

Gender-Inclusion Policies and Sexual Violence: A Longitudinal Analysis of Media Reports at Target Stores

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Abstract

Background: There is an almost complete lack of statistical data on the relationship between gender-identity policies and incidents of sexual violence in bathrooms and change rooms. Using Target stores as a case study, we analyzed 220 media-reported sexual offenses in Target stores from 2003 to August of 2017 to determine the association, if any, between their gender-identity access policy made public in April 2016 and reported sexual offenses in their stores.

Results: Sexual incidents increased over the course of the entire timeframe of the media reports. In particular, voyeurism-related offenses (Upskirt and Peeping Tom) increased significantly after the publication of Target's gender-inclusion policy in April, 2016. The three-season forced-category measurement found a 2.3x increase in the amount of upskirt incidents after the policy, and a 2.9x increase in peeping tom incidents after the policy. In a Poisson regression, using trimesters to control for seasonal variations in offenses, the fold change in rate from the four year pre-policy period to the post-policy period was 3.03 for Upskirt and 3.14 for Peeping Tom. Using a two year pre-policy period, the rate change was 2.16 times for Upskirt and 2.34 times for Peeping Tom.

Conclusion: While media-loss remains a limitation in the analysis, the present study supports the theory that sex predators may take opportunities afforded by gender-inclusion policies to perpetrate sexual violence against women in public spaces. No other theory seems to account for the significant and precisely-timed increase seen in the Target reports. Further study would be helpful to compare police reports to media-reported crime and to geographically match Target with similar stores to investigate whether sexual offenses have increased elsewhere.

Introduction

One of the most hotly contested areas of social policy over the last few years has been transgender access to privacy-related spaces such as bathrooms, change rooms, and showers. A number of states have recently debated, enacted, or changed "bathroom bills" and in Canada, Bill C-16 passed in 2017 without any provision for privacy or protections.

As noted by authors both for and against, the "protections" argument has been effective in marshaling opposition to gender-identification (transgender) legislation and policy related to these spaces. The most common version of this argument is that male sexual predators will take advantage of the non-specific, non-enforceable nature of gender-identification, and use this access to perpetrate harm against women and/or children.

We will survey the relevant literature related to this theory, existing data on the question, and present an analysis of sex offenses reported in the media at Target stores as a case study of the effect of gender-inclusion policy on sexual offenses against women.

Survey of Voyeurism and Exhibitionism Literature

Responses to what we will henceforth call the "sexual-predator" theory include that the argument is a red herring to disguise transphobic prejudices, that no incidents have ever occurred which would support the theory, and that sex offenders will not be hindered or abetted by policies due to the particular nature of their offending and motivation.

This author believes that the sexual predator theory is a credible one due to the literature on sexual offenses, especially the paraphilic disorders of voyeurism and exhibitionism. These data may not be an area of knowledge for transgender advocates, and may be why some have coded opposition to gender-identity access as transphobia.

Prevalence of Voyeurism and Exhibitionism

Cox (1988), summarizing the literature on exhibition victimization, reports that "approximately 40% of the female population around the world report experiencing unsolicited male genital exposure during their lifetime."¹

More recently Clark, (2016), who found the same frequency in her study—40%, says, "Studies examining the frequency of exhibitionism using victim self-report have estimated lifetime victimization rates ranging from 33% to 52% for women."ⁱⁱ From the perspective of perpetrator prevalence, this high amount of total offenses seem to come from a proportionally small group of men. Joyal (2016) has 5% for lifetime exhibitionism experienceⁱⁱⁱ, while Langstrom & Seto (2006) have 3%.^{iv}

Although there is little data on prevalence of voyeurism from the perspective of victimization, the prevalence of perpetration is much higher than for exhibitionism. Joyal (2016) found that no less than 60% of men in his population-based sample reported a desire for voyeurism, and that 50% had engaged in it.^v In a much smaller rural sample, Templeman (1991) found that 42% of college men had engaged in voyeurism.^{vi} Bradford et al. (1992) reported that of 443 adult males studied, 115 admitted to voyeurism".^{vii} Rye & Meaney (2007) reported that 84% of the men in their university sample would engage in voyeurism if they had no chance of getting caught. Shockingly, for a criminal act, the number only dropped to 65% when considering a 25% chance of getting caught.^{viii}

Arkansas Governor Mike Huckabee has been criticized for statements about gender-inclusion policies being an opportunity for hormonally-driven teenage boys.^{ix} Based on the literature surveyed above, however, his statements, if incorrect, are not because of their negative mischaracterization of young men's voyeuristic desires, but because there is little support that this ever changes over the course of time, as Ahlers' (2011) study on middle-aged men shows^x.

An important aspect of understanding the prevalence of these non-contact paraphilic activities is that, "not only is there a high rate of perpetration of these acts but also... each perpetrator has a large number of victims." (Clark, 2016)^{xi} Summarizing the literature on paraphilic offending, Abel (1998) says "exhibitionists, frotteurs, and voyeurs commit an average of over 500 paraphilic acts each."^{xii} In his own sample of sex offenders, Abel found that "exhibitionistic and voyeuristic acts occurred up to 150 times more often than official police arrest statistics indicated."^{xiii} Cox (1988) cites a case report by Hendrix and Meyer (1976) "in which an exhibitionist reported exposing himself to females between 600-700 times without ever being apprehended by the police."^{xiv} In one study, 62 men admitted to 29,090 voyeuristic acts against 26,648 victims.^{xv}

Recent media reports confirm the high number of sex offenses that these paraphilic offenders often perpetrate. In May 2016, David Walker was convicted of voyeuristic

activities including filming "hundreds of women in swimming pool changing rooms."^{xvi} George Thomas was convicted of voyeurism in December 2015 with the police having found personally-filmed voyeuristic videos of more than 3500 people in his possession.^{xvii} While it is certain that many of these victims went undetected, victims also self-report that they rarely go to police with these crimes, at least in the case of exposure. In Clark's study, (2016), only 9% of the victims of exposure reported the offense to the police.^{xviii} The Home Office Report (UK) found that only 15% reported even the most serious sexual offenses to police (assaults, rapes etc.).^{xix}

Sexual Differences in the Paraphilias

Although it is not quite true that women never engage in voyeurism or exhibitionism, sexual differences are, as Dawson (2016) says, "significant and widespread", with men reporting "less repulsion to the majority of paraphilic interests that were assessed, and more men than women reported being aroused by a variety of paraphilic acts."^{xx} Fantasy or desire for voyeurism in men is found to be roughly double that of women (Joyal 2015, Dawson 2016, Langstrom & Seto 2006). Hugh-Jones (2005) reports that in the relatively small number of female exhibitionists their motivation is different than for men; "women exposed themselves for entertainment and the men for shock value".^{xxi}

From a crime perspective, "women are rarely seen in clinical and forensic settings for concerns pertaining to their sexual interests or misbehaviors" reports Dawson (2016).^{xxii} In a sample of police reports, Bader found that 4.7% of indecent exposure perpetrators were women.^{xxiii} In the Home Office Report on Sexual Offending (2013), of 582 convictions of exposure in England and Wales in 2011, all but one were male (99.8%). Of 111 voyeurism convictions not a single offender was a female.^{xxiv} The sex differential didn't change much when considering those who were merely given a warning—exhibitionists were 99% male and all voyeurs were male.^{xxv}

Sexual differences in other areas may explain the sex differences reported between fantasy, which is not insignificant, and the actual commission of crimes, which is vastly disparate. Dawson (2016) states, "studies have consistently found that men report a higher sex drive than women and are more motivated to pursue sexual opportunities" and are also "more likely to be impulsive and to take risks compared with women, across a variety of settings." In her study she found that sex drive differences fully mediated the sex differences she found in paraphilias between males and females.^{xxvi}

Gender-inclusion advocates have repeatedly tried to argue for an egalitarian approach to private space violence, as if same-sex violence is as much, or nearly,

the same magnitude of problem as opposite-sex violence (Archibald, 2014), but the literature is clear about the enormous sex differential that exists between the two, a contrast that gets larger the more forensic the query (crimes, convictions etc.).

Criminal Rationality

Another argument that is used to dismiss the sex-predator theory is that sexual predators will not be dissuaded by policies, or what a sign may say on the door.^{xxvii} In this view, sex offenders are seen as "mainly driven by an uncontrollable urge to sexually offend", an assumption, however, that is "not well supported by empirical evidence", says Beauregard et al (2012).^{xxviii} Rather, "criminals decide whether to commit a crime by weighing the effort, rewards, and costs involved in alternative courses of action. The making of decisions and choices, however rudimentary this process might sometimes be, exhibits a measure of rationality, albeit constrained by limits of time, ability, and the availability of relevant information".^{xxix} Sex offenders are "similar to any other criminals... who plan their crime on varying levels."^{xxx}

Leclerc (2016) says, "The immediate environment in which crime is committed is not a passive backdrop to events, but actively shapes the offender's behaviors" and cites Wortley (2001) as identifying four precipitators; prompts, pressures, permissions, and provocations."^{xxxi} "An environment," says Holt (2012), "may precipitate crime in several ways. Situations can present cues that prompt an individual to perform criminal behavior, they can exert social pressure on the individual to offend, they can weaken moral constraints and permit offenders to engage in deviant acts, and they can produce emotional arousal that creates a criminal response".^{xxxii}

In light of recent studies on criminality it is not in the least unlikely that relaxing constraints in certain venues may serve to open doors to sexual offenders; either to offend when they would not otherwise, or to offend in that particular venue instead of elsewhere.

One example is found in the much higher rates of crime historically reported at Walmart stores than Target stores. In May 2006, UFCW 770 published an analysis of police-reported crimes at Walmart stores in 2004, including a comparison to Target stores. Walmart averaged over 4.4 times the total police calls, over 6 times the amount of serious or violent incidents, and 2 times the number of sex crimes than geographically-matched Target stores in 2004.^{xxxiii} A similar analysis in 2017 revealed 2 to 4 times the number of police calls in three regions in Minnesota with security expert John Roberts claiming that this "trend holds up nationally, too".^{xxxiv} These analyses demonstrate that criminals are not always egalitarian, and a variety of factors may

result in disparities of how, when, and where they perpetrate.

More anecdotally, this author has observed that in media reported hidden-camera voyeurism incidents in women's change rooms and washrooms, perpetrators are disproportionately janitors or employers of the business location.^{xxxv} One expects that this is not a function of the greater deviancy of janitors or business-owners, but rather because their presence in those facilities is permissible and desirable at certain times. Easier access and lessening of suspicion seems to create an environment where harms are more readily perpetrated.

Prior Research on Bathroom/Change Room Incidents

In *Toilet: Public Restrooms and the Politics of Sharing*, Mary Anne Case says, "When I sought to quantify the amount of male - on - female crime that takes place in the women's room, I found myself stymied by the absence of crime statistics with this information."^{xxxvi} Little has changed, empirically, since the book's publication in 2010.

Other authors have not showed similar restraint as Case in their comments. From news headlines in mainstream media outlets to law journal articles, authors have made a variety of claims that generally have posited that no sexual assaults have ever happened which would support the sexual-predator theory.

Schilt says in 2015, "In fact, in none of the media accounts we analyzed have opponents been able to cite an actual case of bathroom sexual assault after the passage of transgender supportive policies".^{xxxvii} In 2016, Samar similarly stated, "In fact, there doesn't appear to be any evidence of misuse of a bathroom from states allowing transgender persons access to the bathroom consistent with their gender identity." In an article for the National Post in June, 2017, Shelia Cavanagh, author of *Queering Bathrooms*, is cited saying that her "research on violence in gendered bathrooms found no evidence of a trans woman assaulting a non-trans woman in a public space."^{xxxviii} Brynn Tannehill, a trans advocate, stated in November 2015 that "over the 35 year history of NDOs protecting transgender people all over the world, only one case of a person abusing an NDO and committing sexual assault (in Canada) has ever been found, even by those most interested in demonizing transgender people."^{xxxix}

The most frequently cited source, for these views is an influential Media Matters web article series.^{xl} In this author's submission to the Canadian Senate Committee on Legal and Constitutional Affairs on Bill C-16, I noted some of the glaring errors in their research.^{xli} These

included citing officials in 12 of 18 states with gender-inclusion legislation, yet leaving out the most populous regions, and those with the most significant history of washroom and changing room incidents. In at least one case they overlook or dismiss a case (Thomas Lee Benson, Clackamas, OR, 2011) that would contradict an official's negative testimony. This author stands by his earlier published statement that "to say that the evidence provided by Media Matters is highly problematic would be charitable. The presentation of their data, and omission of other evidence, calls into question motive and methodology."^{xlii}

It was this general lack of reliable information that led the author to database sexual offenses by men against women in non-sex-specific spaces like washrooms and change rooms at our website, www.womanmeanssomething.com.^{xliii} By May 2017 we had found 250 media reports of these kinds of offenses, including 27 reports of men identifying or expressing as women in their offending. In some cases, such as at the University of Toronto in 2016, incidents were clearly related to gender-inclusion policies.^{xliv}

Noting some regional patterns among the offenses, we performed a geographical analysis which found a significant correlation between the number of offenses and those states which had gender-inclusion policies. Nine out of the ten highest offense averages per population belonged to states and provinces that had gender-inclusion policies.^{xlv}

At the time, and to our knowledge, this constituted the first statistical analysis on whether gender-inclusion policies are associated with increased harm to women. While the analysis was a step in the right direction, and consistent with the sex-predator theory, some serious limitations were present, most notably the lack of statistical power to analyze any correlation in the timing of the gender-inclusion policies and the offenses. The recent history of Target stores and their policies gives us the ability to better test the sex-predator theory and account for some of these limitations.

Target Stores as Case Study

On April 19, 2016 Target stores publicly touted its gender-inclusion policy.^{xlvi} It immediately prompted backlash from certain quarters, with the American Family Association calling for a boycott of the stores.^{xlvii} Under heightened scrutiny, sexual crimes at Target stores were reported on conservative blogs and websites, with the amount of incidents surprising some.

On Monday, July 11th, 2016, at the Ammon Target store in Idaho Sean/Shuana Smith, a transgender individual, recorded an 18-year old woman changing inside a Target dressing room.^{xlviii} At Smith's sentencing in July

2017, Judge Joel Tingey stated, "I, perhaps along with others, thought that Target has now adopted a questionable policy (and wondered) is someone going to come in and victimize someone because of that... You took advantage of that and victimized this young lady."^{xlix}

In an article for the Wall Street Journal on April 5, 2017 Khadeeja Safdar mentioned some of the fallout of the Target boycott, including its possible correlation to a falling share price and lower sales in some regions. He also stated, "Earlier this year, a coalition of about 50 companies, including Amazon, Williams-Sonoma Inc. and Gap Inc., signed a document saying their gender-inclusive policies haven't contributed to an increase in sexual assaults or other incidents. Target didn't sign the document."¹ While Target's silence is not an explicit admission that their gender-inclusion policy has led to an increase in sexual offenses in their stores, it does raise questions.

Is Judge Tingley correct? Has Target adopted a questionable policy? And has their policy led to an increase in sexual offenses at their stores? More than a year after the policy came in, we are in a position to make an initial analysis of sexually-related crimes in Target stores to determine if this is the case. We believe that the results of this analysis will help answer the broader question of whether gender-inclusion policy provides greater opportunity for sexual predators. As noted above, there is very little data, let alone of high-quality, on this question. The timing of Target's policy gives us a unique ability to compare incidents before and after this date, and the number of Target stores (and sexual offenses therein) affords us the statistical power for analysis.

Hypothesis & Methodology

We hypothesized that due to Target's visibility as a company, and the attention given to their gender-inclusion policy, it would serve as a signal to sex offenders, explicitly or otherwise, that their stores would serve as an easier context in which to perpetrate bathroom and change room voyeurism against women. We also thought that there might be a concomitant rise in other sexual offenses, though we were less confident of this hypothesis.

In order to compare sexual crimes at Target stores before and after their policy announcement in April 2016, we searched online news sources for media reports of sexual incidents at Target stores. Our online searches incorporated a variety of combinations:

- store signifiers; "Target", "Target store"
- forensic terms: "police", "blotter", "arrest", "district attorney", "sentenced"

- sexual offense language; sexual, upskirt, skirt, voyeur, peeping, exposure, indecent, lewd, camera, hidden, assault, rape, grope, touch, masturbate and their cognates
- date filters

We used Google as our main search engine and double-checked against other search engines at key points with relevant search terms. At no point did other search engines return incidents not found by Google search services.

We sorted the media-reported incidents into five categories; upskirt voyeurism, which almost always took place on the floor of the store (97.1% of the time), peeping tom voyeurism, which almost always took place in change rooms or washrooms (98.4%); indecent exposure, which usually took place on the floor of the store, but not always (90.5%); sexual assaults, which usually took place on the floor of the store (94.7%); and lewdness, a catch-all category we have used for offenses that don't fit elsewhere. Incidents categorized under lewdness include stalking, showing pornography, masturbation, lewd comments, and attempted abduction. All these incidents took place on the floor of the store.

We used two longitudinal measures—year and trimester. We included the trimester measure, firstly, to make for a relatively easy comparison to the time period after which the gender-inclusion policy came in, which was the end of April—a trimester (4 months) from the beginning of the year. Secondly, we wanted to capture some of the seasonal trends we were seeing in the results, while still retaining statistical power.

One of the chief challenges in dealing with media reports is possible loss of these reports online over time. It is very difficult to know to what degree prior news stories are removed after being reported, and after how long. To test loss we used our violence database referred to earlier, which began to be compiled in October of 2016. We randomly checked every fifth incident for the years up to 2015. Seventeen percent had disappeared from the original sites. Interestingly, both removed stories were from 2014, not earlier dates. Although based on an extremely small sample, it may be that the media reports the most likely to be removed are due not to age, but because they are not particularly newsworthy. Regardless of whether media report loss is related more to date or significance of the story, we have relied heavily on recent years in our analysis of the Target store incidents to be conservative and mitigate this limitation.

Another factor is whether or not media outlets are more likely to report some offenses more than others. Our expectation is that more severe crimes, such as sexual

assault, are more likely to be reported. Among the other categories, voyeurism has usually been considered a more severe crime than exposure, with upskirt voyeurism less so. Until recently some States have not even had laws under which to prosecute upskirt voyeurism.

Another potential limitation of our analysis is that we don't know if pressure on Target has impacted media reporting. It may be that in some areas, perhaps in conservative locales, a bias may exist to report more of the total Target incidents occurring. It could also be that in other areas a liberal bias would lead to the suppression of news stories. We have noted a tendency in some states, usually liberal ones, to not report addresses of the incident locations. This may or may not be related to media bias.

We have begun receiving police reports comparing sexual offences at Walmart stores to Target stores for a follow-up study. Some of these reports have sexual incidents at Target stores that did not correspond to any media report in our database. These have not been included in this study. The database used for this analysis, then, does not include all the sexual incidents of which we are aware. We are also aware of a change room voyeurism incident in 2017 by word of mouth. This has also not been included, as it was not reported in the media.

Sexual offenses that have taken place in parking lots have not been included. These include a number of exposures^{li} and sexual assaults.^{lii} We have also not counted incidents wherein; it is unclear if a crime has occurred, the suspect was apprehended but not arrested, or a suspect was apprehended and arrested but not for any sexually-related charges.^{liii} One exception to this is for cases of upskirt voyeurism where the incident clearly seems to have occurred, yet charges were dropped on account of older, or non-specific laws.^{liv}

We have included all reported incidents on the basis of victim self-report and media reporting's due diligence. It is, of course, possible that some victim reports are contrived, but we suspect that if this is the case it is a very small number.

There were a number of options in tabulating the data in the media reports; by victim, incident, date, and perpetrator. Media reports tend to be either incident-focused, especially when the perpetrator is not known or caught, or perpetrator-focused, when police have made an arrest. In the latter case, details sometimes emerge of multiple offenses by the perpetrator, sometimes on the same day and visit, sometimes weeks or months before. Frequently, the media reports for these separate incidents do not have enough detail to log

for our analysis, so for the sake of standardization across the database we have used perpetrator-incidents as a tabulation method. In no case do we believe the database contains multiple records for the same perpetrator. In a few instances, this means that many incidents by a single perpetrator over days, weeks, or even months, have been recorded as one incident. The numbers presented under our results, then, are significantly smaller than the number of separate date-incidents, potential police calls, or especially the total victim count.

Results

We catalogued a total of 220 media-reported sexual incidents in Target store dating from 2003 (1 incident) to August 2017. This database is viewable at <https://docs.google.com/spreadsheets/d/1oju2lck3TjVFKTAm7neinY7-tq1fQfS3lhPOyvqq3Kw/edit?usp=sharing>. There were no media-reported incidents between 2004 and 2007. Every year saw an increase in the number of incidents (Fig. 1.); 6 in 2008, 7 in 2009, 8 in 2010, 13 in 2011, 16 in 2012, 17 in 2013, 28 in 2014, 35 in 2015, 45 in 2016, and 42 for the 8 months of 2017 (63 pro-rated). Thus 2016 and 2017 (until August) accounted for 39.5% of the total incidents.

When grouped by trimester, seasonal trends emerged. Total incidents in May to August (100) were almost double that of those in January to April (52). The September to December trimester was almost in the middle, with 65 incidents over 9 (instead of 10) seasons. As would be expected, Upskirt incidents showed considerable seasonal variation. Many of the other categories showed apparent, albeit lesser, seasonal variation (Fig. 2.).

In order to calculate sexual offense types, of the 220 incidents, 6 were counted as two separate offense types. Of these 226 offenses, 67 were upskirt offenses (29.6%), 61 were non-upskirt related voyeuristic offenses (27%), 42 were indecent exposures (18.6%), 38 were sexual assaults (16.8%), and 15 were categorized under lewdness (6.6%) (Fig. 3.).

Seventy-five of the incidents involved minors (34%). Nineteen of these involved more than one. Twelve of the victims were male (5.5%) including 5 sexual assaults, 5 incidents of voyeurism, and 2 indecent exposures. All but two of these were of children. Women and children comprised 99.1% of victims in the offenses.^{iv} None of the 220 incidents were perpetrated by females. This is consistent with the statistics available on male sexual violence.

Fig. 1. Total Incidents Per Year
2017 Extrapolated Over Full Year

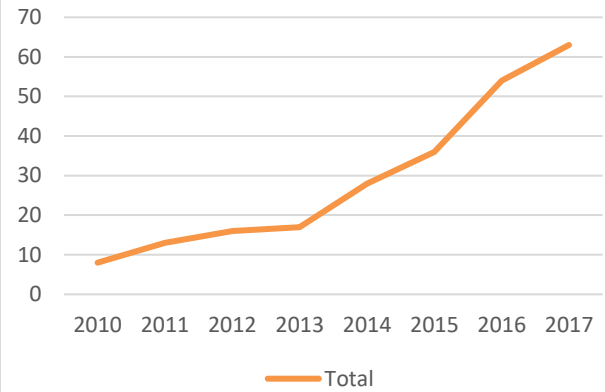


Fig. 2. Incident Categories by Trimester
From 2008 to 2017

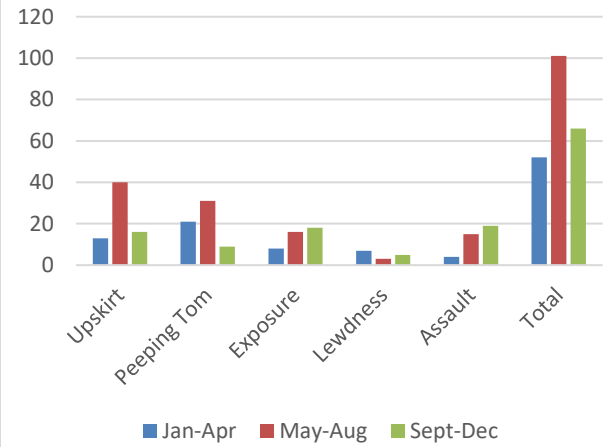
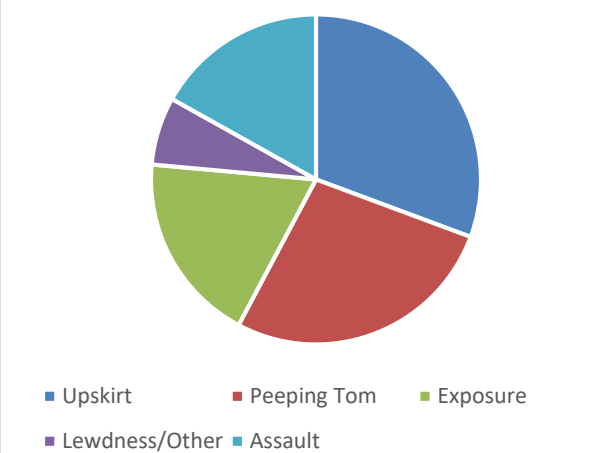


Fig. 3. Category Types



Geographical Analysis

As of 2017 there were 1814 Target stores in the U.S.^{lvi} While we cannot account for the opening and closing of particular stores in the time-frame of our analysis (2008-2017), the number of stores has not changed drastically in that time. In 2008, there were 1682 stores, rising to 1740 in 2009, with slow increases after that.^{lvii}

Of the 220 incidents, 3 were in stores no longer open (1.3%)^{lviii} and 4 were in unknown locations, either by virtue of reports containing no specific address and multiple Target locations in the city mentioned^{lix}, or in one case where police were able to determine that an upskirt video was taken at a Target store, but at an unknown location.^{lx} Twenty-two Target stores had multiple incidents.

California (29), North Carolina (16), Virginia (15), had the most incidents, with the highest incident rates per store (not counting states with less than 15 stores) belonging to North Carolina (.320, 50 stores) Oregon (.316, 19 stores) and Virginia (.259, 58 stores)

Figures 4 to 6 show incidents by category in two year intervals. Figure 7 shows incidents within the 16 months leading up to the policy (4 trimesters, as explained in the next section) and the 16 months following, as either pre or post policy.

A regional analysis of changes pre and post policy yielded significant effects for Voyeurism in the Northeast (4.67, $p=0.0229$, 95% CI: 1.24-17.6) and Upskirt in the West (4.2, $p=0.00702$, 95% CI: 1.48-11.9). Further investigation would be useful to determine why these regions, in particular, showed dramatic increases in these categories of sexual offenses.

Fig. 4

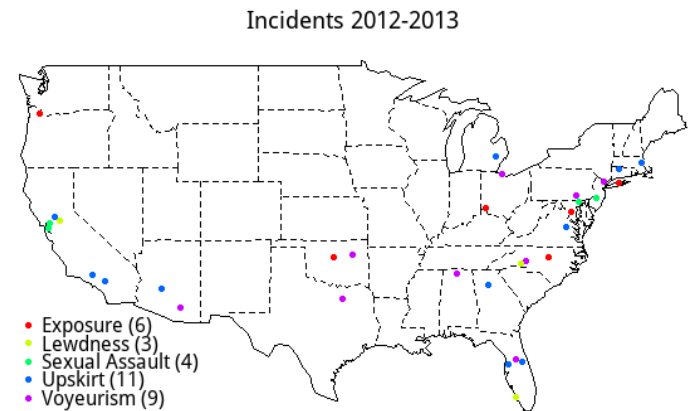


Fig. 5.

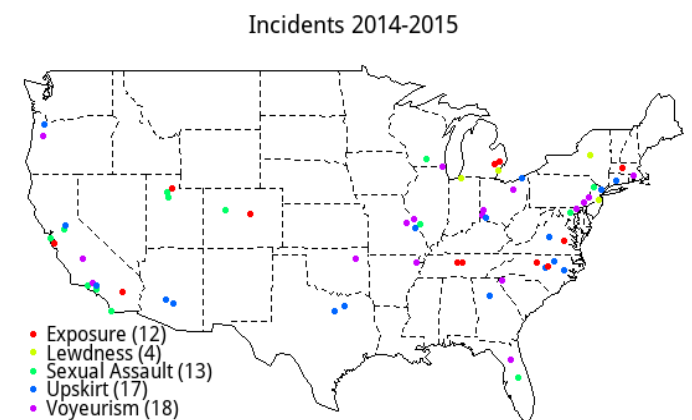


Fig. 6.

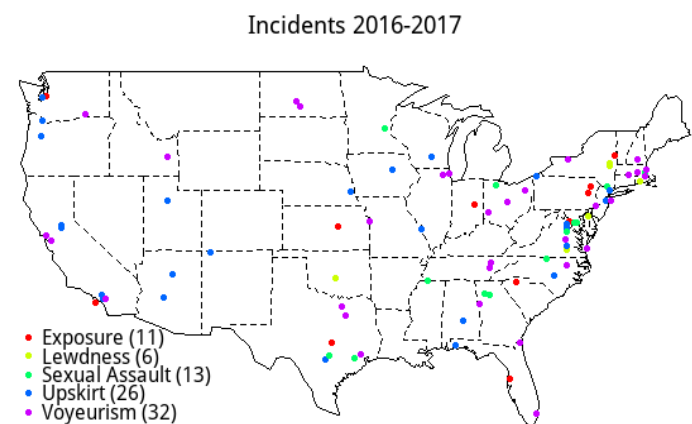
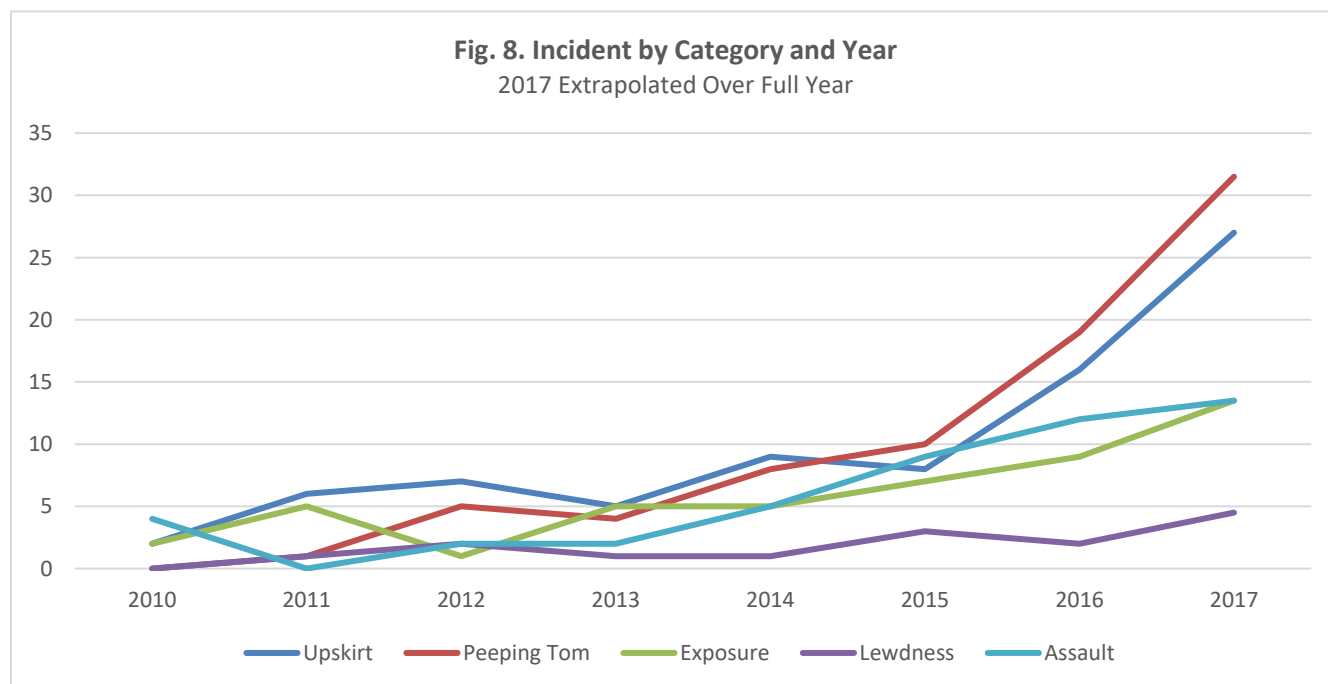
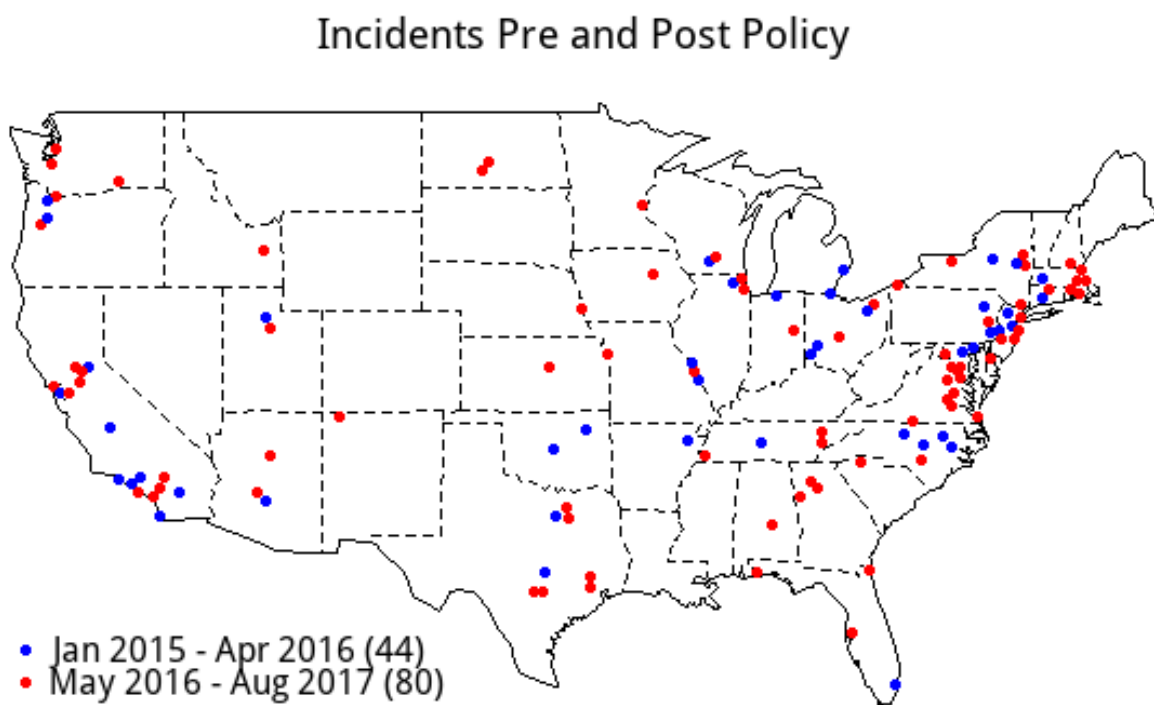


Fig. 7.



Longitudinal Category Analysis

Absolute increases were noted throughout the entire timeframe, but for some of the categories these increases were more significant than for others (Fig. 8.). There was an average of 7 upskirt incidents per year in the years 2011-2015, but this jumped to 16 in 2016, and 14 already in 2017 up until August. Peeping tom incidents also showed a significant rise, from 4 and 5 in 2012 and 2013 respectively, to an average of 9 in 2014-2015, then jumping to 19 in 2016 and 18 up until Aug, 2017. Indecent exposures rose from an average of 3.6 in the years 2010-2014, rising to 7 in 2015, 9 in 2016, and a pro-rated 13.5 in 2017.

The lewdness category showed the least variation, although this is likely due to smaller overall totals. Assaults also rose, from an average of 2.6 in the years

2010-2014, rising to an average of 11.5 in the years 2015-2017. We suspect that a significant amount of media loss in the years 2008-2014 would account for some of the rise we are seeing in the Target incidents by year.

Analyzing the incidents by trimester demonstrates more clearly that Upskirt and Peeping Tom incidents in particular showed significant increases post-policy relative to the other incident categories (Fig. 9.). In the four trimesters post-policy (beginning May 2016), there was an average of 6.75 upskirt incidents and 7.25 peeping tom voyeurism per trimester compared to 2.23 upskirt and 2.31 peeping tom counting from Jan 2012 to Apr 2016. The four trimesters prior to the policy announcement averaged 2.00 Upskirt and 3.25 Peeping Tom, although seasonal variation accounts for some of this difference (Fig. 10.).

Fig. 9. Target Incidents By Category

Post-policy in Gray

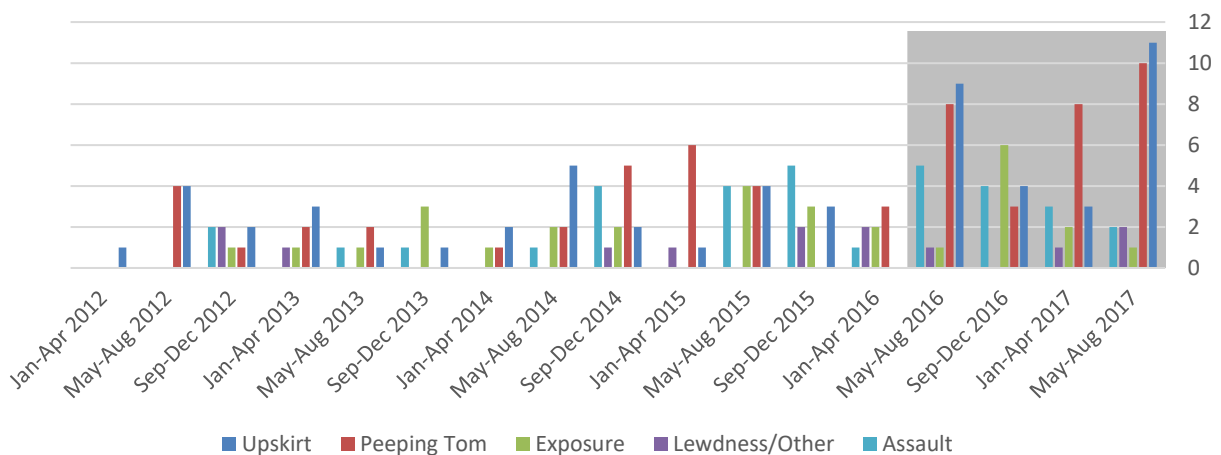
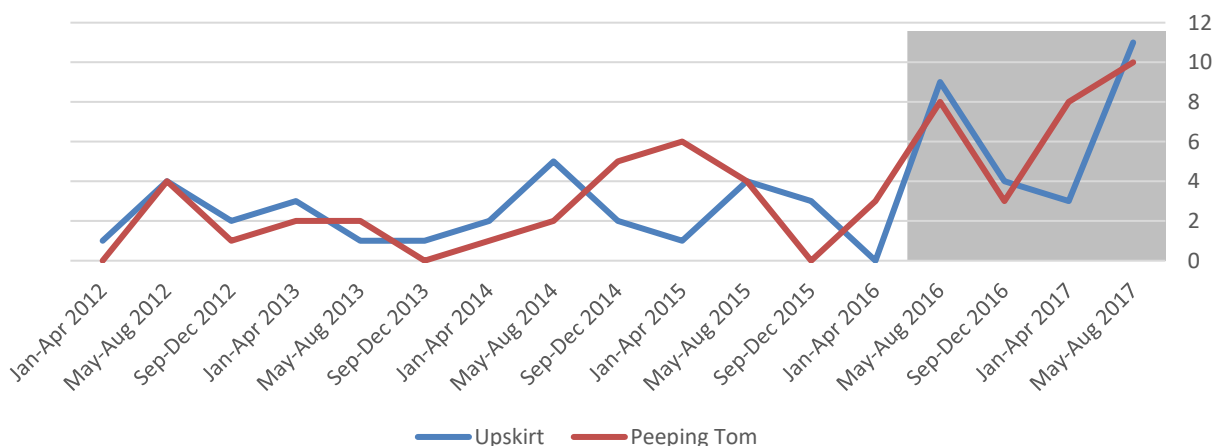


Fig. 10. Upskirt and Peeping Tom Incidents

Post-policy in Gray



In order to account for seasonal variations, we averaged the two May-Aug post-policy trimesters (both very large incident seasons) into one before averaging it into a “3 season average” to compare to the three seasons prior to the policy to ensure a fair comparison. This yielded an increase of upskirt incidences of 2.43 times, and an increase of peeping tom incidences of 2.86 times (Fig. 11.).

Rates of the other sexual offense categories didn’t change much post-policy. Assault rose over time in a larger range, but was little changed from the three-season average prior and post-policy (3.33 vs 3.5). Exposure was similar, with averages increasing over time, but exactly the same in the three-season average prior and post-policy (3.00). The catch-all lewdness category actually dropped somewhat from the three seasons pre-policy (1.33 vs 0.83), although the post-policy average was in line with slightly older averages.

In the post-policy seasons there were a greater number of multi-category offenses (4) than in the three pre-policy trimesters (1), and so we forced the multi-offense incidents into the most serious offense category for a forced-category measurement. This led to category subtractions from Exposure (2) and Upskirt (2) in the post-policy seasons, and from Exposure (1) in the pre-policy seasons. This did little to change the averages, although it created a little greater distance between the relative increases to upskirt voyeurism (2.29x increase) and peeping tom voyeurism (2.86x increase). Figure 11 graphically

demonstrates the significance and robustness of these pre- and post-policy comparison measures per category. The exposure, lewdness, and assault categories are not markedly changed over many measures comparing pre and post periods, whereas all measures of Upskirt and Peeping Tom show a significant increase.

A Poisson regression of fold changes from pre- to post-policy periods was also done using the three largest incident categories; Exposure, Upskirt, and Peeping Tom (Table 1). From the 4 year pre-policy period the rate change post-policy was 1.63 for Exposure (95% CI: 0.761-3.47), 3.03 for Upskirt (95% CI: 1.79-5.11), and 3.14 for Peeping Tom (95% CI: 1.89-5.23). Of these, only the Upskirt rate change was significantly different using Trimester as a variable to account for seasonal differences (2.53, 95% CI: 1.48-4.32). The rate changes for Upskirt ($p=0.000658$) and Peeping Tom ($p=5.61e-05$) were statistically significant.

The same regression was used to calculate fold changes from a 2-year pre-policy period. Here too the changes were statistically significant, with a 2.78 fold change in Upskirt ($p=0.000961$, 95% CI: 1.52-5.1) and a 2.42 fold change in Peeping Tom ($p=0.000207$, 95% CI: 1.31-4.17). When factoring in seasonal variation with the Trimester variable, the fold change for Upskirt (2.16) dropped to below that of Peeping Tom (2.34).

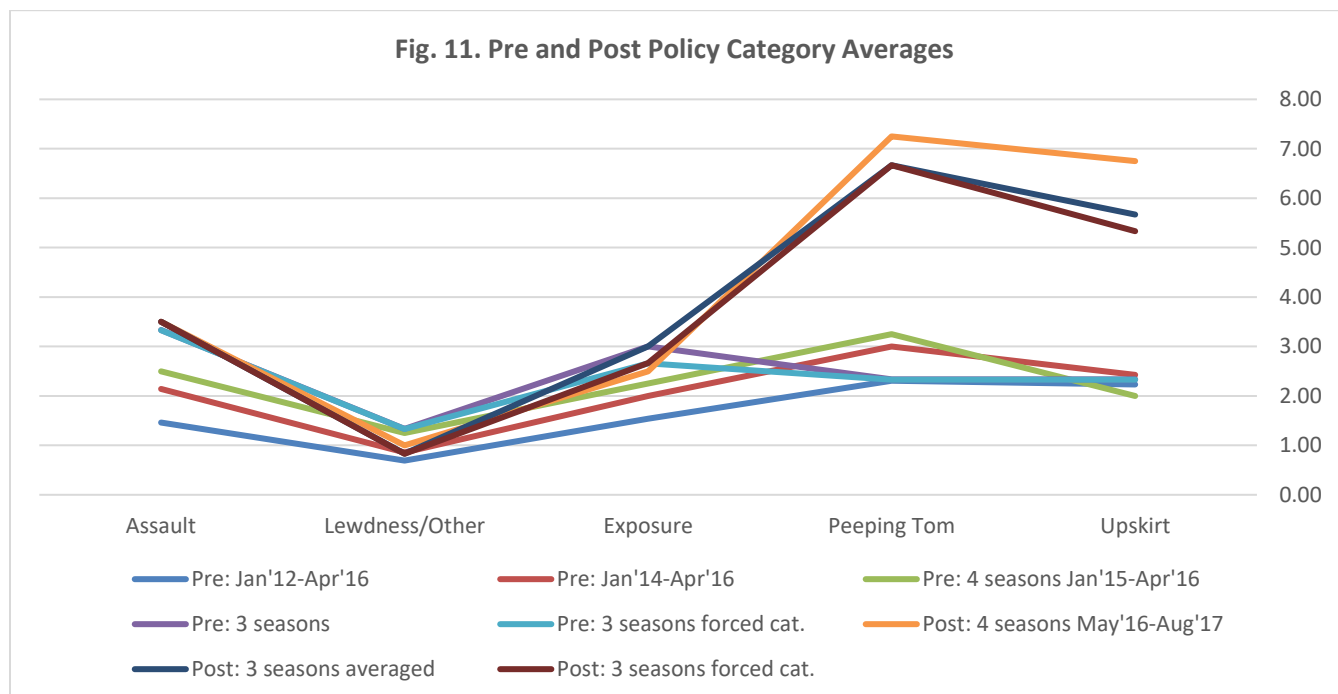


Table 1. Estimated incident rate fold changes from pre-period to post-period, from the Poisson regression. Showing the effect of using Trimester as a variable, and pre-periods of 2 or 4 years.

Pre-period	Post-period	Incident Category	Trimester	Rate change pre to post
Jan '14-Apr '16	May '16-Aug '17	Exposure	No	1.25 (p=0.59, 95% CI: 0.555-2.81)
			Yes	1.22 (p=0.641, 95% CI: 0.532-2.79)
		Upskirt	No	2.78 (p=0.00961, 95% CI: 1.52-5.1)
			Yes	2.16 (p=0.0151, 95% CI: 1.38-4.24)
		Peeping Tom	No	2.42 (p= 0.00207, 95% CI: 1.31-4.17)
			Yes	2.34 (p=0.00407, 95% CI: 1.31-4.17)
Jan '12-Apr '16	May '16-Aug '17	Exposure	No	1.63 (p=0.21, 95% CI: 0.761-3.47)
			Yes	1.67 (p=0.194, 95% CI: 0.771-3.6)
		Upskirt	No	3.03 (p=3.47e-05, 95% CI: 1.79-5.11)
			Yes	2.53 (p=0.000658, 95% CI: 1.48-4.32)
		Peeping Tom	No	3.14 (p=1.1e-05, 95% CI: 1.89-5.23)
			Yes	2.92 (p=5.61e-05, 95% CI: 1.74-4.93)

In regard to the location of the offenses, the ratio of private space offenses (washrooms and change rooms) to open floor offences changed from 0.478:1 from 2012 to April 2016, and 0.517:1 for the 4 seasons pre-policy, to 0.612:1 for the 4 seasons post-policy.

Discussion

The significant rise in voyeuristic offenses (both Upskirt and Peeping Tom) at Target stores after the gender-inclusion policy announcement is consistent with the sex-predator theory. This finding is somewhat strengthened by this rise being relative to other sexual offenses which were virtually unchanged. Furthermore, the category with the largest rise in the best analyses (Peeping Tom, by a small measure) is the one most likely to be directly related to Target's bathroom and change room policy. In the 16 months since the policy announcement there were 29 voyeur offenses in the media reports, of which 28 were in bathrooms and changerooms. The ratio change noted above also supports the theory that a gender-inclusion policy for washrooms and change rooms led to more of the total offenses at Target store taking place there, than previously.

Recent Bias Hypothesis

Are there other explanations for our findings? One possibility is that due to heightened awareness and pressure, media are reporting more of the total voyeurism-related offenses, but not any more of the other offenses. A slight variation of this hypothesis would be that media reporting is unchanged but that bias exists in what is made known to media by victims.

This recent-biased-reporting hypothesis postulates one of three things concerning the "actual" known incidents. The first option is that that sexual assaults, exposure, and lewdness incidents have shown the same increases, but are not being reported. In this hypothetical scenario, actual numbers in the 16

months post-policy would have been 25 exposure incidents instead of 10, 10 lewdness incidents instead of 4, and 35 assaults instead of 14. While this is possible, this enormous theoretical rise across all categories post-policy would be striking and may not weaken the sex-predator theory.

The second option is that bias is operating not just relative to the other offenses in the post-policy period, but chronologically over the entire timeframe, such that the media reported increase is not a "real" increase at all. In this hypothetical scenario, sexual offenses having been occurring at Target stores (and presumably at all other similar stores), at the "high" rate we see post-policy. Averaging out the post-policy offense rate (using the 3-season average) would yield 56 offenses per year. Over the course of the 10 year period (from 2008), instead of 219 offenses, this would yield 560 offenses. Under this second option, a set of data that may already be alarming would likely become a major health and crime story in North America, especially if there were similar numbers of sexual offenses in other stores. This is possible, but, we think, unlikely.

Voyeurism Increase Hypothesis

A second possible explanation for the rise, and a far more likely one, is that some, or all, of the rise is due to an increase in voyeurism generally in society, relative to other sexual offenses. Joyal (2016) notes that recent studies on paraphilias show rising rates of interest and behavior.^{lx} Voyeurism was the highest desired and experienced paraphilia in this study, while exposure was relatively low.

In addition to a possible rise in voyeuristic fantasy, there are a number of other reasons that voyeurism could perhaps be increasing; technology ubiquity (cellphones) and advancement, (hidden cameras with wireless connections) and/or widespread

pornography use (which is inherently voyeuristic). Moreover, and related to our study, the number of unisex or gender-neutral facilities may be increasing, both in society in general, and in clothing stores in particular.

Getting statistics on voyeurism is challenging due to the variety, lack, or unspecific nature of laws related to these offenses. As mentioned previously, they tend to be the most unreported of crimes, and the least likely to move from report to legal proceedings. In the UK Home Office data, there were 7007 voyeurism and exposure incidents in 2011, but only 951 proceeded to legal action.^{lxii}

In addition to the UK Home Office data, we looked at three other large data sources (Canada, Chicago, and Los Angeles) to determine if there are increases in voyeurism that would correlate to what is seen in the Target data.^{lxiii} In the UK there was a slight downward trend of exposure convictions and a slight upward trend of voyeuristic convictions from the years 2005-2011 (Fig. 12. Voyeurism data on left, Exposure on right). These would likely be the years in which technological advances, such as cellphone ubiquity, would register in the data.

Data for Canada is available through 2016 (Fig. 13. Voyeurism data on left, Exposure on right). There is a significant increase in voyeurism incidents up until 2013, with the trend mostly flat after 2013.^{lxiv} It is likely that part of the significant increase in the years 2005 (1), 2006 (69), 2007 (161) and 2008 (290) is due to the new Canadian voyeurism law in 2005.^{lxv}

Peeping tom incidents reported in the city of Chicago (Fig. 14.) have small variations from 2008 to present, ranging from 34 in 2013 to 56 in 2010. Perhaps surprisingly, the longer trend is actually downward for Chicago, with 69.7 average annual peeping tom incidents from '01 to '10, but only 42.8 for '11 to '16.^{lxvi}

For the city of Los Angeles we have data on indecent exposure and peeping tom incidents from 2010 to present, including for the period in 2017 of our study (Fig. 15. Voyeurism data on left, Exposure on right). Indecent exposure showed a very slight upward trend in this time frame. Peeping Tom showed a discernible upward trend in the years 2014 to present, but nothing approaching what we see in the Target data.

Fig. 12. UK Offenders Guilty by Offense Type from Table 4.7

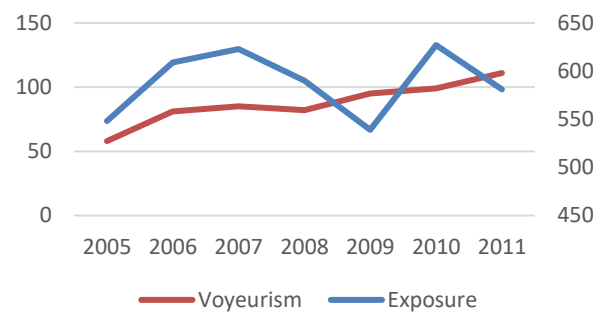


Fig. 13. Canada incident-based crime statistics from Table 252-0051

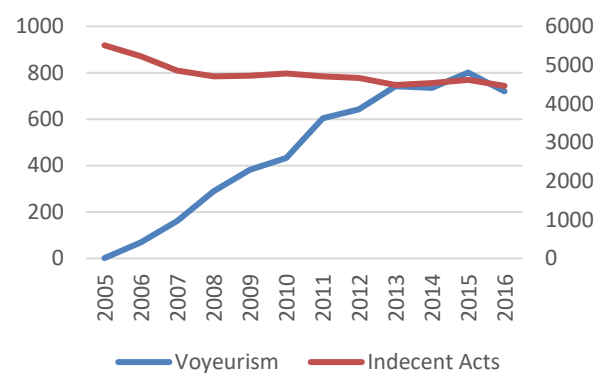


Fig. 14. Peeping Tom, Chicago

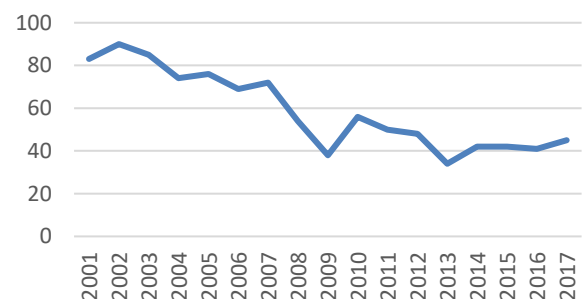
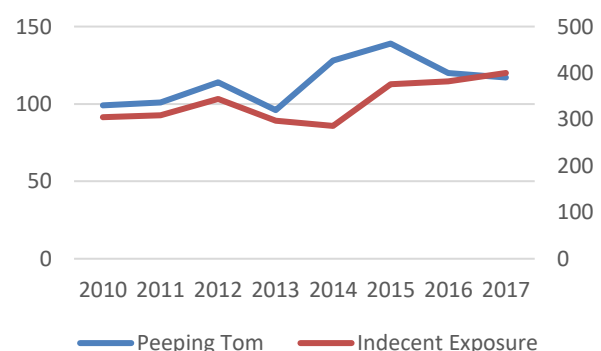


Fig. 15. Los Angeles Reported Police Incidents



Some of these four data sets show a significant rise in voyeurism, however none show increases that correlate to the increases seen after the policy announcement at Target stores.

It is possible, and indeed likely, that a general increase in voyeurism over the larger period of the Target study is responsible for some of the increase in the Target voyeurism incidences seen in the larger timeframe. Two facts, however, challenge this alternative theory as an explanation for the specific increase we see post-policy.

The first is the size of the increase. Peeping tom offenses at Target almost tripled over the course of a year and a half. This magnitude of increase is not seen in any of our general data sets, although the rise in voyeurism in Canada in the years following their new voyeurism law comes closest.

The second is the precise timing of the rise in offenses, and its nearly perfect coincidence with the policy announcement. This makes it highly unlikely that a general voyeurism increase would be responsible for the magnitude of change in the Target data.

Conclusion

We believe this study to be the first available longitudinal analysis related to gender-inclusion policies and harms. Relying on media-reported sexual incidents in Target stores, we databased and analyzed 220 sexual incidents. All the perpetrators were men, the vast majority of incidents had female victims (94.5%), and 34% victimized children. A total of 99.1% of the incidents had women or children as victims, with adult same-sex violence being almost negligible.

We found a significant rise in sexual incidents across the timeframe, although some of this is probably due to more media reports being available for recent dates. More particular to our investigation, we found a very significant increase in upskirt and peeping tom incidents comparing the period just prior to the policy announcement to the period following. Using the three-season forced-category measure, probably the most conservative measure, there were 2.3x the amount of upskirt incidents post-policy and 2.9x the amount of peeping tom incidents. The Poisson regression found the 4-year pre-policy to post-policy rate change to be 3.03 for Upskirt and 3.14 for Peeping Tom, and the 2-year to be 2.16 for Upskirt and 2.34 for Peeping Tom, using Trimester as a variable.

While it is possible that a general rise in voyeuristic sexual offenses relative to other offenses may account for some of this increase, the magnitude and precise timing of the increase suggests that Target's gender-inclusion policy accounts for the bulk of it. The most likely hypothesis to explain our findings is that Target's policy signaled to sexual offenders that voyeuristic offenses would be easier to perpetrate in their stores than elsewhere. This study demonstrates that gender-inclusion policies can bring about increased harm to women and children.

Media-loss remains a limitation in this study, which we have mitigated by relying heavily on the most recent years for analysis. Geographically-matched store comparisons would also be helpful in determining if the increase seen in Target stores are seen elsewhere. We have begun to collect and analyze police reports for a future study that we hope will address the need for a geographically-matched location control.

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lvi

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