Overview

Male:

- DRC identifies a sex offender, for programming and assessment, as an inmate incarcerated for a “sexually oriented offense,” defined by the Ohio Revised Code.
- All inmates classified as level 3 or lower and identified as sex offenders are transferred to the Sex Offender Risk Reduction Center (SORRC) at CRC, where they receive a screening and complete education programming.
- Individuals designated as low or medium-low risk to reoffend are transferred to their parent institution and receive no further sex offender programming.
- Individuals designated as medium-high and high risk to sexually reoffend receive a comprehensive assessment and receive comprehensive sex offender programming.

Female:

- DRC does not have a comparable female reception process.
- There are currently no national evidence based programs or assessment tools available for females.

Registration Laws

Since January 1, 2008, registration and verification requirements follow a three tier system. Tier III offenders must register or verify every 90 days for life, Tier II every 180 days for 25 years, and Tier I every 12 months for 15 years (with the opportunity to petition for termination at 10 years). An offender must register their home, school, and work addresses with the court or sheriff.

Changes in Legislation

- In 1996 the section of the revised code defining “felonious sexual penetration” was repealed. Behavior previously prosecuted under this offense was incorporated into the definition of “sexual conduct” and prosecuted as rape. This statutory revision allowed for harsher sentencing for these violations.
- In 2000 “corruption of a minor” was revised as “unlawful sexual contact with a minor.” The changes also increased penalties for repeat offenders and those previously convicted of rape, sexual battery, or felonious sexual penetration.

Key Statistics

The DRC reports 7,707 inmates are currently serving time in an Ohio institution for a sex offense. An additional 2,415 inmates in the institutional population have a prior sex offense. Combined, this amounts to 20.1% of Ohio’s total institutional population.

Rape constitutes the largest category of current sex offenses represented in the DRC’s institutional population and carries the longest average time served.

Sex offenses are predominantly committed by males, with women accounting for only 2% of the sex offender population.

Sex offense commitments and average time served have remained relatively unchanged over the past 15-20 years.

Sex offenders face a number of collateral sanctions once they are released from prison, which may negatively impact job attainment and recidivism.
Current Programming

Comprehensive sex offender programming is mandated to male inmates scoring medium-high to high risk levels. The SORRC unit uses the Static-99R, an actuarial assessment instrument, to assign risk levels.

Comprehensive programs are currently operating at BeCI, CCI, GCC, and MaCI. Program staff are provided with extensive training, including an evaluation of the cognitive mindset of a high risk offender.

Refusal to participate in the program can result in a Conduct Report, disciplinary action at the Rules Infractions Board, and even a security level increase. Though these penalties are available, the Department has experienced little resistance from inmates and has had to use very few of these measures.

New Curriculum Development

In 2012 the DRC decided to improve their comprehensive sex offender programming, but found no national evidence-based curriculum available. The DRC staff met with researchers at the University of Cincinnati to initiate a new evidence-based curriculum.

The collaboration produced a structure with four modules: (1) Accountability in Addressing Resistance, (2) Cognitive Restructuring, (3) Emotional Regulation, and (4) Risk Management Planning. Graduation from the program is dependent on the participant’s formulation of an approved risk management plan for post-release. The Curriculum does not require staff to have any previous experience and will last 10-12 months.

The program was piloted at two Ohio institutions in 2013. The DRC plans to implement the finalized comprehensive curriculum by October 2014. The curriculum will be available at all four institutions currently providing programming for Level 1 and 2 inmates.

Post-Release

The new program aims to provide a continuum of care, including post-release services. Institutional programs will collaborate with the Adult Parole Authority to provide services for sex offenders as returning citizens. Once participants return to the community they will revise risk management plans and take part in maintenance groups, with the help of specialized staff who can screen sex offenders, consult with parole officers, and provide programming.

The DRC’s ability to mandate post-release treatment is dependent on the offender’s sentence to post-release control (PRC). SB2 mandates five years of PRC for sex offenses, but “old law” offenders that serve their maximum sentence are not subject to post-release control.

Gaps

Current gaps in sex offender programming include the need to expand to higher security facilities. The DRC does not currently have any sex offender programming in any Level 3 or higher facility (due to concerns that disruptive inmate behavior would impede the group function).

DRC also does not provide any sex offender programming to female offenders. However, the national recidivism rate for female sex offenders is very low (1%).

Last, counties should consider working with the DRC to provide appropriate housing, employment and treatment options to ensure low recidivism of sex offenders.

Looking Forward

In two years the DRC expects to have capacity to provide comprehensive programming to every medium-high to high risk sex offender in Ohio’s Level 1 and 2 prisons, an estimated 1,200-1,300 offenders.
Persons convicted of rape or attempted rape constituted 28.1 percent of all sex offense commitments in FY 2015, but 62.9 percent of the total sex offender prison population, due to the lengthier sentences.

*Data provided by the Ohio Department of Rehabilitation and Correction. Information taken from the DRC’s Census Report, which can be accessed here: http://www.drc.ohio.gov/web/Reports/reports.htm. Offenses categorized by most serious offense.

** All “other” offense categories included less than 50 inmates.

*** Offenses involving registration procedures are not statutorily defined as sex offenses but are included as sex offenses by the DRC Bureau of Research.
**Sex Offenses by Gender**  
Institutional Population, January 2015*

<table>
<thead>
<tr>
<th>Offense</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compelling Prostitution</td>
<td>19</td>
<td>4</td>
</tr>
<tr>
<td>Unlawful Conduct with a Minor**</td>
<td>419</td>
<td>20</td>
</tr>
<tr>
<td>Failure to Follow Registration Procedures****</td>
<td>508</td>
<td>8</td>
</tr>
<tr>
<td>Gross Sexual Imposition</td>
<td>736</td>
<td>9</td>
</tr>
<tr>
<td>Pandering Obscenity</td>
<td>425</td>
<td>3</td>
</tr>
<tr>
<td>Promoting Prostitution</td>
<td>68</td>
<td>2</td>
</tr>
<tr>
<td>Rape**</td>
<td>4,768</td>
<td>77</td>
</tr>
<tr>
<td>Sexual Battery**</td>
<td>476</td>
<td>8</td>
</tr>
<tr>
<td>Soliciting</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Felonious Sexual Penetration**</td>
<td>147</td>
<td>1</td>
</tr>
<tr>
<td>Other***</td>
<td>64</td>
<td>0</td>
</tr>
</tbody>
</table>

*Soliciting is the only sex offense where women outnumber men in the institutional population.*

*Data provided by the Ohio Department of Rehabilitation and Correction. Information taken from the DRC’s Census Report, which can be accessed here: [http://www.drc.ohio.gov/web/Reports/reports15.asp](http://www.drc.ohio.gov/web/Reports/reports15.asp). Offenses were categorized by the most serious offense.**

**Calculation includes attempted offenses.***

***All “other” categories included offenses that no women in population committed as their most serious offense.****

****Offenses involving registration procedures are not statutorily defined as sex offenses but are included as sex offenses by the DRC Bureau of Research.*
**Statutory Sex Offenses**

Including Failure to Follow Registration Procedures **

Commitments for sex offenses have remained relatively stable over the past 20 years.

*Data provided by the Ohio Department of Rehabilitation and Correction. All information taken from the DRC’s Commitment Reports, which can be accessed here: [http://www.drc.ohio.gov/web/Reports/reports.htm](http://www.drc.ohio.gov/web/Reports/reports.htm). The most recent Commitment Report lists the following offenses as sex offenses: compelling prostitution, unlawful sexual contact with a minor (or attempted), disseminating obscene information, failure to notify change of address, failure to register, failure to verify address, gross sexual imposition (or attempted), importuning, pandering obscenity, promoting prostitution, public indecency, rape (or attempted), sexual battery, sex offender penalties, soliciting, and voyeurism. **The first sex offender registration laws were required by federal statute in 1994. In 2003 the DRC began including these offenses in commitment reports, shown by the red line. These are not categorized as sex offenses in the Ohio Revised Code.
### Percentage of Total Offenders with Prior Sex Felony Convictions

**CY 2005 – 2013**

<table>
<thead>
<tr>
<th>Year</th>
<th>One Prior Adult</th>
<th>Two Prior Adult</th>
<th>One Prior Juvenile</th>
<th>Two Prior Juvenile</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>3.0</td>
<td>0.5</td>
<td>1.0</td>
<td>0.5</td>
</tr>
<tr>
<td>2006</td>
<td>3.3</td>
<td>0.7</td>
<td>1.1</td>
<td>0.7</td>
</tr>
<tr>
<td>2007</td>
<td>3.5</td>
<td>0.8</td>
<td>1.2</td>
<td>0.8</td>
</tr>
<tr>
<td>2008</td>
<td>4.0</td>
<td>1.0</td>
<td>1.5</td>
<td>1.0</td>
</tr>
<tr>
<td>2009</td>
<td>4.5</td>
<td>1.2</td>
<td>2.0</td>
<td>1.2</td>
</tr>
<tr>
<td>2010</td>
<td>4.2</td>
<td>1.1</td>
<td>2.1</td>
<td>1.1</td>
</tr>
<tr>
<td>2011</td>
<td>4.5</td>
<td>1.2</td>
<td>2.3</td>
<td>1.2</td>
</tr>
<tr>
<td>2012</td>
<td>4.0</td>
<td>1.0</td>
<td>2.0</td>
<td>1.0</td>
</tr>
<tr>
<td>2013</td>
<td>3.5</td>
<td>0.8</td>
<td>1.8</td>
<td>0.8</td>
</tr>
</tbody>
</table>

The number of inmates entering the DRC with a prior adult felony conviction for a sexually oriented crime remains low.

*Data provided by the Ohio Department of Rehabilitation and Correction. All information taken from the DRC’s Intake Reports, which provides an analysis of a sample of inmates at intake. All reports can be accessed here: [http://www.drc.ohio.gov/web/Reports/reports.htm](http://www.drc.ohio.gov/web/Reports/reports.htm).*
Average Time Served for Selected Sex Offenses
CY 1998 – 2013*

The average time served for released sex offenders has remained predominately stable over 15 years.

After legislation changes in 1996, “felonious sexual penetration” is now prosecuted as rape. Only offenders with longer sentences are left serving time under this offense.

*Data provided by the Ohio Department of Rehabilitation and Correction. All information taken from the DRC’s Time Served report’s summary data, which can be accessed here: [http://www.drc.ohio.gov/web/Reports/reports.htm](http://www.drc.ohio.gov/web/Reports/reports.htm). This is only a selection of sex offenses; not time served for all sex offenses in Ohio.

**In 2000, ORC 2907.04, “corruption of a minor,” was renamed “unlawful sexual contact with a minor” and two new penalty tiers were added. The first releases shown in the DRC Time Served reports under the new title are in 2004.
Sex Offenders on APA Caseload by Ohio County
July 2015

Sex offenders are primarily returning to the larger Ohio counties, although there are also higher concentrations in Lorain and Butler counties.


**Data does not include the 133 ex-offenders who are listed as “Outside Region.”
Sex offenders face a number of collateral sanctions once they are released from prison, which may negatively impact job attainment and recidivism.

Number of Civil Impact Restrictions for Selected Sex Offenses
CY 2015*

Offense Type

- Rape
- Unlawful sexual contact with a minor (felony)
- Unlawful Sexual Contact with a Minor (misdemeanor)
- Sexual Battery

*Data provided by the Ohio Justice and Policy Center, which can be accessed here: http://civiccoho.org. Many civil impacts counted are applicable to all felony convictions and are not exclusive to sex offenses.
## Ohio Offense Tiers

### Tier 1
1. **2907.07** Importuning
2. **2907.04** Unlawful Sexual Conduct with a Minor, non-consensual and offender less than 4 years older than victim, not previously convicted of 2907.02, 2907.03, or 2907.04, or former 2907.12 (FSP)**
3. **2907.08** Voyeurism
4. **2907.06** Sexual Imposition
5. **2907.05 (A)(1)-(3), (5)** Gross Sexual Imposition
6. **2907.323 (A)(3)** Illegal Use of a Minor in Nudity-oriented Material or Performance
7. **2905.05 (B)** Child Enticement with sexual motivation *(new under SB 10)*
8. **2907.32** Pandering Obscenity
9. **2903.211 (A)(3)** Menacing by Stalking with sexual motivation *(new under SB 10)*
10. **2905.03(B)** Unlawful Restraint with sexual motivation *(new under SB 10)*
11. Includes an attempt, complicity or conspiracy to commit any of these offenses
12. Child-victim offender not in Tier II or III.

### Tier 2
1. **2907.21** Compelling Prostitution
2. **2907.321** Pandering Obscenity Involving a Minor
3. **2907.322** Pandering Sexually Oriented Material Involving a Minor
4. **2907.323 (A)(1) and (2)** Illegal Use of a Minor in Nudity-oriented Material or Performance
5. **2907.04** when offender is at least 4 years older; or when the offender is less than 4 years older and has prior conviction for 2907.02, 2907.03, 2907.04, or former 2907.12 (FSP)
6. **2907.05 (A)(4)** Gross Sexual Imposition victim under 13
7. **2919.22 (B)(5)** Child Endangering
8. **2905.01 (A)(1)-(3), (5)** Kidnapping with sexual Motivation
9. **2905.01 (A)(4)** Kidnapping victim over 18
10. **2905.02 (B)** Abduction with sexual motivation *(new under SB 10)*
11. Any sexual offense that occurs after the offender has been classified as a Tier I offender.
12. Includes an attempt, complicity or conspiracy to commit any of these offenses
13. Pre-AWA Habitual offenders, unless re-classified after hearing under ORC 2950.031 or 2950.032

### Tier 3
1. **2907.02** Rape
2. **2907.03** Sexual Battery
3. **2903.01** Agg. Murder with sexual motivation
4. **2903.02** Murder with sexual motivation
5. **2903.04(A)** Unlawful Death or termination of pregnancy as a result of committing or attempt to commit a felony with sexual motivation
6. **2905.01 (A)(4)** Kidnapping of minor to engage in sexual activity
7. **2905.01 (B)** Kidnapping of minor, not by parent
8. **2907.05 (B)** *(New section of GSI)*
9. **2903.11** Felonious Assault with sexual motivation
10. Pre-AWA predators unless re-classified after hearing under ORC 2950.031 or 2950.032
11. Any sexual offense that occurs after the offender is classified as a Tier II or III offender.
12. Automatic classification after SVP specification 2971.03
13. Includes an attempt, complicity or conspiracy to commit any of these offenses

*Any law from another jurisdiction that is comparable to these offenses shall fall within that same tier.*

**This offense should be removed in future.**

*Created by the Special Prosecutions Section of the Ohio Attorney General's Office Revised 8-29-07*