

# CHILD PORNOGRAPHY AND RECIDIVISM

## REARREST OUTCOMES AMONG OFFENDERS CHARGED WITH CHILD PORNOGRAPHY IN PENNSYLVANIA

An Infographic Report issued to the Task Force on Child Pornography, by Pennsylvania Commission on Crime and Delinquency (PCCD) researchers

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### OVERALL RECIDIVISM rearrest on any charge

#### Offender Characteristics: 1 & 3 Year Rearrest Rates

Characteristics	1 YR REARREST		3 YR REARREST	
	n	%	n	%
<b>Overall Sample</b>	34/885	<b>3.8%</b>	55/578	<b>9.5%</b>
<b>Cohort Year</b>				
2014	2/35	<b>5.7%</b>	4/35	<b>11.4%</b>
2015	4/121	<b>3.3%</b>	9/121	<b>7.4%</b>
2016	4/137	<b>2.9%</b>	17/137	<b>12.4%</b>
2017	6/145	<b>4.1%</b>	12/145	<b>8.3%</b>
2018	3/146	<b>2.1%</b>	13/146	<b>8.9%</b>
2019	9/159	<b>5.7%</b>	–	–
2020	6/142	<b>4.2%</b>	–	–
<b>Sentence Type</b>				
Probation	8/290	<b>2.8%</b>	19/229	<b>8.3%</b>
Jail	15/347	<b>4.3%</b>	25/253	<b>9.9%</b>
Prison	11/248	<b>4.4%</b>	11/96	<b>11.5%</b>
<b>§6312 Behavior</b>				
(B) Manufacturing	1/74	<b>1.4%</b>	6/43	<b>14.0%</b>
(C) Dissemination	8/270	<b>3.0%</b>	16/196	<b>8.2%</b>
(D) Possession	25/541	<b>4.6%</b>	33/339	<b>9.7%</b>
<b>§6312 Charge</b>				
Only	18/489	<b>3.7%</b>	25/327	<b>7.6%</b>
Plus Other Charges	16/396	<b>4.0%</b>	30/251	<b>12.0%</b>
<b>Touch Offense Charge</b>				
Yes	5/72	<b>6.9%</b>	6/31	<b>19.4%</b>
No	29/813	<b>3.6%</b>	49/547	<b>9.0%</b>
<b>Designated SVP</b>				
Yes	2/36	<b>5.6%</b>	2/18	<b>11.1%</b>
No	32/849	<b>3.8%</b>	53/560	<b>9.5%</b>

### REARREST CHARGES 55 offenders, within 3 years

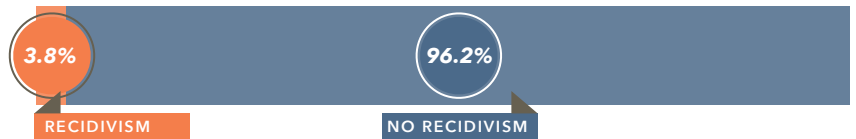


### THE STUDY

885 offenders charged with a child pornography offense (18 Pa.C.S. §6312) between 2014-2020 were examined for recidivism. Special attention was paid to grouping the offenders by sentence type (e.g. probation, jail, or prison) and the §6312 criminal behavior associated with their child pornography charges (e.g. (B) Manufacturing, (C) Dissemination, or (D) Possession). Overall recidivism was defined as the first instance of rearrest following either the release from incarceration or the start of probation, and was measured at one and three-year timeframes.

### RECIDIVISM AMONG CHARGED OFFENDERS

#### 1 YEAR RECIDIVISM rearrest after incarceration release or start of probation

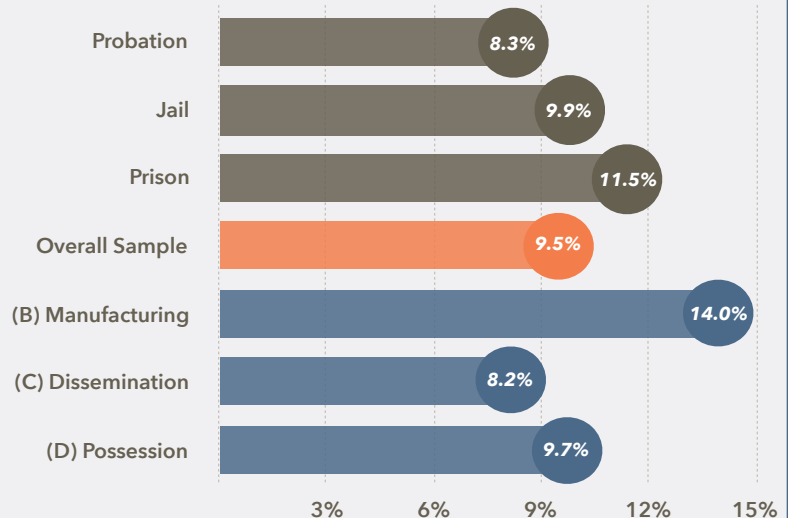


#### 3 YEAR RECIDIVISM rearrest after incarceration release or start of probation



### RECIDIVISM BY SENTENCE OR BEHAVIOR 3 year rearrest rate

■ Sentence Type vs. ■ §6312 Behavior; ■ Overall Sample added for reference



Note: 99% of all offenders in this sample were convicted on §6312 (child pornography) charges. Only 12 offenders (out of 885) were not convicted on their §6312 charges, however they were convicted on relevant charges associated with §6312, including touch offenses, corruption of minors, unlawful contact with a minor, etc.

## RECIDIVISM THROUGH ANOTHER LENS

The 3.8% and 9.5% recidivism rates respectively found at 1 and 3 years are inclusive of any charge at rearrest. However, it is instructive to measure recidivism in other meaningful ways which emphasize specific rearrest charges. This allows us to understand the rates at which charged offenders are continuing similar criminogenic behavior (e.g. child pornography, accompanying sex offenses, etc.), or committing more serious crimes beyond manufacturing, disseminating, or possessing child pornography (e.g. violent offenses). Below, two new measures of recidivism are offered.

**Reoccurrence:** any rearrest for a sex offense charge (e.g. indecent exposure, sexual assault, etc.), another §6312 charge, or a connected §6312 charge (e.g. failure to register as a sex offender, failure to comply with sex offender registration, etc.).

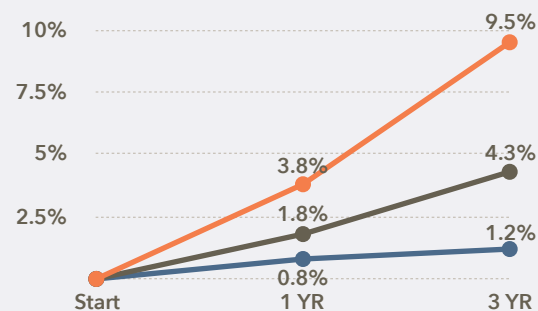
**Violent Offense:** any rearrest for a charge or offense that is violent in nature (e.g. rape, assault, etc.)

### Recidivism Measures: 1 & 3 Year Rearrest Rates

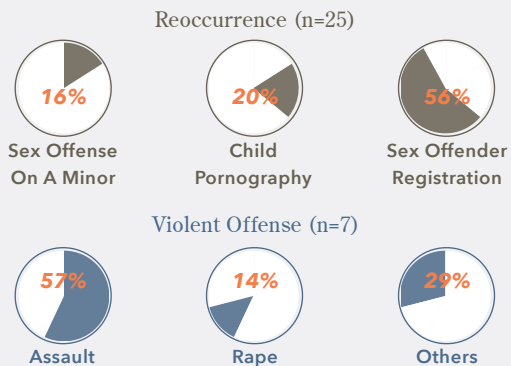
Recidivism Measure	1 YR REARREST		3 YR REARREST	
	n	%	n	%
Overall Sample	34/885	3.8%	55/578	9.5%
Reoccurrence	16/885	1.8%	25/578	4.3%
Violent Offense	7/885	0.8%	7/578	1.2%

## RECIDIVISM MEASURES rates at 1 and 3 years

— Reoccurrence vs. — Violent vs. — Overall Sample



## REARREST CHARGES within 3 years



## RECIDIVISM BY SENTENCE & BEHAVIOR 1 & 3 year rearrest rates

Sentence Type	1 YR REARREST		3 YR REARREST	
	n	%	n	%
<b>Probation</b>				
(B) Manufacturing	0/12	0.0%	2/6	33.3%
(C) Dissemination	1/85	1.2%	4/73	5.5%
(D) Possession	7/193	3.6%	13/150	8.7%
<b>County Jail</b>				
(B) Manufacturing	0/30	0.0%	2/21	9.5%
(C) Dissemination	4/98	4.1%	10/85	11.8%
(D) Possession	11/219	5.0%	13/147	8.8%
<b>State Prison</b>				
(B) Manufacturing	1/32	3.7%	2/16	7.6%
(C) Dissemination	3/87	4.0%	2/38	12.0%
(D) Possession	7/129	5.4%	7/42	16.7%

## KEY TAKEAWAYS from a study of §6312 charged offenders

- Low rates of recidivism were observed: 3.8% rearrested within 1 year; 9.5% within 3 years. Rearrest rates tended to be lower than other known offender subpopulations (e.g. DUI offenders, 15-20% within 3 years; Drug Offenders, 35-50% within 3 years) in Pennsylvania.
- Stable rearrest rates & no clear trend across multiple cohort years (approx. 2-6% range within 1 year).
- Offenders sentenced to incarceration (e.g. jail or prison) had higher rates of rearrest than probation.
- Offenders charged with manufacturing had a higher 3 year rate of rearrest than offenders charged with disseminating or possessing child pornography.
- Offenders charged with a touch offense (in addition to child pornography) were twice as likely to be rearrested than those without a touch offense charge.
- Offenders assessed to be a Sexually Violent Predator (SVP) had higher rearrest rates than non-SVPs.
- Roughly half of recidivating offenders were rearrested for charges associated with §6312, related offenses (e.g. failure to register, etc.), and sex offenses (e.g. IDSI, rape/sexual assault, etc.). Sex Offender Registration offenses and Drugs/DUI offenses collectively accounted for nearly 6 out of every 10 rearrested offenses.
- When recidivism was redefined to count only reoccurring sex offense charges (e.g. §6312 or a related/connected offense), the 3 year rearrest rate dropped by over half from 9.5% (rearrest on any charge) to 4.3%.
- When recidivism was redefined to count only violent offenses (e.g. assaults, rape, intent to terrorize, etc.), the 3 year rearrest rate dropped even further from 9.5% to 1.2%.
- Over half of all rearrest charges for reoccurring recidivism was an offender's failure to register or comply with sex offender registration. 20% was for child pornography, and 16% involved a sex offense committed on a minor.
- 7 out of every 10 rearrest charges for violent offense recidivism were for either assaults or rape.