Child Sexual Molestation and Child Abuse: 
A Differential Analysis of a Half Century of Research

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Misconceptions about Sexual Offenders and the Sex Offender Laws

Probably no crime outrages society as much as does child sexual abuse. Sexual offenders are hated, despised, stigmatized, and viewed as dangerous sexual predators. The public believes sex offenders are untreatable, perpetual recidivists, and supports harsh sanctions for them (1-10). This public perception is so widespread that even other criminals consider them too abominable to associate with (6). The public believes the incidence of sexual offending is increasing, that we are witnessing an epidemic of child sexual abuse, and that most sexual abuse is committed by strangers. These uniformly mistaken beliefs about sexual offenders are heavily influenced by the media and the publicity about high profile violent sex crimes.

These misconceptions have played a strong role in engendering punitive laws such as central registries in all 50 states, community notification laws, housing restrictions, and the civil commitment laws in 20 states and the Federal system (4, 10-18). These laws, stimulated by highly publicized acts of sexual violence by strangers, were readily passed because it is politically dangerous for politicians to assume any stance other than that of being harsh with sex offenders. Indeed, as Janus (11) notes, the situation has become so pervasive that the paradigm of social control has shifted from solving and punishing crimes to one of identifying “dangerous” individuals before they can actually do harm.

In 1996 the Federal version of Megan’s Law was passed 410 to 0 in the House and by unanimous consent by the Senate. In his analysis of the reasons for the legislation, Representative Mark Foley instructed Congress that “There is a ninety percent likelihood of recidivism for sexual crimes against children” (4, p. 78). This mistaken notion was so bipartisan in its ideology that, after signing the bill into law, President Bill Clinton shared with the nation in a radio address: “Nothing is more threatening to our families and communities and more destructive of our basic values than sex offenders who victimize children and families. Study after study tells us that they often repeat the same crimes. That’s
why we have to stop sex offenders before they commit the next crime. To make our children safe and give their parents peace of mind” (4, p. 78). Such perspectives actually are dissonant with scientific evidence, and disregard the research findings on the incidence, perpetrators and rates of recidivism for sexual offenses.

There is, however, no evidence that such laws and procedures reduce sexual violence or protect society. Although the community notification and housing restrictions laws were inspired by random acts of sexual violence committed by strangers, in reality, individuals known to the victim commit the vast majority of sexual offenses (3, 5, 6, 7, 9). The consensus from the empirical research is that the sex offender registration and notification laws have no significant effect in reducing recidivism whatsoever. Rather than protecting society, these hyper-punitive and ineffective statutes make it more difficult for sexual offenders to get stable jobs and housing, start a new life, and reintegrate into society. Consequently, such statutes actually render it more difficult for the sexual offender to seek the social support and stabilize his or her life following incarceration in a manner that makes it more likely, rather than less, that he or she will desist. These laws increase the difficulty with which post-release sexual offenders reform and rebuild their lives, therefore, in reality, making society as a whole more dangerous rather than safer (4, 10-18).

**Research Evidence Concerning Sex Crimes and Sex Offender Recidivism**

Contrary to popular belief, the FBI official statistics indicate that sexual crimes have been steadily decreasing over the past 20 years (6). Sexual offenders have lower recidivism rates than do many other offenders; the vast majority of individuals convicted of sex crimes will not recidivate (19-26). If a sexual offender does commit another crime, it is most likely to be a nonsexual offense. Various studies put the overall sexual recidivism of all sexual offenders at from approximately 4% to 15%, which is far lower than most people believe (19-26). DeClue and Rice’s 2016 study (26) found that sexual offenders judged to be of sufficiently high risk as to be classified as sexually violent predators, when released, had a five-year sexual recidivism rate of 9.2% and a ten-year sexual recidivism rate of 13.1%. Significantly, these rates of recidivism in the first and second deciles are nearly the reverse of public opinion, which would place them in
the eighth or ninth decile. In the same study, DeClue and Rice (26) found the recidivism rates for randomly selected sex offenders were 5.3% for five years and 13.8% for ten years. Sex offenders can benefit from treatment. In a recent meta-analysis, Schumucker and Losel in 2015 found recidivism rates of 10.1% in treated versus 13.7% in untreated sex offenders (27). This is merely the most recent and most sophisticated meta-analysis, with consonant findings in prior meta-analyses.

McAlinden, Farmer, and Maruna (28) examined the research on desistance from sexual offending and concluded that most people who have committed sexual offenses desist from further sexual offending. The risk for sexual recidivism reduces over time, declining with the offender’s age, and is lowered when treatment and appropriate social supports are available. McAlinden and her colleagues find that research data actually contradict the popular perception that risk levels associated with sex offending are stable and high. They note that the recidivism rates for sex crimes is low in comparison to other types of offending.

The recidivism rate of older sex offenders when they are released from custody is extremely low (29-37). There is a large literature demonstrating that sex crimes, along with crimes in general, decrease with age (29-37). Barbaree and Blanchard state, “The best description of the age function is a gradual linear decrease in recidivism rates from age 25 to age 70, at which point the estimated recidivism rate is near zero.” (30, p. 49). These results aren’t surprising in that studies on human sexual arousal consistently find that male sexual drive, interest, and fantasy decline with age. Such findings are as true for sex offenders as for men in the general population. These findings are also consistent with the finding that criminal behavior in general declines with age.

Although adolescent sex offenders are believed to be at a very high risk to continue offending as adults, adolescent sexual offenders are more similar to juvenile offenders in non-sexual areas, but are quite distinct from adult sexual offenders. There are significant developmental changes occurring in adolescent sex offenders, and the overwhelming majority of youthful sex offenders desist from further sex offending behavior as they become mature. Only a small minority of adolescent sexual offenders go on to commit sexual offenses as adults. If these adolescent sexual offenders are re-arrested it is most often to be for a nonsexual
offense (38-54). In a recent review of 106 international recidivism studies involving more than 33,000 juveniles who have sexually offended, Caldwell (38) determined that the mean 5-year recidivism rate was less than 5%. In examining only the 33 studies between 2000 and 2015, he found a current mean sexual recidivism rate for juveniles of 2.75%. He concluded that this suggests the most current sexual recidivism rate is likely to be below 3%. Because the baseline rate is so low, prediction of sexual recidivism in adolescents is scientifically extremely difficult. Further, deviant sexual arousal isn’t related to recidivism in juvenile offenders in the same way it is in adult offenders. In a 2009 book that broadly reviews the scientific literature on juvenile sexual offenders, DiCataldo (42) observes:

The overwhelming majority will not repeat their sexually abusive behaviors through their life course. . . Only a rare, dangerous few will pass through the threshold of adolescence into adulthood with their sexual deviance in tow and go on to become adult sexual offenders. Rather than an early harbinger of adult sexual deviance, most adolescent sexual offending is more properly viewed as a general sign of maladaptation or emotional crisis (pp. 7-8).

The general public assumes sex offenders rarely change and remain at high risk to reoffend throughout their lives. However, this belief is not supported by research findings. In a 2014 study, Hanson and his colleagues examined the extent to which sex offenders present an enduring risk during a 20-year follow-up period. Hansen et al. reported that the highest risk was during the first few years after release, but then decreased substantially the longer the individual remained offense free in the community. This pattern was especially strong for sexual offenders who, on the basis of their Static-99 scores, were at high risk. The recidivism rates for the low-risk offenders were low (1% to 5%) at both 5 and 10 years. Although Hanson et. al. reported that the high-risk offenders had a 22% risk of recidivism within 5 years, this rate decreased to 4.2% for those offenders who remained offense-free in the community for 10 years (54).

Recidivism risk is often popularly asserted to be much higher than the research findings indicate. This is based on the claim that recidivism is underestimated, because most sexual assaults are not reported, a conclusion that derives from retrospective surveys of adult women who say they were abused but
had never reported the sexual offense. However, in order to be relevant to the
definition of sexually violent recidivism, the subjects would have had to have been
sexually assaulted by a recidivist who had been previously charged with a sex
offense. There is simply no scientific evidence for the notion that retrospective
victims, unlike contemporary victims, are more likely to have been assaulted by
recidivists. Sandler, Freeman, and Socia (55) documented that the great majority of
sexual offenses are committed by first-time offenders, not by recidivists. Sandler et
al. examined all arrests for sexual offenses from January 1986 to 2006 in New
York State, a total of over 170,000 sexual offense arrests. Their analysis showed
that over 95% of all sexual offenses were committed by first-time sexual offenders.

**Effects of Child Sexual Abuse**

Another widely held erroneous belief concerns the effects of being sexually
abused. The public, along with many professionals, believe victims of child sexual
abuse uniformly suffer grievous harm, claiming that sexual contact between an
adult and a child causes depression, anxiety, eating disorders, relationship
problems, personality disorders, dissociation, and post-traumatic stress
disorder. These unsupported beliefs hold that these sequelae are common, if not
inevitable.

Some have claimed that incest survivors are likely to have “repressed” the
abuse so that they don’t recall the abuse. For example, Frederickson (56) wrote that
millions of people have blocked out frightening episodes of abuse, years of their
life, or their entire childhood. Blume (57) believes half of all sexual abuse
survivors don’t remember their abuse and that there are behavioral symptoms that
suggest women with no memories of abuse are incest victims. Bass and Davis (58)
maintain that up to one-third of all women have been sexually abused, but many
can’t remember it. Their book, along with a workbook, is intended to be an aid to
retrieving the memories and thus healing.

No one disputes that adult-child sexual contact is legally and morally wrong.
However, although child sexual abuse can be psychologically devastating, this is
neither common nor inevitable. Research findings over many years have
established that the negative effects of child sexual abuse are not as pervasive,
severe, nor as enduring as assumed (59-64). In addition, there is no support for the
concept that traumatic memories are commonly repressed (65-70).
Rather than viewing these research results as good news for victims of sexual offenses, such research has been met with resistance, anger, and personal attacks. This controversy reached its height in 1999 when the media, conservative organizations, and the United States Congress condemned a 1998 meta-analysis in the prestigious *Psychological Bulletin* by Rind, Tromovitch, and Bauserman. The American Psychological Association's odd response to the furor was to distance itself from this rigorous study and its authors. This episode demonstrates the difficulty, even for rigorous science, in correcting strongly held popular beliefs about sexual offenders and sexual abuse (63, 71-74).

**Effects of Sexual Abuse Compared to Physical Abuse and Neglect**

Although the public generally believes that child sexual abuse inevitably causes intense harm, research findings indicate that a negative family environment, once controlled for in research, explains most of the variance of the effects of sexual abuse (63, 75-77). A family in which incest occurs, for instance, is apt to be dysfunctional in many respects. In their 1998 meta-analysis, Rind, Tromovitch and Bauserman (63) found that when dysfunctional family environment was controlled, the sexual abuse-adjustment relationship became non-significant. Ney, Fung and Wickett (76) examined the combinations of child abuse and neglect, and found that physical and emotional abuse caused significantly more harm than sexual abuse.

**Behavioral Indicators of Child Sexual Abuse**

Related to prevailing views on sexual abuse is the widespread belief that there are behavioral indicators of child sexual abuse. This claim is not supported by any scientific research. There are, simply put, no psychological signs or symptoms that are dispositive of whether a child has been sexually abused. Years of research into “behavioral indicators” has found no unique psychological symptoms specific to child sexual abuse. Although sexual abuse may cause stress-related problems, behavioral problems and stress-related symptoms are not unique to sexual abuse. Many diverse causal conditions, such as parents divorcing, domestic violence, and parental substance abuse, can catalyze stress-related symptoms in children. Even normal children in functional homes as an integral part of normal development can demonstrate problems, and many “symptoms,” such as nightmares and occasional anxiety, are themselves merely a normal element of childhood.

Indeed, among these normal developmental paths are those of children with sexual acting out issues. Normal, non-abused children exhibit a wide variety of sexual behaviors at relatively high frequencies. Research data indicate that children
with no history of sexual abuse often act out sexually. Therefore, it is erroneous to conclude scientifically that a child manifesting acting-out sexual behaviors is likely to have been sexually abused. The literature describing this research is robust, has been available for many decades and is nearly uniformly accepted in the scientific community. In addition, most sexually abused children do not demonstrate any sexual behavior problems. There is no sign or symptom that characterizes most sexually abused children (78-108).

**Recent Example of how Misconceptions Affect Society**

Misconceptions about the incidence and recidivism of sexual offenders, and their impact, are as widespread in judicial circles as in society as a whole. In February 2016 in *Packingham v. North Carolina* the U.S. Supreme Court heard arguments concerning whether the state can ban sex offenders from social media. In 2002, then 21-year-old Lester Packingham Jr. was indicted for having consensual sex with an underage girl he was dating. After serving two years of probation, he was required to register as a sex offender. Nearly ten years later he was arrested after posting on Facebook that a traffic ticket he had been given was dismissed. Since North Carolina makes it a felony for anyone on the sex offender registry to use a social networking site that the person knows doesn’t restrict usage to legal adults, he was convicted of violating this law (109-111).

In his oral arguments defending the law, Robert Montgomery stated: “This court has recognized that they (sexual offenders) have a high rate of recidivism and are very likely to do this again” (110). Montgomery was referring to the fact that Justice Anthony Kennedy, in his majority opinion in a 2003 case, *Smith v. Doe*, stated that sex offenders re-offend at a “frightening and high” rate. These numbers had come from an *amicus* brief submitted by the United States Solicitor General’s Office in *Kune v. Lile* (112).

The government came up with these numbers from a 1988 government manual (113) that in turn cited a 1986 article published in *Psychology Today* (114). This article states, “Most untreated sex offenders released from prison go on to commit more offenses—indeed as many as 80 percent do” (p. 64). The result of Justice Kennedy’s statement has been that lower courts have cited it in nearly 100 judicial decisions justifying everything from requiring sex offenders to live more than 1000 feet from playgrounds, day care centers, or schools to banning them from going to any city, county, or state park (109). Such policies derive from the myth that sex offenders are compulsive sex addicts who will never change and who continue to abuse vulnerable children over their lifetimes.
Conclusions

In the last two or three decades, popular views contradicting actual scientific findings have induced the hatred and fear of individuals accused of sexual abuse. These popular, legislative and judicial misconceptions about sex offenders, their recidivism, and the effects of sexual abuse have resulted in ineffective public policies. Following a few highly publicized violent sexual crimes, laws were passed that were politically popular, often draconian, and extremely expensive, while lacking in any scientific basis in research. There is no scientific evidence that any of these statutes render society safer. Indeed, the opposite is the case. Such laws divert financial resources from programs that could decrease recidivism and promote public safety.

The stigmatization of sex offenders induced by these laws makes it more difficult for them to reform their lives and become productive members of society. Former sex offenders who are humiliated, ostracized, harassed, unable to find jobs, and banned from living in their communities are likely to become increasingly isolated and frustrated. As Tewksbury (115) observes, if the offender feels his case is hopeless and he will always be seen in a negative light, he may come to believe that reoffending would make little difference to him. As long as the criminal and civil laws are based on unscientific perceptions about sexual offenders, it is unlikely that effective public policies will emerge.

References

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