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Can Recidivism Rates for Incest Offenders and Other Sex Offenders be Measured Accurately?

There are several studies reporting low “recidivism rates” for incest offenders, from 9% to 30.7%. However, in one of these researcher’s own words, **“any empirical estimates of sexual offenders' recidivism rates should be considered underestimates.”**[4] The US Department of Justice, [1,6] and the authors of the studies cited below, explain that further research is needed, and that all current statistics on incest and sex offender recidivism **have very little, if any meaning, for the following reasons:**

- Incest victims in particular are less likely to re-report than other victims. [1,5]
- An estimated 90% of sex offenses are not reported. [1,2,4]
- The victim may have grown up by the time the offender got out of prison. [3]
- A new offense and conviction may occur in a different state, and therefore not be counted in the study. [3]
- The new offense may be plea-bargained down to a lesser, non-sexual offense, and therefore not be counted in the recidivism study. [3]
- “Sex crimes flourish in secrecy. Sex offenders have secretive and manipulative lifestyles, and many of their sexual assaults are so well planned that they appear to occur without forethought. The skills used to manipulate victims have also been employed to manipulate criminal justice officials.”[6]

Please read the actual studies, or the excerpted quotes below, and decide for yourself.

“Several studies support the hypothesis that sexual offense recidivism rates are underreported.” [1]

“Incest victims who have experienced criminal justice involvement are particularly reluctant to report new incest crimes because of the disruption caused to their family. This complex of reasons makes it unlikely that reporting figures will change dramatically in the near future and bring recidivism rates closer to actual re-offense rates.” [1]

“All the offenders in the sample, however, would have been expected to have used overt force or selected a victim much younger than themselves. . . . serious criminal justice sanctions (were) imposed on most offenders in this study.” [2]

“With experience, . . . they can learn new and better ways to avoid detection. Disentangling these various explanations requires, of course, further research” [2]

“In actuality, there can be a number of reasons any offender does not return to an Ohio prison; . . . he moves out of state, he dies, he simply gets better at avoiding detection, et cetera. . . . If the offense is incest, the victim grows up.” [3]

“The most serious problem with estimating overall recidivism rates, however, is that a substantial proportion of sexual offenses remain undetected. Comparisons between police statistics and victimization surveys indicate that most sexual offenses, particularly offenses against children, never come to official attention (Bonta & Hanson, 1994). It is also implausible to expect that the offenders themselves will provide thorough accounts of their undetected sexual crimes. Consequently, any empirical estimates of sexual offenders' recidivism rates should be considered underestimates.”[4]

"Recidivism rates"—which, of course, refers to detected recidivism—are reported to be lower for incest perpetrators than for other sexual offenders against children. But this, in turn, assumes that detection capability is equal—something we know to be false. Since incest victims remain under the control of their perpetrators—and since they already know that complaining is futile; after all, what happened to the offender when he was convicted the first time?—it is ludicrous to discount the more likely probability . . . that incest offenders are better able to avoid detection for subsequent offenses.”[5]

“The well-being of the victim -- and the potential for other children and adults to become victimized -- should be the fundamental criterion applied by all agencies to family unification decisions. The rigorous use of clear protocols for family reunification -- protocols that fully explore the offender's risk to other children in the household-- may be the most important way the criminal justice system can intervene to protect children from sexual assaults by known sex offenders.”[6]

“Sex crimes flourish in secrecy. Sex offenders have secretive and manipulative lifestyles, and many of their sexual assaults are so well planned that they appear to occur without forethought. [7] The skills used to manipulate victims have also been employed to manipulate criminal justice officials. [8]” (As cited in [6])

So, were any of these recidivism statistics a relevant to California’s Incest Exception laws? Read them for yourself and make your own decision. We are confident that, if you read the studies, you will agree with us. Ultimately the California Legislature agreed: they passed 2005 SB33 unanimously, and repealed California’s Incest Exception laws.

Sources:

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Written by several member of ISSB of Yolo County, CA who lobbied with ISSB in support of
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