

## **The Offense Records of A Sample of Convicted Exhibitionists**

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It is generally acknowledged in Western countries that exhibitionism is the most common of sexual offenses. The relationship between offense and conviction rates is, of course, unknown and survey data<sup>1,2,3</sup> indicate that in fact few of the many female victims report the incident to police.

As noted by Brownell,<sup>4</sup> the general community attitude toward exhibitionists is one of amusement and derision. The offender is seen as essentially harmless and, indeed, on the basis of their interviews with 44 victims, Gittleson, Eacott and Mehta<sup>2</sup> conclude that "for the majority of victims, the long-term effects are minimal." Most report, however, that they felt fear at the time of the offense.

For the most part, the literature suggests that the typical exhibitionist is scarcely a frightening man. While it is beyond the scope of this article to discuss this literature in detail, the reader is referred to Blair and Lanyon<sup>5</sup> who, in their recent extensive review, conclude that "few of these exhibitionists were seen by the investigators as overtly disturbed and that, as a group, they were often characterized as timid, unassertive individuals who were lacking in social skills and had difficulty recognizing and handling aggression and hostility." The Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association (3rd edition)<sup>6</sup> also describes the exhibitionist as "usually not dangerous to the victim."

Yet, as noted by Smith and Meyer,<sup>7</sup> "the issue of dangerousness of a person charged with or convicted of indecent exposure appears in one form or another repeatedly in the legal system. There is some feeling that . . . exhibitionism may be one step on the road to more violent sexual offenses." The literature on this issue is limited. Case studies of exhibitionists who have proceeded to multiple violent sexual offenses have been presented by MacDonald<sup>8</sup> and Bush.<sup>9</sup> Frisbie and Dondis<sup>10</sup> suggest that about 11 percent of individuals first arrested for exhibitionism will later be arrested for paedophilia or sexual assault. Rooth's<sup>11</sup> review suggested that about 10-12 percent of exhibitionists go on to more serious sexual crimes. His own data on 30 exhibitionists indicate a low frequency of violent sexual behavior but a rather large incidence of paedophilia. Jones and Frei,<sup>12</sup> on the basis of MMPI profiles on 16 exhibitionists, estimated that about a quarter might be expected to act out aggressively.

As noted by Rooth,<sup>11</sup> "the psychiatrist is commonly asked to advise

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whether such offenders (i.e. exhibitionists) are likely to proceed to more serious sexual offenses, in particular offenses involving violence or contact with children." The aim of this study, then, was to explore this question by tracing the progress of a series of exhibitionists through the criminal justice system.

### Method

Data for the study came from the police records on 151 men who had been convicted of willful and obscene exposure in Melbourne, Australia. This offense appears in Section 7(1)(c) of the Vagrancy Act and describes "Any person who willfully and obscenely exposes his person in a public place or in view thereof."

Forty-one subjects had been interviewed by the second author for pre-sentence psychiatric assessment. The remainder were chosen randomly from centralized police files. T-tests indicated no significant differences between these two groups with respect to the following variables: age when first convicted of indecent exposure, number of convictions for this offense, and number of convictions for other offenses (both prior to and following first indecent exposure conviction and in total). Similar proportions of the two groups had received jail sentences, and similar proportions had never been convicted of offenses other than indecent exposure. The mean length of the follow-up period was, however, significantly greater for the former group than for the latter (9.26 vs 6.33 years;  $t = 3.8050$ , 149 d.f.,  $p < .001$ ). It was thought, in view of the number of similarities between the two groups, the data could be pooled despite this difference.

### Results

The mean age of this series at the time of their first conviction for indecent exposure was 25.78 years ( $s.d. = 11.99$ ). Ages ranged between 13 and 69 years, but over half had first been convicted when aged between 15 and 24 years.

The mean length of follow-up since the first conviction for indecent exposure was 7.13 years ( $s.d. = 4.39$ ). The average number of convictions for this offense was 2.94 ( $s.d. = 3.11$ ) with a range of one to 18. Forty-three percent of the sample had only one conviction for indecent exposure and 23 percent had two convictions.

**Incidence of Other Offenses** Thirty-one percent ( $N=47$ ) of the sample had never been convicted of offenses other than indecent exposure. Of these, about half had just the one conviction. A quarter of the sample ( $N=38$ ) had one or more convictions for offenses other than indecent exposure only prior to their first exhibitionism conviction, 17 percent ( $N=26$ ) had other convictions only after their first exhibitionism conviction, while 26 percent ( $N=40$ ) had other convictions both before and after. For those convicted of offenses other than indecent exposure, the mean number of these convictions was 9.33 ( $s.d. = 14.89$ ).

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**Types of Other Offenses** Table 1 shows the number of subjects convicted of various types of offenses before and after their first indecent exposure conviction. It will be noted that the largest category is "other" offenses. With the exception of the convictions listed in the footnote to the table, this category is largely made up of such offenses as driving infringements, often with alcohol involved, and breach of parole.

Table 1. Types of Convictions Before and After First Indecent Exposure Conviction.

Offense	Before (N = 78)		After (N = 66)	
	N	% of total sample	N	% of total sample
Property	35	23	22	15
Assault	21	14	15	10
Indecent Assault	19	13	15	10
Offensive Behaviour	13	9	16	11
Indecent Behaviour	7	5	5	3
Other	38*	25	45**	30

\*Includes 2 Ss convicted of carnal knowledge, and  
1 S convicted of assault with intent to rape.

\*\*Includes 1 S with 3 convictions for carnal knowledge, and  
1 S convicted of assault with intent to rape a female under 10 years.

The number and types of other offenses as a function of number of convictions for indecent exposure are shown in Table 2. The table indicates that the more often a man is convicted of indecent exposure, the greater the likelihood of him also having convictions in almost every other offense category.

Table 2. Other Convictions as A Function of Number of Convictions for Indecent Exposure.

Number of Convictions for Indecent Exposure		Other Convictions													
		None		Property		Assault		Indecent Assault		Offensive Behavior		Indecent Behavior		Other	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
1	(N = 65)	26	40	17	26	17	26	11	17	4	6	6	9	26	40
2-3	(N = 46)	16	35	12	26	7	15	9	20	7	15	2	4	18	39
4-6	(N = 26)	5	19	8	31	5	19	3	12	8	31	3	12	10	58
Over 6	(N = 14)	—	—	9	64	4	29	5	36	8	57	2	14	10	71

**Jail Sentences** Table 3 (next page) shows the number of men in the series who received jail sentences. It will be noted that the vast majority (81 percent) were never imprisoned. Approximately the same proportion served time in jail prior to and after first being convicted of indecent exposure. Six percent of the sample (N=9) were incarcerated on account of their exhibitionism; of these, four had been jailed previously for other offenses, and all had multiple prior convictions for indecent exposure. The other jail sentences were mainly for property offenses, breach of parole, and assault charges.

Table 3. Jail Sentences

Jail Sentence(s)	N	%
None	123	81
Before first conviction for indecent exposure	9	6
After first conviction for indecent exposure	10	7
Before and after first conviction for indecent exposure	8	5

## Discussion

The series of exhibitionists described here is thought to be a reasonably typical one; certainly the distributions of age at first conviction and of number of convictions for indecent exposure are similar to those typically reported in the literature. It may be argued that the study includes only those persons who have come to the attention of authorities, and that these represent a small minority of exhibitionists. However, in view of the high recidivism rates, Jones and Frei<sup>12</sup> make a point thought to be valid that while "only a small proportion of indecent exposure acts are likely to result in a conviction, . . . a much greater proportion of expositors are caught at some time in their careers."

About 15 percent of this series had just the one conviction for indecent exposure and no other criminal history. A similar proportion had multiple convictions for indecent exposure but no other convictions. These men are perhaps similar to those referred by the courts to a hospital for treatment and described by Smukler and Schiebel<sup>13</sup> as having law abiding philosophies, having an absence of sociopathic characteristics, and living orderly, well-structured lives.

Over half the sample had convictions for offenses other than indecent exposure prior to their first exhibitionism conviction. Although direct comparison with other studies is made difficult by different methodologies, this seems to be a higher proportion than is typically reported. Included among these men are the 11 percent of the sample who had spent time in jail prior to their first conviction for indecent exposure. Only one man, however, had been imprisoned for a sexual offense, the conviction being for assault with intent to rape.

A slightly lower but still high proportion of these men (43 percent) were convicted for offenses other than indecent exposure after their first exhibitionism conviction, and a similar proportion spent time in prison after their first exhibitionism conviction as did before. Again, one man was incarcerated for assault with intent to rape.

Quite a large number of men in this series were convicted of indecent assault, offensive behavior, and/or indecent behavior, both prior to and after their first indecent exposure conviction. While these offenses often have sexual connotations, their definitions are broad enough that a wide variety of behaviors is subsumed under each. Without recourse to court transcripts, it is thus difficult to ascertain whether the men in this series with these convictions were in fact guilty of sexual offenses of a more serious

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nature than indecent exposure. As none of these convictions resulted in a jail sentence, it can probably be assumed that violence usually was not a factor.

In view of the authors' impression that when a court is confronted with an exhibitionist, the most common and important question asked of the expert witness concerns the likelihood of other more serious, particularly violent and sexual offenses, being committed, it is perhaps surprising that the voluminous literature on exhibitionism has so seldom addressed this issue. The data from this study suggest that while the incidence of violent sexual crimes among exhibitionists is low, the majority can scarcely be described as law abiding. Indeed, for this majority, the average number of convictions for offenses other than indecent exposure was nine. Furthermore, the more often a man was convicted of indecent exposure, the greater the likelihood that he also had convictions for a variety of other offenses. It is hoped that information such as this will aid judges in their sentencing responsibilities.

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