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## Sex Crimes, Children, and Pornography: Public Views and Public Policy

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**ABSTRACT**

“Get tough” approaches for responding to sex crimes have proliferated during the past decade. Child pornography in particular has garnered attention in recent years. Policymakers increasingly have emphasized incarceration as a response to such crime, including accessing child pornography. Juxtaposed against such efforts is a dearth of knowledge about “get tough” policies for responding to sex crimes, particularly those targeting children, and how most appropriately to respond to such crimes. We examine data from a national telephone survey of Americans to explore views toward sex crimes, with a special emphasis on crimes against children. The findings indicate that the public supports tough responses to child sex crimes, but they also support treatment of sex offenders. In addition, despite views that incarceration is an appropriate response to possessing child pornography, several social and demographic cleavages in such support exist. We discuss these findings and their implications for policy and research.

## INTRODUCTION

Federal and state policymakers increasingly have taken aggressive measures, including tougher sentences, to address sex crimes, especially those against children (Pratt 2000; Jenkins 2001; Roberts et al. 2003; Tewksbury 2005; Miethe et al. 2006; Sims and Reynolds 2007). By contrast, far less attention has been given to treatment of sex offenders, likely resulting from the widespread beliefs that, as a group, such offenders have irresistible urges to commit sex crimes and are untreatable (Sample and Bray 2003; Wright 2003). “Get tough” responses to sex crimes have been even more pronounced in cases involving children, with many states now allowing for or requiring prison terms for such acts as possessing child pornography (Maahs and Liederbach 2007). The greater emphasis on sex crimes against children stems perhaps from a long-standing premium American culture places on the notion of “childhood” (Mears et al. 2007). Moreover, graphic descriptions of actual or “virtual” (computer-generated) child pornography might reasonably be assumed to likely elicit condemnation from all but the most hardened individuals (Jenkins 2001; Greenhouse 2007). Yet, extending “get tough” sanctions to all sex offenders, and, in particular, mandating incarceration for possession of child pornography in a context in which pornographic images of children are widely prevalent on the internet (Jenkins 2001)—with some child pornography sites receiving as many as a million “hits” in a month (Wortley and Smallbone 2006:12)—raises important policy questions that remain largely unaddressed. The questions are all the more important given the increased attention to sex crimes in a context in which, as one recent review emphasized, “there is little convincing evidence” that sex offending has increased (Roberts et al. 2003:129).

Among the most conspicuous areas in which research has been largely silent concerns public views about sex crime policy. A review of the policymaking landscape would suggest that the public overwhelmingly endorses punitive responses to sex crimes of any type and opposes treatment. Does the public, however, in fact believe that sex crimes should be a priority, and, if so, does it support some of the most common approaches, such as sex registries, restricting

where sex offenders can live, and incarceration, to managing and sanctioning sex offenders? Similarly, to what extent does the public support incarceration as a response to sex crimes, especially child sex crimes? This question bears particular attention given the increased interest in recent years in enacting a range of punitive laws aimed at sex crimes against children. Finally, regardless of the extent of support for various sanctions, to what extent does the public support increased taxes to provide treatment to sex offenders?

Collectively, answers to such questions can help shed light on the diversity of views the public holds toward sex crimes and particularly the increasingly prominent policy debate about how best to respond to child pornography. Although a focus on a diverse range of sex crimes is important in its own right, understanding public views toward child pornography requires putting those views in the context of opinion about a broader range of sex crimes and sex crime policies. Using data from a national telephone survey of Americans, we address these questions and give particular attention to child pornography both because it has garnered considerable policy attention in recent years and because the application of prison terms to those who access such pornography raises critical questions about proportionate punishment and, ultimately, the ability of the criminal justice system to effectively and appropriately allocate resources to where they can achieve the greatest impact. Below, we begin by placing the study in context, then describe the data, analyses, and the study's findings. We conclude by discussing the implications of the findings for research and policy.

## **BACKGROUND**

In the past decade, sex crimes have emerged as one the focal targets of “get tough” crime policies (Pratt 2000; Wright 2003; Quinn et al. 2004; Miethe et al. 2006; McCulloch and Kelly 2007). Among the most common policies have been registries that make public the names and addresses of sex offenders, laws that limit where convicted sex offenders can live, and “get tough” sentencing statutes aimed at increasing incarceration of sex offenders (Logan 2003;

Tewksbury 2005). Increasingly, too, though less common, have been state-level efforts to enact laws allowing for the civil commitment of sex offenders in mental health facilities after their criminal sentences have expired (Sims and Reynolds 2007). In a few states, chemical castration has been promoted as both a sanction and a treatment to address sex offending. In addition, DNA databanks are beginning to emerge as a way to help law enforcement identify and arrest suspects (Sample and Bray 2003; Goodnough and Davey 2007; Maahs and Liederbach 2007).

Federal policymaking in particular has prompted states to take action, especially in cases involving crimes against children (Jenkins 2001). For example, under the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, enacted in 1994—and subsequently amended by “Megan’s Law” in 1996—states must “create and maintain a sex offender registration and notification program or lose 10 percent of the Federal crime funds” (Wright 2003:97). Both efforts were sparked by victimizations of young children (Jacob Wetterling was 11 and Megan Kanka was 7 when they were abducted). Today, as Sample and Bray (2003:62) have emphasized, all states have “registry, notification, and DNA laws” that “include persons convicted of a violent or nonviolent sex crime against any person.” The scope of such laws is broad—for example, nonviolent sex crimes can include “crimes such as possessing, viewing, or manufacturing child pornography; enticing a child; soliciting a minor; and other such offenses for which offenders must register upon conviction” (p. 62).

Child pornography now constitutes an increasingly prominent concern, with, again, Federal legislation spearheading state-level efforts (Finkelhor and Ormrod 2004). For example, the Child Pornography Prevention Act of 1996—subsequently revised through the 2003 Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act (Maahs and Liederbach 2007:256-257)—“prohibits the production, distribution, and reception of computer-generated sexual images of children” (p. 254). Many states have enacted statutes allowing incarceration not only for manufacturing or distributing child pornography but also for possessing it, and such laws have largely withstood court scrutiny. To illustrate, the U.S. Supreme Court recently declined to review a case in which an Arizona man “received a 200-year

sentence for possessing 20 pornographic images of children” (Greenhouse 2007:13). Under Arizona law, a mandatory minimum sentence of 10 years is required for sexual exploitation of a minor, an offense that includes possession of child pornography. Although considerable confusion exists about what exactly constitutes adult pornography, the standard in cases involving child pornography is far simpler—any sexual images of children are illegal (Jenkins 2001:38; Maahs and Liederbach 2007:255). Notably, under Federal law, possession of child pornography is illegal, and “in the case of the internet, images do not have to be saved for an offense to have occurred—they simply need to have been accessed” (Wortley and Smallbone 2006:6; emphasis added).

With the advent of the internet, pornography has proliferated, in turn creating numerous opportunities for crimes, especially those involving accessing of child pornography, to occur (U.S. General Accounting Office 2003). According to Maahs and Liederbach (2007:252), “the internet contains an estimated 4.2 million pornographic websites (12 percent of all websites) including 372 million online pages of pornography,” and an estimated “40 million U.S. adults regularly visit internet pornography sites.” Concomitantly, child pornography has become increasingly available. Generating precise estimates of the availability and accessing of child pornography is difficult, given that web sites featuring such images may close down and reopen at different addresses, that media accounts typically focus on only the most extreme cases, and that arrest and prosecution data provide information on only a small fraction of most offenses (Jenkins 2001:13, 128; see also Jewkes and Andrews 2005). Regardless, even the most conservative estimates indicate that pornography is both widely available and widely accessed. The permeability of the internet makes restricting the supply of such material in a given country difficult, if not impossible. This situation creates a policy dilemma. On the one hand, if policymakers efforts and media accounts are any indication, moral considerations alone would appear to dictate that child pornography should be illegal (Ost 2002). On the other hand, enforcement efforts, especially those aimed at incarcerating individuals who access but do not manufacture or distribute pornography, likely cannot target more than a small fraction of actual



offenders (Jenkins and Andrews 2005; Wortley and Smallbone 2006).

Set against this context is the fact that remarkably little is known about public views concerning how most appropriately to respond to sex crimes, and, in particular, the leading policies currently in place for addressing such crimes. Indeed, Brown's (1999:240-241) observation eight years ago—"very few studies have looked specifically at public opinion on the sentencing of sex offenders"—remains largely true today. The few extant scholarly studies suggest that the public is, in general, largely supportive of punitive sanctions for sex offenders as a group—that is, without regard for differences that may exist between one type of sex offender (e.g., a rapist) and another (e.g., a child pornography accesser) (Roberts et al. 2003). For example, in an analysis of a national survey of Americans, Manza et al. (2004) found that 48 percent of the public did not support the enfranchisement (e.g., restoring the right to vote) of felons convicted of a sex crime and released from prison. Similarly, a survey of Washington State residents found that 8 in 10 endorsed the State's community notification law, enacted in 1990 and representing the first "Megan's Law" in the country (Phillips 1998). In addition, a 1999 survey found that 95 percent of Vermont citizens supported incarceration for someone convicted of "violent rape" (Greene and Doble 2000). That the public holds especially punitive orientations toward child sex offenders is reflected in a 1997 national poll in which "respondents were evenly split on using the death penalty for convicted rapists, and by more than a 2:1 margin supported its use for those who sexually molest a child," a level of support notable for the fact that "Americans generally oppose executing those who do not murder" (Cullen et al. 2000:11).

Apart from concerns about the severity of such crimes, the public's largely punitive orientation toward sex offenders may stem from views that such offenders cannot and will not refrain from offending and are incurable (Roberts et al. 2003:132-134). Notably, however, Brown's (1999:243) survey of citizens in a British city found that 51 percent of respondents "thought that treatment [of sex offenders] was a 'good idea'"; however, among these respondents, only "4 percent thought that treatment should occur exclusively in the community," with the rest supporting treatment only if it occurred in prison or when an offender was under

some form of close supervision. In the United States, a 1995 survey of Cincinnati residents revealed that residents were skeptical about the effectiveness of treatment for sex offenders, with 49 percent reporting that they believed rehabilitation for this population was “not helpful at all” (Sundt et al. 1998:437). (The only other group for which greater skepticism was reported was for violent offenders, with 55 percent of respondents reporting that rehabilitation for this population of offenders was not helpful at all—p. 437.) Although such studies have advanced scholarship on public opinion and sex crimes, they have not systematically investigated the most prominent sex crime policies currently being promulgated in the United States or how Americans think individuals who commit such crimes, especially those against children, should be managed.

Given the dearth of information on how the public thinks about leading policies for addressing sex crimes, as well as the widespread enactment of and emphasis on restrictive, punishment-oriented approaches to addressing such crime, our goal here is to contribute to efforts to place crime policies on a more empirical foundation. At the same time, we seek to contribute to the broader literature on public opinion and sanctioning. To this end, we first examine public views toward sex crime policy generally, including three of the most prominent initiatives that states have pursued—sex offender registries, limiting where convicted sex offenders can live, and incarceration. We also examine public willingness to support tax increases to fund treatment of sex offenders.

Second, we then focus on an area in which little research has been conducted but where policy activity has been prominent—public views about sex crimes against children, examining public sanctioning preferences for each of several types of sex crimes, including rape, indecent exposure, and distribution and accessing of child pornography. Following the example of other research on public opinion (e.g., Flanagan and Longmire 1996; Cullen et al. 1998; Mears et al. 2007), we explore how certain factors may influence public views toward the politically charged issue of sanctioning individuals convicted of accessing child pornography. This focus is spurred by the fact that this issue has emerged as a prominent target of policymaking in recent years, that significant policy questions exist about the capacity of justice systems to impose terms of

incarceration for this crime, and that, as our preliminary analyses revealed, a considerable percentage of the public does not support incarceration of individuals convicted of such crimes. By contrast, for other sex crimes against children, including sexual assault, indecent exposure, and distribution of child pornography, there was much greater agreement and thus little variation to explain. That was not true for individuals convicted of accessing child pornography, where clear variation existed. We thus proceeded from the assumption that explanation of such variation may point to important lines of political cleavage along which child sex crime policies and debates may be forged (Plutzer and McBurnett 1991; Roberts and Stalans 1998).

For the analyses in which we focus on the accessing of child pornography, we build off of other public opinion studies on crime and justice (e.g., Cullen et al. 2000; Roberts and Hough 2005), examining several dimensions suggested by prior research, including sex, race, marital status, education, income, political orientation, and concern about crime. First, some theories and research suggest that women tend more than men to emphasize caring for, and avoiding the harm of, others (Gilligan 1982; Beutel and Marini 1995; Hurwitz and Smithey 1998), suggesting in turn that they may be less likely to support tougher sanctions for any of a range of crimes. Flowing from an increasing body of research on symbolic threats, which documents that public views toward crime often are generated by views of minorities, especially blacks, as more criminal (Chiricos et al. 2004; Hogan et al. 2005; Unnever and Cullen 2007), we may anticipate that whites will hold more punitive attitudes towards the punishment of sex offenders. Similarly, those who are or have been married may “have a greater psychological stake in the established [moral] order” (Kingston and Finkel 1987:58), and in turn may hold more punitive views (Mears 2001), especially for offenses targeting children. Some studies indicate that individuals with less education tend to be more punitive (Sims and Johnston 2004). College in particular may serve as a setting in which individuals may be exposed to differing notions of justice, thereby tempering a commitment to any one, including a punitive, response to sexual crimes against children. In keeping with symbolic threat perspectives (Hogan et al. 2005) and empirical research (e.g., Moon et al. 2000), we can anticipate that wealthier individuals may be more prone to support

punitive responses to such crimes. Not least, political orientations may influence views about sanctioning—conservatives tend to support more strongly tougher sanctions for crime in general (Taylor et al. 1979; Applegate et al. 2000; Silvia 2003), and, given the centrality of family values to conservative political platforms (Beckett 1997), such support may be pronounced for crimes against children. Finally, concern about crime may be associated with increased support for punitive sanctions towards child sex offenders (Chiricos et al. 2004).

## **DATA AND METHODS**

This study draws on a telephone-based survey of American adults, age 18 and older, conducted from November 9, 2006 through January 6, 2007 (N=425); the random sample was drawn using a modified Mitofsky-Waksberg method (Waksberg 1978; Tourangeau 2004). This method increases the completed interviews per number of calls by focusing random digit dialing (RDD) efforts on exchanges that are known to have households in them, while maintaining the benefits of a true random digit dial. A primary sample of 6-digit NPA/NXX (commonly referred to as area code and exchange) codes were randomly selected, then a 4-digit random number was appended to each of these codes, which produced a random 10-digit number for the primary sample stage. This primary sample then was called to determine if the number accessed was a working residential number. After these numbers were identified, their first 8 digits defined a cluster and were used in the second stage of sampling. In this stage, a randomly generated 2-digit number was appended to the first 8 digits of each primary number. All calling was done using a predictive dialer that screened for non-United States codes, non-assigned NPA/NXX codes, and other non-residential outcomes. The original Mitofsky-Waksberg method produces an equal probability sample of households with telephones and requires a smaller number of telephone calls than the sampling procedures previously used for RDD. A time-saving variant of this method, referred to as the “modified Waksberg procedure” and used here, involves assigning weights to each case according to the number of residential telephone numbers in the sampled

cluster (see Brick and Waksberg 1991).

Of those beginning the survey, 96 percent completed the interview, compared to the 60 percent average in national telephone surveys (Weisberg et al. 1989). Cases of unknown eligibility (e.g., busy signals, no answer, answering machines) and records with known ineligibility (e.g., businesses, disconnected numbers, fax numbers) were excluded from this calculation, as recommended by the American Association for Public Opinion Research (2006). Interviewers were monitored on a daily basis to ensure consistent administration across interviews. Finally, all interviewing was conducted using the Ci3 Sawtooth computer-assisted telephone interviewing (CATI) software to ensure accuracy in recording data gathered.

The sample size and response rate (46.8 percent) are comparable to those found in many published public opinion studies (e.g., McCorkle 1993; Cullen et al. 1998; Moon et al. 2000). The rate was calculated using the American Association for Public Opinion Research (2006) response rate calculation RR6:  $(\text{interviews} + \text{partials}) / (\text{interviews} + \text{partials} + \text{refusal} + \text{non-contacts} + \text{other outcomes})$ . Notably, the rate is similar to that found in the most well-designed and conducted telephone surveys. For example, recent research by Keeter et al. (2006) noted that rigorous survey methods, similar to those used in this study, yielded a 50 percent response rate in 2003. At the 95 percent confidence level, the margin of error in this study is 4.75 percent, assuming a worst-case scenario of a 50-50 split on any given question. For predictive analyses with a limited set of covariates, as we use here, the sample size poses no obvious problem. However, sample size reduction can and did occur due to non-overlapping missing data across the different independent variables. To investigate whether this issue affected the results, we compared the full model in table 2 with models in which a single predictor was omitted, then put back in the model and another omitted, and so on. The statistical and substantive results were largely the same across the various specifications.

The survey sample closely resembles the U.S. adult population along key geographic and demographic dimensions. Using U.S. Census Bureau (2006) region definitions and comparing the sample to 2005 Census data (in parentheses), 13.4 percent of respondents lived in the

Northeast region (18.4 percent), 26.5 percent in the Midwest (22.3 percent), 36.5 percent in the South (36.3 percent), and 23.8 percent in the West (23.2 percent). With respect to age, the sample was slightly older—nationally, 22.1 percent of adults were ages 18-29 in 2005, 18.4 percent were ages 30-39, 20.3 percent were ages 40-49, 16.8 percent were ages 50-59, and 22.3 percent were age 60 or older, compared with 15.3 percent, 14.3 percent, 22.1 percent, 22.6 percent, and 25.8 percent, respectively, among the same groups for the sample (U.S. Census Bureau 2007a). Males comprised 48.6 percent of the U.S. adult population in 2005, and represented 47.3 percent of the survey sample (U.S. Census Bureau 2007b). Finally, whites comprised 81.6 percent of all U.S. residents in 2005, compared with 83.7 percent of the sample (U.S. Census Bureau 2007c). For specific racial and ethnic groups, the differences varied: African-Americans represent 12.8 percent of residents in the United States compared with 8.8 percent in the sample, Asians represent 4.3 percent of U.S. residents compared with 2.0 percent of the sample, and Hispanics represent 14.2 percent of U.S. residents compared with 7.0 percent of the sample (U.S. Census Bureau 2007c). Minorities thus are slightly underrepresented in the sample, which is typical in telephone-based research (Lavrakas 1987; Weisberg et al. 1989). For example, underrepresentation of Hispanic households is an acknowledged problem in survey research due to language and economic barriers and the historically lower rate of telephone subscription among Hispanics (Marin and Marin 1991). In general, however, the age, sex, and racial profile of the sample largely mirrors that of the U.S. adult population, suggesting that the results of the study may be viewed as representative of public opinion nationally.

Finally, a discussion of cell phones is warranted. Cell phone use has been a growing concern to survey researchers, with estimates of cell-only households at around 10 percent. However, research recently conducted by the Pew Research Center (2006) indicates that differences between land-line and cell-only groups may not be as pronounced as once feared. Researchers found that while some demographic differences emerged between the two groups, opinions on political opinion questions remained consistent within those differences. To illustrate, Keeter's (2006) study found that, after taking age into account, election predictions based on telephone

research were not significantly biased by the absence of cell-only voters. In short, although cell phone use may influence survey research, we have little reason to anticipate that the results of our study would be substantially different with inclusion of a cell phone sampling frame.

Below, we describe the measures used in this study. The specific questions are included in the descriptions of each measure as well as in the tables and figures. The appendix includes the descriptive statistics for all of the measures that we examine.

## **Measures**

*Public opinion about sex crime.* Respondents for this study were asked a series of questions about sex offenders and policy. The questions, developed for this survey but building off of wording used in other public opinion studies, began first with a general focus on whether sex crimes should be a top policy priority. They then turned to more specific topics, including whether respondents support three prominent policies that states have pursued in recent years: making sex offenders names and addresses public, restricting where sex offenders can live, and incarcerating individuals who commit sexual crimes against adults. Next, the questions tapped into public views about sex crimes against children to investigate whether recent “get tough” laws reflect public sentiment. These questions focused on specific sanctions and whether they were viewed as appropriate for each of four crimes, including sexual assault or rape, indecent exposure, distributing child pornography, and accessing child pornography. The last question returned to the general topic of sex crimes, focusing on public support for tax increases that would increase treatment of sex offenders.

The response categories for each question varied, depending on the question. The questions and response categories follow. First, the policy priority question was, “How much do you agree that sex crimes should be a top priority for state and Federal policymakers?” The response options were “strongly agree,” “agree,” “disagree,” and “strongly disagree.” Second, respondents were asked, “Do you think the names and addresses of convicted sex offenders

should be made available to the public?” They also were asked, “Do you think sex offenders should be restricted in where they can live?” In both cases, the response options were “yes” and “no.” They also were asked two additional questions focusing on sanctions for sex crimes against adults: “Which do you think is the most appropriate punishment for a person convicted of . . .,” with the first crime consisting of “sexual assault or rape of a person 18 or older” and the second consisting of “indecent exposure to an adult.” This same question was asked concerning sex crimes against children, including sexual assault or rape of a person 17 or younger, indecent exposure to a child, distributing child pornography, and accessing child pornography. The response options in each instance were “a sentence in prison or jail,” “probation,” “community-based treatment,” and “a fine.” Asking respondents about a range of options allowed them to provide a more nuanced view about how they would prefer offenders to be sanctioned (Roberts and Stalans 1998; Cullen et al. 2000). Finally, the tax question was, “How much more would you be willing to pay in taxes each year to provide treatment to convicted sex offenders?” The response options were “not willing to pay more,” “\$25,” “\$50,” “\$75,” and “\$100.”

*Independent variables.* To explore dimensions that might be associated with public support for tougher sanctioning of individuals convicted of accessing child pornography, we examined measures for several social and demographic characteristics, and used coding based on prior research and preliminary analyses (discussed further below). The measures included: *sex* (1=male, 0=female; 47 percent of respondents were males), *race* (1=white, 0=non-white; 84 percent of respondents reported their racial status as white), *marital status* (1=married at the time of the survey or some time in the past, 0=never married; 82 percent of respondents were or had been married at some time), *education* (1=college graduate, 0=some college education or less; 53 percent of respondents were not college graduates), *income* (1=family income of less than \$75,000, 0=family income of \$75,000 or more; 63 percent of respondents had a family income less than \$75,000), *political orientation* (1=conservative, 0=liberal or moderate; 37 percent of respondents self-identified as conservatives), and *concern about crime* (0=unconcerned to 10=concerned; the average level of concern about crime was 7.9). For the last measure, the



specific question was, “On a scale of 0 to 10, with 0 being unconcerned and 10 being very concerned, how concerned are you about crime?”

### **Analytic Strategy**

We begin by providing descriptive analyses showing percentages of respondents reporting specific views about each of the sex crime questions. Then, before discussing public views about taxation to provide funds for sex offender treatment, we explore determinants of public opinion that may indicate important divisions in American society concerning the politically charged policy issue of how most appropriate to sanction individuals convicted of accessing child pornography. Specifically, we present results from an ordered logistic regression model, sometimes referred to as an ordinal or cumulative logit model, which estimates the effects of predictors on the odds of residing in a higher versus lower category or in producing a higher versus lower outcome (DeMaris 1992; Menard 1995; Norušis 2006). A central advantage of this model is that it enables us to examine the association between the predictors and each level of the outcome. For the analyses we present, two of the outcome categories—“community-based treatment” and “a fine”—have been combined because too few individuals (6.5 percent) listed “fines” as an appropriate sanction for accessing child pornography. The dependent variable thus consists of three categories of sanctions, ordered in terms of severity (1=community-based treatment or a fine, 2=probation, and 3=prison or jail sentence). Because there is an expected direction of effect for each predictor, we present one-tailed tests of significance (Alison 1999).

We use SPSS v. 14.0 and coding for the dependent variable and independent variables that enables a straight-forward interpretation of positive coefficients—namely, higher values indicate more support for a tougher sanction. The analyses indicated that we should not reject the null hypothesis of parallel slopes; thus, the parameter estimates can be assumed to be similar across the contrasts from lower to higher levels of the dependent variable (Norušis 2006:73; Roncek and Swatt 2006:735). To illustrate, in the analyses below, the effect of education can be

assumed to be the same regardless of whether one is predicting (1) the likelihood of supporting incarceration rather than probation or community-based treatment and a fine or (2) the likelihood of supporting either incarceration or probation rather than community-based treatment and a fine.

Two comments about the independent variables and coding bear mention. First, in reviewing the literature, we found little reason to anticipate an effect of age. Indeed, in separate analyses, we in fact found no evidence of a statistically significant linear or non-linear effect of age. In addition, inclusion of it as a control did not appreciably alter the substantive or statistical significance of the variables included in the regression analyses shown here. Second, although the codings used for the variables here are similar to those used in many public opinion studies (see, generally, Flanagan and Longmire 1996; Roberts and Stalans 1998; Cullen et al. 2000), we were guided as well by preliminary empirical analyses aimed at discerning whether non-linear effects of specific variables, such as education and income, existed. To illustrate, some studies contrast political conservatives with a group consisting of both liberals and moderates, while others contrast all three groups with one another. Here, we use the former approach, but we also examined whether the results varied when three groups were used (they did not).

## **RESULTS**

### **Support for Making Sex Crimes a Policy Priority**

Given the plethora of legislative activity aimed at sex crimes, a natural starting point is to investigate whether the public believes such crimes should be a top priority for state and Federal policymakers. As inspection of Figure 1 shows, over half (54 percent) of the American public strongly agrees that such crimes should be a top priority, and 94 percent agree or strongly agree with that view, indicating clear support among the public for policy efforts targeting sex crimes.

Insert Figure 1 about here

## **Views about Extending Control Over Sex Offenders**

*Requiring the public listing of sex offenders' names and addresses.* Sex offender registries increasingly are common in the U.S. as a means for extending control over convicted sex offenders. When asked whether they supported making convicted sex offenders' names and addresses public, respondents in this study—as shown in Figure 2—overwhelmingly endorsed the policy. Specifically, 92 percent said they supported the use of sex registries.

Insert Figure 2 about here

*Restricting where sex offenders live.* Coinciding with the rise in state laws that make sex offenders names and addresses public have been laws that restrict where sex offenders can live. Here, again, the public overwhelmingly supports such laws—76 percent said that sex offenders should be restricted in where they can live (see Figure 2). This level of support falls well below that for sex offender registries, but at the same time constitutes a three-fourths majority.

*Incarceration of sex offenders.* States have enacted laws making it easier to incarcerate sex offenders for lengthier prison terms. Analysis of two distinctly different offenses indicates, again, broad-based public support for such laws. Specifically, 94 percent of Americans said that incarceration was the most appropriate response for sexual assault or rape of an adult, and close to half (46 percent) said it was the most appropriate response for indecent exposure to an adult.

In short, for three of the most commonly pursued approaches used by states to extend control over sex offenders—sex offender registries, restrictions on where sex offenders can live, and incarceration—public policy appears broadly to converge with public opinion. Excluding indecent exposure to an adult, three-fourths or more of the public supports each of the given policies, and close to half support incarceration for indecent exposure.

## **Views about Punishing Offenders Who Commit Sex Crimes against Children**

We turn now to our more specific focus—public views about the most appropriate punishment of individuals convicted of committing any of several specific child sex crimes. As one might anticipate in a country in which the “child-saving” spirit appears to be widely prevalent (Cullen et al. 1998; Mears et al. 2007), the public strongly endorses tough punishment for such crimes, as is evident in Table 1. Ninety-seven percent of Americans believe that a sentence in prison or jail, rather than probation, community-based treatment, or a fine, is the most appropriate punishment for sexual assault or rape of a person age 17 or younger. A smaller, but still large, number of Americans believe that indecent exposure to a child merits a sentence in prison or jail (80 percent) rather than probation (6 percent), or community-based treatment or a fine (2 percent). Distribution of child pornography garnered a comparable level of punitiveness, with 89 percent of Americans choosing incarceration as the most appropriate sanction for this offense. Finally, over two-thirds (68 percent) of respondents selected incarceration as the most appropriate sanction for individuals convicted of accessing child pornography. By contrast, 11 percent said probation was the most appropriate sanction, 15 percent selected community-based treatment, and 7 percent chose a fine.

Insert Table 1 about here

## **Determinants of Support for Tougher Sanctioning of Child Pornography Accessers**

As discussed, states increasingly have promoted tough sanctions, including incarceration, for individuals who access child pornography, and yet this crime, more so than other child sex crimes, appears to be ubiquitous. At the same time, child pornography access simply does not appear, at face value, to be comparable in severity to such crimes as sexual assault, indecent exposure, or the distribution of child pornography. The question thus arises—where, if any, are

the cleavages along which support for getting tough on people who access child pornography?

To explore this question, we present the results of an ordinal logistic regression in Table 2. Five of the independent variables significantly predicted support for tougher sanctions. Specifically, males, whites, the less well educated, the less wealthy, and those who were more concerned about crime all were more likely to endorse more severe punishments for accessing child pornography. To illustrate, the odds of individuals with less than a college education supporting tougher sanctions of any given type were almost two times greater than the odds for individuals with a college education or more supporting such sanctions. Notably, neither marital status nor political orientation surfaced as statistically significant predictors. To investigate further the influence of political orientation, we explored different codings (e.g., liberal versus moderate and conservative) in bivariate and multivariate analyses and no statistically significant effect emerged. Concern about crime was, as expected, associated with increased support for tougher sanctions of child pornography accessers. However, of perhaps more interest is the fact that the other predictors were statistically significant despite inclusion of this measure, indicating that their effects exist independent of a concern about crime—that is, their effects cannot be taken to serve as proxies for the effects of such concern.

Insert Table 2 about here

### **Willingness to Pay Additional Taxes to Support Sex Offender Treatment**

Returning to a general focus on sex offenders, and motivated in no small part by literature that suggests bifurcated public opinion—for example, the public may, on the one hand, support tougher punishment, but, on the other hand, may also support treatment and be willing to pay for it (Cullen et al. 2000)—we examined public willingness to pay additional taxes to support sex offender treatment. As inspection of Figure 3 shows, almost half (48.3 percent) of the American public is in fact not willing to pay any additional taxes to support treatment of convicted sex

offenders, lending support to the notion that a substantial number of Americans prefer other, tougher approaches to managing sex offenders. However, the percentages of Americans willing to support additional annual taxes for such treatment are non-trivial, with 22 percent supporting a tax increase of \$25, 14 percent supporting an increase of \$50, 2 percent supporting an increase of \$75, and, remarkably, 13 percent supporting an increase of \$100.

If such support were translated into actual taxes, borne by those willing to pay them and in the amounts they were willing to pay, over \$3.6 billion in revenue would be generated. This estimate comes from applying each of the percentages to the total number of individuals (132,844,632) who filed tax returns in 2005 (Internal Revenue Service 2006:3), then summing the revenue associated with each group (e.g., 48.3 percent of American taxpayers are assumed to contribute no additional taxes, 22.2 percent are assumed to contribute \$25 each, and so on).

Insert Figure 3 about here

## **CONCLUSION**

In the past decade, sex crimes have emerged as one of the most prominent targets of criminal justice policy (Sample and Bray 2003). Legislators have enacted a wide range of responses, including, most prominently, sex offender registries, restrictions on where sex offenders can live, and “get tough” sentencing laws. More pointedly, considerable policymaking attention has been focused on targeting individuals who commit sex crimes against children. Perhaps the most striking example centers on efforts to promote incarceration of individuals who access child pornography. Such efforts have proceeded without information concerning their effectiveness (Miethe et al. 2006), and, perhaps as importantly, with relatively little information about how the public views them. Although public opinion should not necessarily dictate policymaking efforts, it nonetheless is central to policy debates and to the notion of a democracy (Flanagan 1996; Roberts and Stalans 1998; Burstein 2003).

With the goal of informing policy discussions about sex crimes and contributing to the growing literature on public opinion and sanctioning, we explored public views about sex crime policy. We focused particular attention on a neglected area of inquiry—sexual crimes against children and the call for incarcerating individuals who access child pornography. The latter emphasis stems from the fact that it both symbolizes the efforts nationally to be tough on sex crimes against children and the limits of “get tough” measures, especially incarceration, when applied to this type of crime.

Briefly, we found that 94 percent of Americans agree that sex crimes should be a state and Federal policy priority, and 54 percent “strongly agree” that such crimes should be a priority. Americans also overwhelmingly support three of the most common strategies used to address these crimes—registries, restrictions on where sex offenders can live, and incarceration, especially for individuals convicted of sexual assault or rape of an adult. Almost half (46 percent) of the public thinks that individuals convicted of indecent exposure to an adult should be incarcerated. Support for incarceration is even greater for sex crimes against children—97 percent of the public support prison or jail terms for sexual assault or rape of a child, 80 percent support such terms for indecent exposure to a child, 89 percent support terms of incarceration for individuals convicted of distributing child pornography, and 68 percent support imprisonment for individuals convicted of accessing child pornography.

Given the apparent ubiquity of child pornography on the internet, the widespread accessing of it, and the increased promulgation of laws promoting incarceration as a sanction for accessing such pornography, we explored social and demographic dimensions along which political divides may exist concerning different policy responses. The results indicate that males, whites, the less highly educated, and the less wealthy are all more supportive of incarceration and tougher sanctions generally (e.g., probation rather than community-based treatment), independent of concern about crime generally. Such differences consistently emerge in the literature on public opinion, but the direction of difference can vary substantially depending on the type of crime and punishment (Roberts 1992; Flanagan and Longmire 1996; Cullen et al. 2000; Roberts et al.

2003). Here, what is notable is the fact that two groups (males and whites)—ones typically associated with greater power in U.S. society—tend to hold the same views toward sanctioning individuals who access child pornography as a group typically associated with less power (the less educated and less wealthy). Perhaps for males and whites, any threat toward children is perceived as a threat to their control, whereas for the less educated and less wealthy such a threat assumes particular salience because family, more than power or possessions, may be especially important. Ultimately, these and other possible explanations must remain speculation absent further research. At a more general level, however, the findings point to potential cleavages in American society regarding the appropriate sanctioning of individuals who access child pornography. Even so, it bears emphasizing that over two-thirds of Americans believe such a sanction is the most appropriate response—more than probation, community-based treatment, or a fine—to this crime.

Finally, despite the generally high levels of support for tough responses to sex crimes, and child sex crimes in particular, many members of the public support increased taxes to pay for sex offender treatment. Forty-eight percent of respondents said they would not be willing to pay additional taxes, but the other 52 percent supported taxation of different amounts that, if put into practice, would yield an estimated \$3.6 billion in revenue to support sex offender treatment. A lack of support for taxation does not necessarily indicate a lack of willingness to support rehabilitation of and programming for sex offenders, but simply may indicate that the public prefers that there be a reallocation of existing resources. Nonetheless, support for taxation is notable, though not unsurprising given prior studies that indicate that non-trivial percentages of the public support taxation to provide rehabilitative services to offenders (Flanagan and Longmire 1996; Cullen et al. 2000) and believe that rehabilitation can be at least somewhat effective with sex offenders (McCorkle 1993; Sundt et al. 1998).

Some scholars have remarked upon the fact that the public often is “ignorant about many aspects of crime and its control” (Cullen et al. 2000:3; see also Roberts and Stalans 1998; Roberts et al. 2003). Arguably, then, their views should not necessarily be implemented



unchecked by empirical assessment. In fact, it is not necessarily clear that public opinion directly influences policy (Beckett 1997). As Cullen et al. (2000:66) have emphasized, however, “it is clearly implicated in sustaining [the punishment movement].” At the same time, in any democracy, public opinion is foundational. As Flanagan (1996:1) has observed, “The idea that public sentiment about political, social, and economic issues should be taken into account by governing officials has been a mainstay of citizen expectations in democracies for centuries.”

Against this backdrop, the conclusion from a recent study of the willingness of the public to pay for rehabilitation of young offenders bears emphasis: “lawmakers who are concerned about public opinion should consider policies grounded in rehabilitation and, perhaps, be slower to advocate for punitive reforms in response to public concern over high-profile juvenile crimes” (Nagin et al. 2006:645). A similar implication arises from this study—namely, although the public clearly supports tough responses to sex crimes, especially those that target children, they also support treatment. The fact that the public endorses what some might see as competing emphases is actually a common finding in public opinion research and reflects a relatively reasonable emphasis on multiple strategies for addressing crime (Cullen et al. 1990, 2000), including sex crimes (Roberts et al. 2003:141).

One of the central problems that has plagued policy efforts aimed at sex crimes is that disparate offenses—including sexual assault, rape, incest, molestation, fondling, manufacturing, distributing, or accessing child pornography—are included under the same category (Wright 2003). This problem is compounded by the fact that policies tend to be created in response to the most extreme offenses and then are applied to all sex crimes (Roberts et al. 2003). The end result, as Sample and Bray (2003:78) have argued, is that “the effectiveness and efficiency of sex offender laws may be diminished with their expansion to more people and behaviors.” This issue appears to be especially salient to the current political landscape, with lawmakers advocating prison terms for individuals who access child pornography. Ultimately, any decision to incarcerate such individuals means less bed space for individuals who commit other, more serious offenses and fewer resources to support initiatives that might be more likely to reduce the

proliferation and accessing of child pornography (Center for Sex Offender Management 2000b). At the same time, if laws are enacted that then are not enforced, the risk arises not only that public dissatisfaction with the criminal justice system increases but also that would-be offenders become emboldened. Not least, for policymakers, enacting “get tough” laws means that, on the one hand, while they may be responding to public calls to be tough on those who commit sex crimes, they may also be failing to respond to public calls for sex offender treatment and other, less costly and potentially more effective ways to reduce sex crimes (Bedarf 1995; Logan 2003).

Reviews of public opinion research have promoted the idea that educating both the public and policymakers may serve to help increase awareness about criminal justice policies and to temper extreme responses to crime (Roberts and Stalans 1998; Cullen et al. 2000; Roberts and Hough 2005). Such efforts may be particularly warranted when the focus is on sex crimes (Center for Sex Offender Management 2000b), especially when such crimes involve children (Jenkins 2001). For example, one reason that Americans may support incarceration for individuals who access child pornography is a belief that such behavior will lead to actual sexual abuse of a child; whether it in fact does remains unknown (Jenkins 2001). More broadly, it may tap into such beliefs as the idea that sex offenders inevitably reoffend, sexual offense rates are escalating, and that treatment of sex offenders is ineffective. Such beliefs are, as the federally-funded Center for Sex Offender Management (2000a, 2006) has found, empirically unfounded (see also Sample and Bray 2003; Quinn et al. 2004; Tewksbury 2005; Miethe et al. 2006).

Although our study advances understanding of public opinion concerning sex crimes, especially views about appropriate sanctions for child sex offenders, considerably more research is needed. A priority should be given to investigating public views about a range of sex crimes and policies. In particular, research should examine the extent to which public opinion about sex crimes is as complex and nuanced as it is for other crimes and for criminal justice policy generally (Cullen et al. 2000). For example, to what extent do public views about sanctioning vary in cases where an individual inadvertently opens links or files that contain child pornography versus those where an individual has paid for, downloaded, and saved such

material? Because the wording and ordering of questions may influence responses, at this early stage of research on public opinion toward sex crime policy, attention should be given to different questions, wording, and ordering, while building off of prior work in this area (e.g., Hogue 1993). Although rarely used in any systematic manner in public opinion studies of crime, vignette-design surveys would be especially useful for investigating how exactly public views towards sex crime vary depending on the exact crime, the context in which it occurred, and the characteristics of both the victim and offender (see, e.g., McCorkle 1993).

Similarly, in coming years, it will be important to document, as has been done with research on the death penalty (Unnever and Cullen 2007), the extent to which public views towards sex crimes and sanctions vary over time. Not least, studies that unpack why the public holds particular views are needed, if only to provide a foothold for identifying the extent to which the views rest on misunderstandings or stem from particular segments of U.S. society. For example, does the public think that most convicted sex offenders receive minimal sanctions (Greene and Doble 2000), and, if so, do such views in turn influence support for tougher sanctions (Roberts and Stalans 1998; Cullen et al. 2000)? With respect to child pornography, does the public believe that accessing such material leads individuals to commit more serious sex crimes or that sanctions for this behavior will deter the production of pornographic images of children (Ost 2002)? Or does the public simply think that accessing these types of images constitutes a sufficiently severe moral violation as to warrant imprisonment? Our analyses suggest that males, whites, the less highly educated, and the less wealthy tend to embrace incarceration as the most appropriate sanction for individuals who access child pornography, but why these groups hold this view remains to be fully explained.

In sum, sex crimes, especially those against children, are likely to remain a prominent policy concern in coming years (Jenkins 2001). As part of the debates about sex crime policies, it will be important to develop a body of research about whether current policies are effective (Sample and Bray 2003; Finkelhor and Ormrod 2004; Tewksbury 2005; Miethe et al. 2006; Sims and Reynolds 2007). However, it also will be important to gain insight into how the public views sex

crimes and how best to respond to them. Public opinion research holds the potential to inform policy debates in a constructive manner, especially if presented in a way that depicts the full panoply of public opinion. At the same time, the absence of such work risks creating a situation in which incorrect assumptions and misunderstandings may drive public policy (Roberts and Hough 2005), and, in turn, divert resources from efforts that might better accord with public sentiment and from interventions that may ultimately prove to be more effective (Cullen et al. 1998; Center for Sex Offender Management 2000b; Jenkins 2001; Wright 2003).

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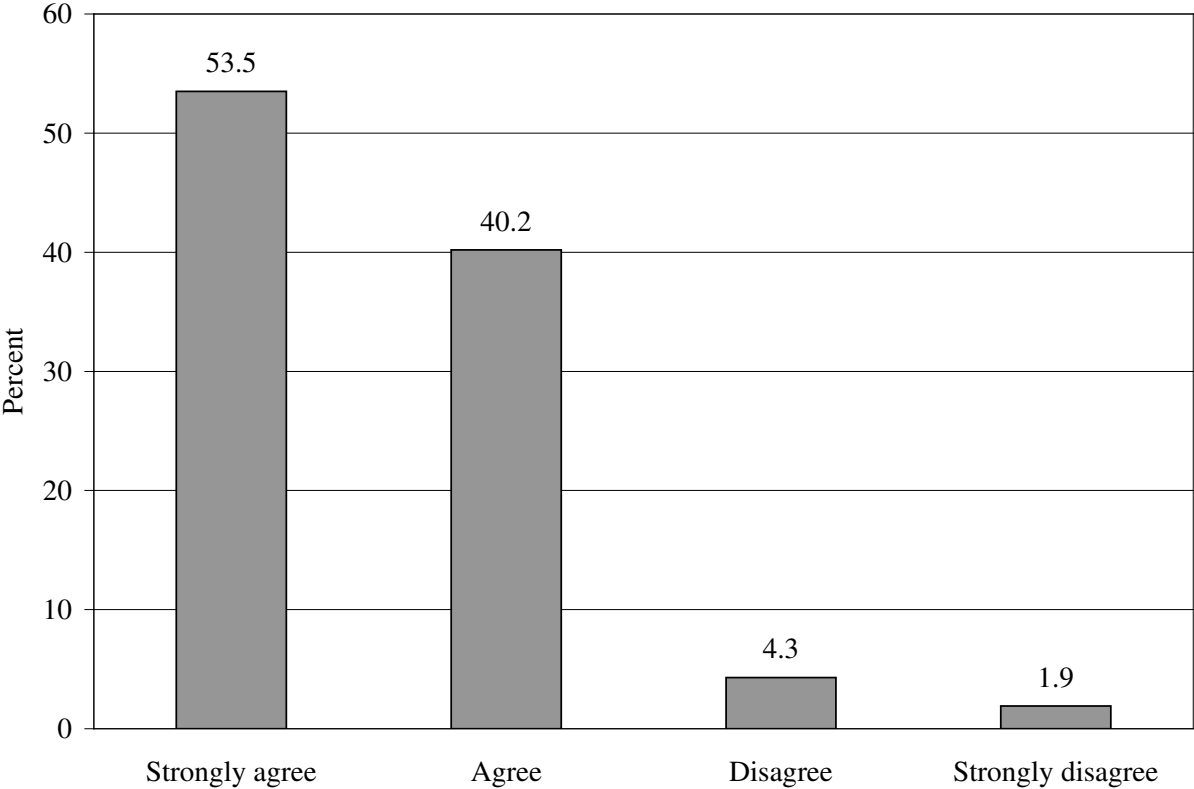
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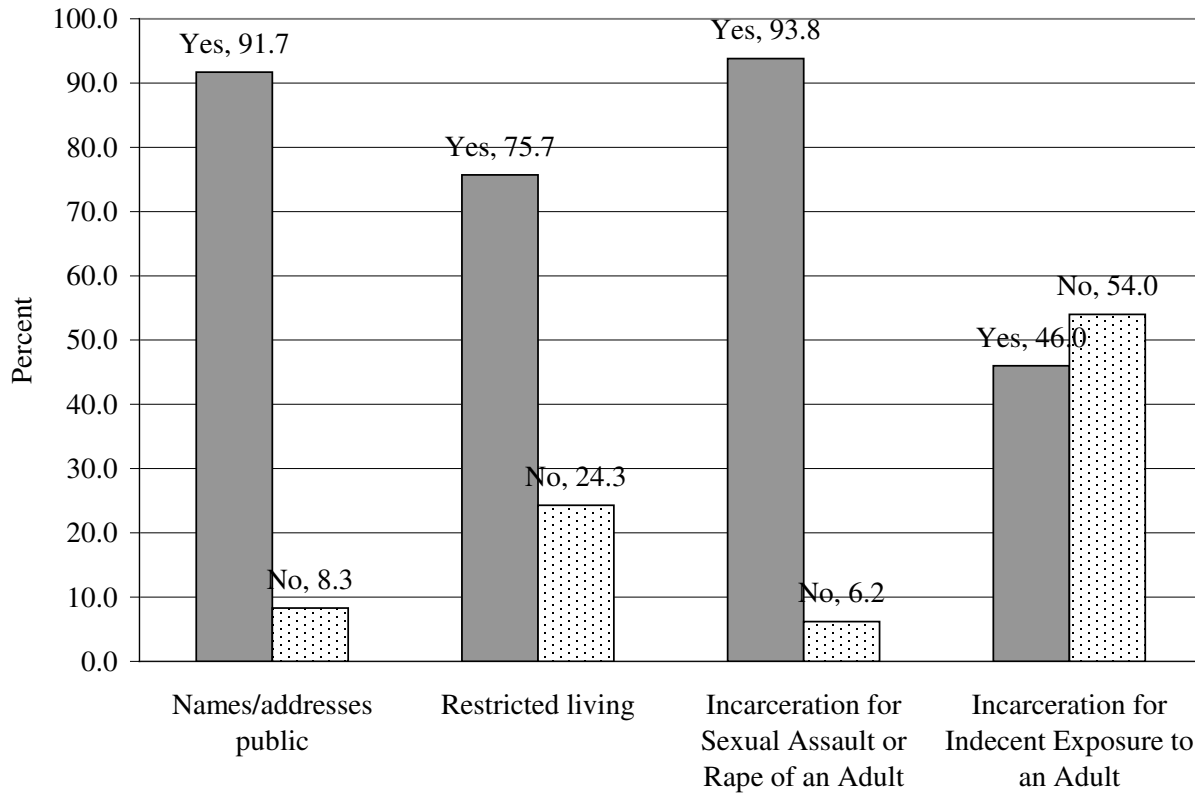
**Figure 1. Public Support for Making Sex Crimes a State and Federal Policy Priority**



Note: Percentages do not add up to 100 due to rounding.

Question: “How much do you agree that sex crimes should be a top priority for state and Federal policymakers?”

**Figure 2. Public Support for Three Policies Targeting Sex Crimes—Registries, Restrictions on Place of Residence, and Incarceration**



Questions: “Do you think the names and addresses of convicted sex offenders should be made available to the public?” “Do you think sex offenders should be restricted in where they can live?” For these two questions, the response options were “yes” or “no.” “Which do you think is the most appropriate punishment for a person convicted of sexual assault or rape of a person 18 or older?” “Which do you think is the most appropriate punishment for a person convicted of indecent exposure to an adult?” For these two questions, the response options were “a sentence in prison or jail,” “probation,” “community-based treatment,” and “a fine,” with the first (a sentence in prison or jail) coded as “yes” and the others coded as “no.”

**Table 1. Public Views on the Most Appropriate Punishment for a Person Convicted of Sex Crimes against Children (Percent)**

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	Sentence in prison or jail	Probation	Community -based treatment	A fine
Sexual assault or rape of a person 17 or younger	97.1	1.2	1.4	.2
Indecent exposure to a child	79.6	5.5	13.0	1.9
Distributing child pornography	89.1	4.0	5.5	1.4
Accessing child pornography	68.0	10.5	15.0	6.5

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Questions: For each offense, the question was, “Which do you think is the most appropriate punishment for a person convicted of \_\_\_\_\_?”

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**Table 2. Ordinal Logistic Regression of Support for Tougher Sanctioning of Child Pornography Accessers on Social and Demographic Characteristics**

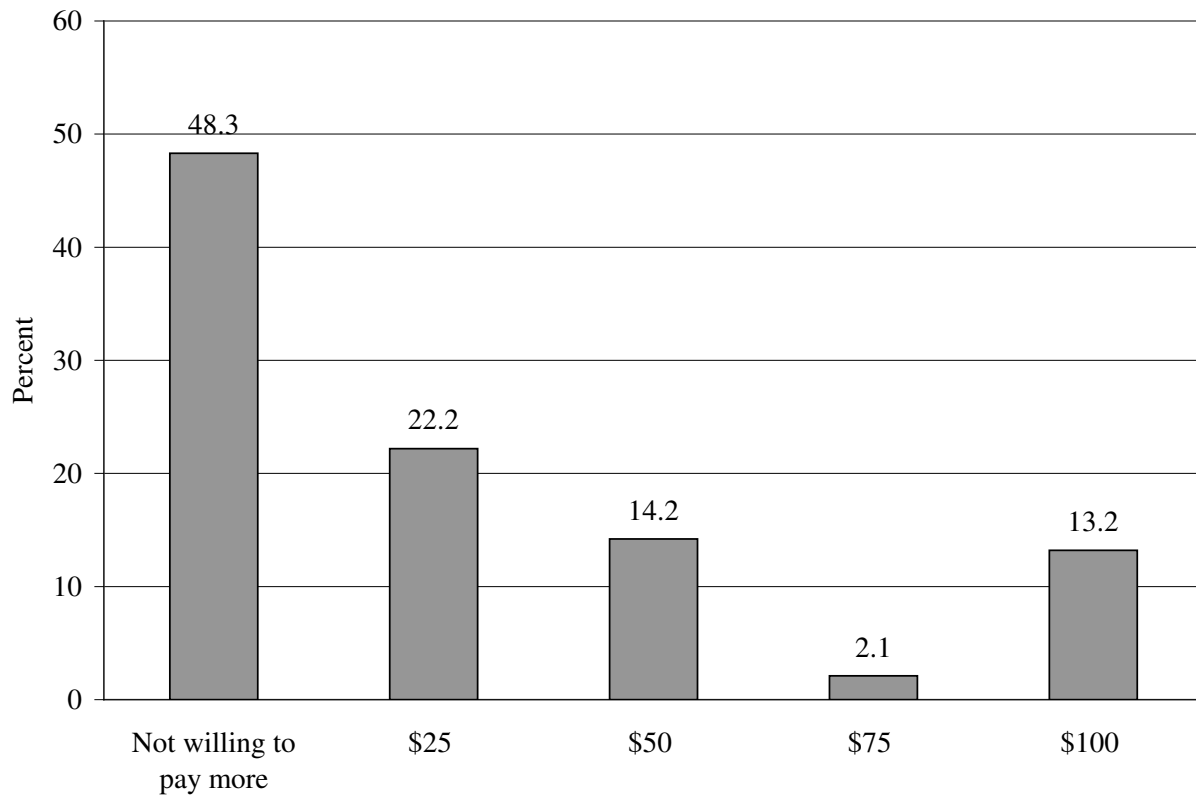
	Estimated Coefficient <sup>a</sup>	Exp(B) Odds Ratio
Intercept 1 <sup>b</sup>	2.038** (0.662)	7.675
Intercept 2	2.733*** (0.672)	15.379
Sex (ref <sup>c</sup> =female)	0.506* (0.276)	1.659
Race (ref=non-white)	0.600* (0.340)	1.822
Marital status (ref=never married)	0.422 (0.357)	1.525
Education (ref=college graduate)	0.628* (0.284)	1.874
Income (ref=family income of \$75K or more)	0.828** (0.284)	2.289
Political ideology (ref=liberal or moderate)	-0.221 (0.284)	0.802
Concerned about crime (0=unconcerned to 10=very)	0.217*** (0.059)	1.242
Nagelkerke Pseudo R-square	0.169	

\*p<.05, \*\*p<.01, \*\*\*p<.001

- a. Unstandardized coefficients with standard errors in parentheses.
- b. With a three-level dependent variable, ordinal logistic regression produces two intercepts.
- c. "Ref" designates the reference category for each dummy variable.

**Figure 3. Public Support for Paying Taxes to Provide Treatment to Sex Offenders**

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Question: “How much more would you be willing to pay in taxes each year to provide treatment to convicted sex offenders?”

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## Appendix. Descriptive Statistics

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	Mean	S.E.
<i>Sex Crime Measures</i>		
Sex crimes should be a priority (1=strongly agree, 4=strongly disagree)	1.55	.67
Names/address of convicted sex offenders should be public (1=yes)	.92	.28
Sex offenders should be restricted in where they can live (1=yes)	.76	.43
Incarceration for sexual assault or rape of an adult (1=yes)	.94	.24
Incarceration for indecent exposure to an adult (1=yes)	.46	.50
Incarceration for sexual assault or rape of a person under age 18 (1=yes)	.97	.17
Incarceration for indecent exposure to a child	.80	.40
Incarceration for distributing child pornography	.89	.31
Incarceration for accessing child pornography	.68	.47
<i>Social and Demographic Characteristics</i>		
Sex (1=male)	.47	.50
Race (1=white)	.84	.37
Marital status (1=married)	.82	.38
Education (1=less than college graduate)	.53	.50
Income (1=family income of \$74K or less)	.63	.48
Political ideology (1=conservative)	.37	.48
Concerned about crime (0=unconcerned to 10=very)	7.98	2.33

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\* For discussion of the measures and coding, see the Data and Methods section and the tables and figures.

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