Stepfather
  - Mother
  - Stepmother
  - Other immediate family member
  - Other relative (uncle, aunt, etc.)
  - Family friend
  - Acquaintance
  - Stranger
  - Other

36. Was offender sexually abused as a child? Yes

- No  
Don't Know

If "Yes" by whom was he/she abused?  
(check all that apply)

- Father
  - Stepfather
  - Mother
  - Stepmother
  - Other immediate family member
  - Other relative (uncle, aunt, etc.)
  - Family friend
  - Acquaintance
  - Stranger
  - Other

37. How cooperative was the offender in providing information for the pre-sentencing investigation?

- Very cooperative
- Somewhat cooperative
- Not cooperative

38. In your opinion, how believable were the statements and other information furnished by the offender?

- Very believable
- Somewhat believable
- Not believable
- Very unbelievable

39. How positive was the offender about his/her general future?

- Seemed very certain of a positive future
- Seemed somewhat certain of a positive future
- Seemed neutral about his/her future
- Seemed somewhat uncertain of positive future
- Seemed very uncertain of a positive future

40. What was the general reaction of the offender to the offense he/she committed?

(check all that apply)

- Denied that the o
- Minimized what had happened
- Fabricated stories related to the incidence(s)
- Seemed sorry that it happened
- Seemed indifferent toward the incident(s)
- Other ( \_\_\_\_\_ ) write in

Demographic Information on Victim:

41. Was there more than one victim of the crime?

- Yes
- No

If yes, complete a demographic section for each victim.

42. Age of victim: \_\_\_\_\_

43. Sex of victim: Male Female

44. Race of victim:     American Indian  
                           Asian  
                           Black  
                           White  
                           Hispanic

45. Marital status of victim:

Single  
       Married  
       Separated  
       Divorced  
       Widowed

46. Education:     Less than high school  
                       GED  
                       High school diploma  
                       Some college  
                       College graduate

47. Does the victim receive welfare/public assistance?

Yes     No

48. Which of the following categories represents the victim's yearly income (include welfare assistance)?  
For victims who are age 18 and under and living at home, please indicate the family's yearly income.

- |  |  |
|--|--|
| <input type="checkbox"/> 1. \$4,999 or less    | <input type="checkbox"/> 6. \$20,000 to 24,999 |
| <input type="checkbox"/> 2. \$5,000 to 7,499   | <input type="checkbox"/> 7. \$25,000 to 34,999 |
| <input type="checkbox"/> 3. \$7,500 to \$9,999 | <input type="checkbox"/> 8. \$35,000 to 49,999 |
| <input type="checkbox"/> 4. \$10,000 to 14,999 | <input type="checkbox"/> 9. \$50,000 or more   |
| <input type="checkbox"/> 5. \$15,000 to 19,999 |  |

**South Dakota State Penitentiary Entrance Record**

SOUTH DAKOTA STATE PENITENTIARY ENTRANCE RECORD

NAME.: ID #....:  
ALIAS: SSN.....

COUNT 1. JTC DAYS  
SENTENCE: SUSPENDED: 000 YRS 00 MON 00 DAYS

COUNT 2. SUSPENDED:

COUNT 3. SUSPENDED:

COUNTY..... DATE OF SENTENCE:  
JUDGE..... DATE RECEIVED...:  
COUNTY ATTORNEY.. COMMENCE DATE...:  
DEFENSE ATTORNEY: PAROLE DATE....:  
PLEA..... GOOD TIME DATE...:  
TERM EXPIRES....:

COMMENTS:

INMATE NARRATIVE OF OFFENSE:

CONTRIBUTING FACTOR FOR OFFENSE:

BIRTHDATE: BIRTH PLACE:  
LAST ADDRESS:  
PERMANENT ADDRESS:

EDUCATION GRADE COMPLETED:  
COLLEGE:

ALCOHOL/DRUG/MENTAL INSTITUTION DATE  
PROBLEM:  
PROBLEM:  
PROBLEM:

RELIGION: DENOMINATION:

MILITARY BRANCH: FROM: TO:  
SERVICE NUMBER.: DISCHARGE TYPE:

PRIOR RECORD DATE

NUMBER OF FELONIES:

USP.SENTENCE: PAROLED: DISCHARGED:

NAME: INMATE ID:

NAME OF INMATE

-----  
PHYSICAL DESCRIPTION

SEX.: MALE HEIGHT:  
RACE: WHITE WEIGHT:  
EYES: HAIR...:  
COMPLEXION...:  
BUILD.....:

-----  
MARKS AND SCARS

-----  
EMPLOYER

SKILL

CITY/STATE

LENGTH

YRS MNS

YRS MNS

YRS MNS

-----  
\*\*\* EMERGENCY CONTACT \*\*\*

RELATION:

NAME:

PHONE: --

ADDRESS:

  
-----  
MARITAL STATUS:

RELATIVES

RELATION

NAME

CITY/STATE

I HEREBY CERTIFY UNDER PENALTY OF DISCIPLINARY ACTION THAT ALL INFORMATION  
GIVEN HEREIN IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_ WITNESS: \_\_\_\_\_

## Inmate Questionnaire

## Introduction

You have been selected to answer some questions and to respond to some statements about yourself and life in general. Your answers will be treated confidentially. Please answer each question as thoroughly and accurately as possible. There aren't necessarily "right" or "wrong" answers to the questions. We are interested in your thoughts and feelings. Please feel free to write comments which clarify your responses to any of the questions or statements. Your help in providing information for this project is greatly appreciated.

## General Instructions

Please respond to each of the following questions or statements. If some of the questions are not clear, use your best judgment in completing the questions. Put down the response that you think is best for each question. Remember that it is how you feel about the situation(s) that is important.

## Special Instructions for certain items on the Questionnaire

You are to circle one of the numbers (1-7) which best represents your answer or response to the situation or idea described. As an example, let us use the same approach to describe the last meal that you had.

### Your Last Meal

1---2---3---4---5---6---7  
Very Bad                    Excellent

If you felt that your last meal was very bad, you would circle 1. If you felt that the your last meal was less than average, but not real bad, you would circle 2 or 3. If you felt the your last meal was average, you would circle 4, the median or middle value. If you felt that your last meal was better than average but not great you would circle 5 or 6. If you felt that your last meal was excellent or exceptional, you would circle 7.

You will see many questions which have two extreme values like good/bad, sad/happy, right/wrong, etc. You are to circle one of the seven numbers (1,2,3,4,5,6,7) which best describes how you feel about the situation.

First, some information about yourself:

1. What is your age? \_\_\_\_\_

2. What is your sex?    Male    Female

3. What is your race?     American Indian  
                        Asian  
                        Black  
                        White  
                        Hispanic  
                        Other \_\_\_\_\_ (write in)

4. Were you physically abused as a child?     Yes     No

If "Yes" by whom were you abused?  
(check all that apply)

- Father
- Mother
- Stepfather
- Stepmother
- Other immediate family member (brother,  
sister)
- Other relative (uncle, aunt, etc.)
- Family friend
- Acquaintance
- Stranger
- Other(\_\_\_\_\_) write in

5. Were you sexually abused as a child?     Yes     No

If "Yes" by whom were you abused?  
(check all that apply)

- Father
- Mother
- Stepfather
- Stepmother
- Other immediate family member (brother,  
sister)
- Other relative (uncle, aunt, etc.)
- Family friend
- Acquaintance
- Stranger
- Other(\_\_\_\_\_) write in

6. Were you emotionally abused as a child? Yes No

If "Yes" by whom were you abused?  
(check all that apply)

- Father
  - Mother
  - Stepfather
  - Stepmother
  - Other immediate family member (brother, sister)
  - Other relative (uncle, aunt, etc.)
  - Family friend
  - Acquaintance
  - Stranger
  - Other ( \_\_\_\_\_ ) write in

## Attitudes and Perceptions about Yourself

7. How religious do you consider yourself?

8. How often do you generally attend church?

1---2---3---4---5---6---7  
Never      Sometimes      Always

9. When you were growing up, what social class did you consider your family to be?

- lower class
  - upper lower class
  - middle class
  - upper middle class
  - upper class

10. When you were growing up, how was your home life?

Home Life

1---2---3---4---5---6---7  
Bad Good

11. How do you feel about yourself?

Myself

1---2---3---4---5---6---7  
I don't like myself I like myself

1---2---3---4---5---6---7  
I am friendly I am unfriendly

1---2---3---4---5---6---7  
I am I am

12. How would you describe your drinking problem before you came here (penitentiary)?

- No drinking problem  
 A little drinking problem  
 A drinking problem  
 A very serious drinking problem

13. How would you describe your drug problem before you came here (penitentiary)?

- No drug problem  
 A little drug problem  
 A drug problem  
 A very serious drug problem

14. How would you describe your emotional/psychological problems before you came here (penitentiary)?

- No emotional/psychological problems  
 A few minor emotional/psychological problems  
 Some emotional/psychological problems  
 Very serious emotional/psychological problems

15. How would you rate yourself on the following items?

1---2---3---4---5---6---7

## In control                      Out of control

1---2---3---4---5---6---7

1---2---3---4---5---6---7

1---2---3---4---5---6---7

A fighter                      A peacemaker

1---2---3---4---5---6---7

Macho sissy

1---2---3---4---5---6---7

**Teachable**      **Unteachable**

1---2---3---4---5---6---7

1---2---3---4---5---6---7

Mature Immature

1---3---3---4---5---6---7

*Salm* *Namoung*

1      2      3      4      5      6      7

Violent Non-violent

1 2 3 4 5 6 7

1---2---3---4---5---6---7  
Organized                      Unorganized

1 2 3 4 5 6 7 8 9 10

1---2---3---4---5---6---7  
Patient Treatment

16. Do you feel that the following are right, wrong, or somewhere in the middle?

## Abortion

1---2---3---4---5---6---7  
Wrong Right

### Premarital sex

1---2---3---4---5---6---7  
Wrong Right

## **Extramarital sex**

1---2---3---4---5---6---7  
Wrong Right

Drinking Alcoholic Beverages

1---2---3---4---5---6---7

Wrong Right

# Getting Drunk

Being on Illegal Drugs

## Selling Illegal Drugs

1---2---3---4---5---6---7

17. How would you describe your experiences in grade school?

## Grade School

A horizontal scale with seven tick marks labeled 1 through 7. The first tick mark is labeled "Sad" and the last tick mark is labeled "Happy".

1---2---3---4---5---6---7  
Failure                              Successful

18. What are your feelings about women in general?

## Women

1---2---3---4---5---6---7  
Mean Kind

1---2---3---4---5---6---7  
Not fair Fair

1---2---3---4---5---6---7  
Honest                      Dishonest

1---2---3---4---5---6---7

19. What are your feelings about children in general?

## Children

1---2---3---4---5---6---7  
Bad Good

20. What are your feelings about the current welfare system in the United States?

## Welfare

1---2---3---4---5---6---7  
Failure                              Successful

1---2---3---4---5---6---7  
Not fair Fair

21. How do you feel about marriage in general?

## **Marriage In General**

1---2---3---4---5---6---7  
Bad Good

1---2---3---4---5---6---7  
Failure                              Successful

Failure	Success!
1---2---3---4---5---6---7	
Worthless	Valuable

22. If applicable, how do you feel about your marriage?

## Your Marriage

1---2---3---4---5---6---7  
Bad Good

1---2---3---4---5---6---7  
Failure                              Successful

23. If applicable, how do you feel about your relationship with your "live-in" partner?"

1---2---3---4---5---6---7  
Bad Good

24. How would you describe your father?

### Your Father

1---2---3---4---5---6---7  
Bad Good

1---2---3---4---5---6---7  
Mean Kind

25. How would you describe your Mother?

## Your Mother

1---2---3---4---5---6---7  
Bad Good

1---2---3---4---5---6---7  
Failure                              Successful

1---2---3---4---5---6---7  
Mean Kind

## **APPENDIX E**

### **SOUTH DAKOTA'S JUDICIAL CIRCUITS**

## **SOUTH DAKOTA'S JUDICIAL CIRCUITS**

Circuit 1: Bon Homme County  
Charles Mix County  
Clay County  
Douglas County  
Hutchinson County  
Lincoln County  
Turner County  
Union County  
Yankton County

Circuit 2: Minnehaha County

Circuit 3: Beadle County  
Brookings County  
Clark County  
Codington County  
Deuel County  
Grant County  
Hamlin County  
Hand County  
Kingsbury County

Circuit 4: Aurora County  
Brule County  
Buffalo County  
Davison County  
Hanson County  
Jerauld County  
Lake County  
McCook County  
Miner County  
Moody County  
Sanborn County

Circuit 5: Brown County  
Campbell County  
Edmunds County  
Faulk County  
Marshall County  
McPherson County  
Roberts County  
Spink County  
Walworth County

Circuit 6: Bennett County  
Gregory County  
Haakon County  
Hughes County  
Hyde County  
Jackson County  
Jones County  
Lyman County  
Mellette County  
Potter County  
Sully County  
Stanley County  
Todd County  
Tripp County

Circuit 7: Custer County  
Fall River County  
Pennington County  
Shannon County

Circuit 8: Butte County  
Corson County  
Dewey County  
Harding County  
Lawrence County  
Meade County  
Perkins County  
Ziebach County

## **APPENDIX F**

## **GLOSSARY**

## **DEFINITIONS**

aggravated assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. Applicable state statutes are included in Appendix B.

"child abuse and neglect": defined by the National Center on Child Abuse and Neglect as "the physical or mental injury, sexual abuse, negligent treatment or maltreatment of a child under the age of eighteen by a person who is responsible for the child's welfare."

concurrent sentence: two or more sentences for separate charges being satisfied at the same time.

consecutive sentence: two or more sentences for separate charges following one another in successive order.

DCI Number: a unique number assigned by the Division of Criminal Investigation after a fingerprint card is received and the fingerprints are classified. If the subject has been previously arrested, the offender has already been assigned a number.

disorderly conduct/resisting arrest: any behavior that is contrary to law, and tends to disturb the public peace.

disposition: refers to either a decision not to prosecute or a trial court finding, not any subsequent judicial appeal that may occur. It also reflects the sentence imposed not the actual time that may have been served.

exhibitionism: a compulsion to exhibit the genitals.

guilty but mentally ill: responsible for the crime but the person is incapable of understanding and acting with discretion in the ordinary affairs of life.

incest: sexual intercourse, cohabitation, or marriage between immediate relatives. Applicable state statutes are included in Appendix B.

pedophilia: defined by DSM III - American Psychiatric Association - as "the act or fantasy of engaging in sexual activity with pre-pubertal children as a repeatedly preferred or exclusive method of achieving sexual excitement."

presentence investigation: conducted by a court services officer for offenders convicted of a felony. The resulting

report is usually narrative in nature. The first two report entries are completed by the court services officer. All other entries are in the defendant's words. The court services officer also interviews several people concerning the defendant such as his friends, family, spouse, victim's relatives, victim, pastor, alcohol/drug treatment counselors, and employers.

processing time: time which elapsed between arrest and disposition of a case.

rape: is an act of sexual penetration accomplished with any person other than the actor's spouse under any one or more of the following circumstances:

- (1) Through the use of force, coercion or threats of immediate and great bodily harm against the victim or other persons within the victim's presence, accompanied by apparent power of execution; or
- (2) Where the victim is incapable, because of physical or mental incapacity, of giving consent to such act; or
- (3) Where the victim is incapable of giving consent because of any intoxicating, narcotic or anesthetic agent or hypnosis; or
- (4) Where the victim is less than ten years of age; or
- (5) Where the victim is ten years of age but less than sixteen years of age; or
- (6) Where persons who are not legally married and who are within degrees of consanguinity within which marriages are by the laws of (South Dakota) declared void, which is also defined as incest. Applicable statutes are included in Appendix B.

recidivism: a repeated or habitual relapse into crime.

sexual contact: any touching, not amounting to rape, of the breasts of a female or the genitalia or anus of any person with the intent to arouse or gratify the sexual desire of either party. Applicable statutes are included in Appendix B.

simple assault: an assault committed with no intention to do any other injury.

suspended execution of sentence: upon conviction, the court has the discretionary power to suspend the execution of any

sentence imposed during good behavior subject to such conditions or restitutions as the court may impose. The suspended portion of the sentence may be reinstated for violation of the conditions set forth by the court. This judgement can not be used in cases where the defendant has prior felony convictions. {Refer to South Dakota Codified Laws 23A-27-18}.

suspended imposition of sentence: the court upon receiving a verdict or plea of guilty for a misdemeanor or a felony (which is not punishable by death or life imprisonment) may suspend the sentencing and place the defendant on probation. A condition of this probation may be time in jail (maximum of 180 days) or prison (maximum of 60 days). The offender must never before have been convicted of a felony crime. If the offender meets the terms of his/her probation, this action does not result in a conviction. The court can only use this discretionary power once with respect to any person. {Refer to South Dakota Codified Laws 23A-27-13 through 23A-27-18.3}.

suspension of sentence: a withholding or postponing of the sentencing of a prisoner after the conviction.

total time: total time incarcerated both in jail and prison (refers to total time sentenced to at the time of disposition).

voyeurism: a compulsion to engage in the practice of obtaining sexual gratification by looking at sexual objects or acts, especially secretly.

## **APPENDIX G**

### **EXPLANATION OF STATISTICAL TERMS**

## **EXPLANATION OF STATISTICAL OPERATIONS**

### Analysis of Variance

Analysis of variance was used to test the difference among the means of three or more groups. An F test was used to obtain the ratio between the sum of squares for "between" group variation and the sum of squares for the "within" group variation. The F ratio for different degrees of freedom was used to obtain the probability level for which statistical significance was ascertained.

### Beta Weights

In regression analysis, one method of examining the relative importance of the variables is to calculate the standardized Beta weights or coefficients. In general, the size of the coefficients indicates the importance of the variable in predicting the dependent variable. The Beta weights are affected by intercorrelations of the independent variables, thus caution must be used if multicollinearity exists.

### Chi Square

The basic premise of the chi square procedure is to compare the observed frequencies of variables with the expected or theoretical frequencies. The chi square values and accompanying distribution are the basis for determining whether the differences between the observed or theoretical differences are significant. Chi square values and associated probability level values are established for different degrees of freedom which are determined by the number of rows minus one, times the number of columns minus one. Each "cell" which is formed where the column and rows intersect contributes (or potentially contributes) to the overall chi square value.

### Correlation Coefficients

Correlation is a measure of the relationship between two variables. For the purposes of this study, the Pearson r was used as the measure of the relationship between two variables. The correlation coefficient range of values is from +1 to -1. The numeric value indicates the degree of relationship between the factors. The higher the coefficient the greater the degree of relationship. The sign (positive or negative) has nothing to do with the degree of the

relationship, but rather specifies the direction of the relationship. Negative coefficients indicate that high values on one variable coincide with low values on the other variables. Conversely, positive coefficients imply that high values on one variable suggest high values on the other variable and low values on one infers low values on the other.

#### Part Correlation

An alternate method of examining the importance of independent variables in regression analysis is to calculate the "part correlation coefficient". The "part correlation coefficient" is the correlation between an independent variable and the dependent variable when the linear effects of the other independent variables have been removed from the independent variable being correlated. The "part coefficient" indicates the unique contribution of the variable. Coefficient magnitude and direction signs are interpreted in a similar manner to correlation coefficients.

#### Partial Correlations

Examining partial correlations are yet another way of looking at the importance of independent variables in regression analysis. The partial correlation coefficient is the correlation between an independent variable and the dependent variable when the linear effects of the other independent variables have been removed from both the independent and dependent variables. The general interpretation is similar to correlation coefficients.

#### Significance Level

For a statistical test to be considered statistically significant, a probability level of .05 or lower was needed for all statistical procedures used in this study.

#### Stepwise Regression and Discriminant Analysis

Stepwise selection of independent variables is the most commonly used method to select variables for regression and discriminant analysis. The first variable selected is the one which has the highest correlation with the dependent variable in the case of regression analysis and has the largest acceptable value for selection criterion in discriminant analysis. From that point, the variables are selected based on their ability to

improve predictability, assuming entry criteria into the equation have been met. At each level of the selection process, each variable is examined or re-examined to determine which factors in combination with the others are most viable in predicting or explaining the dependent variable. The stepwise process continues until no more variables meet the minimum selection criteria. Generally, a few variables (5-10) are selected which account for most of the variance or linear relationship between the independent variables and the dependent or criterion variable.

#### T Test

The t ratio or Student's t was used to test the difference between the mean values of two groups. The t ratio is determined by dividing the standard error of the difference between the means into the deviation which occurred when one mean value is subtracted from the other. The t value for different degrees of freedom was used to obtain a probability value from established tables.