

***Undetected Sex Offenses: Criminal History, Sex Offense Recidivism & Diagnostic Concerns.***

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**Abstract**

The research consistently reports that approximately 12-15% of child molesters reoffended with new contact sex offenses after 6 years or more. Yet there is significant discrepancy in the recidivism data, specifically that 50% to approximately 80% admit to having undetected sexual offenses against children or adults. This means that using the criminal history check alone resulted in significantly lower rates of detected sexual contact offenses versus self-report. Understanding that child victims, on average, take 5-10 years to report their abuse, and most of those who finally report result in the case not resulting in arrests or convictions (e.g., due to length of time between crime and when crime was reported, lack of physical evidence or witnesses, statutes of limitations). Only 22-37% of rapes are reported, which results in most rapes not being prosecuted as well. To rely only on arrests or convictions is appalling in that it is far from a perfect source, in fact they provide only a conservative estimate of the offender's actual criminal history. These underestimations significantly impact risk assessment, recidivism data, and diagnostic considerations.

The ***Dark Figure of Crime***-the undetected victims and undetected sexual or sex related offenses have been largely ignored and remain unaddressed. This article is the first to address this concern. Strategies for addressing and detecting the undetected sexual offenses are discussed.

**Background**

For purposes of this article, the term Child Sexual Abuse Material (CSAM) will be used rather than "child pornography". The term "pornography" infers consent and age-appropriate individuals, children are neither. However, the term "*child pornography*" or "*child porn*" will be used when referring to research if the researchers used those terms to maintain the integrity of the source document.

Most studies fail to investigate and determine whether the non-sexual crimes reported in the criminal history were in fact sex related or a sexual offense. If the researchers failed to obtain and review the police reports and criminal complaints for everything noted in the criminal history, sex related offenses appear non-sexual and remain undetected. Relying only on the criminal history results in missed sex related/sexual offenses being detected. One reason for this is that the offender may have accepted a plea agreement to a non-sexual charge, a nonsexual aspect of the offense circumstance as described by the criminal complaint. For example, the offender pleads guilty to the assault or burglary or harassment charge- that is the charge that will be found in the criminal history check. Even though the offense pled to was sex related, it will not appear as such in the criminal history.

Child and adolescent victims often do not report sexual abuse for some time, perhaps years. *In fact, often child victims of sexual abuse/molestation may not report sexual abuse for 5-10 years.* This is due to numerous factors, some of which include their developmental level, guilt, shame, having a relationship with the offender, and due to threats made to harm the victim or their family if they disclose the sexual abuse (Smith et al., 2020). Additional factors may include grooming and brain washing the child to accept the sexual contact as “normal”. The offender often uses CSAM to indoctrinate the child that sexual contact is acceptable. The offender often uses rewards (e.g., tangible and emotional) to support sexual contact. In addition, approximately 90% of sexually abused children know their abuser; only 10% are victimized by strangers (Finkelhor, 2012; Finkelhor & Ormond, 2000; Whealin, 2007).

In regard to rape victims, only 22% to 37% of rapes are reported (Thompson & Tapp, 2022; Tjaden Thoennes, 2006). This delay in reporting likely interferes with prosecution- the more time that passes, the less likely there is evidence or witnesses to the rape. Some of the reasons for the delayed report were already mentioned above for children also apply here. Other significant factors include the victim’s awareness of how rape cases are addressed in the media and the low conviction rates that follow may deter a rape victim reporting the crime.

The ***Seducator*** typology of child molesters (Lanning, 1995, 2009, 2010) make-up the majority of child sexual abusers. These include those who establish ongoing relationships with the victim, groom, engage in ongoing contact, including incest offenders, teachers, religious professionals, coaches, etc. They believe that it is appropriate to view children as sexual beings and justify their sexual thoughts, fantasies, urges and behavior as appropriate. They are comfortable with engaging in the sexual behavior of viewing Child Sex Abuse Material and comfortable engaging in sexual contact with children (relabeling the sexual contact as intimacy or love). Many factors interfere with children reporting sexual abuse (discussed above).

Offenders who are able to remain undetected for longer periods of time presented with more psychopathic traits, had more prepubescent victims, are more likely to be professionally employed, and be less likely to have any significant criminal history (Nicol et al, 2024). These offenders are also likely to engage in victim intimidation and brainwashing to discourage disclosing the sexual abuse. The degree of criminal sophistication helps the offender remain undetected. Psychopathic traits are also likely, diminishing anxiety and fear concerning their behavior or of being detected.

Relying only on the criminal history report (without reviewing the police reports and criminal complaint for everything noted in the criminal history) results in lower detection of undetected victims and additional sexual offenses (Johnson, 2007, 2024; Lussier et al., 2011). Undetected sexual offenses are the ***dark figure of crime***. Several strategies are discussed to significantly overcome this problem. Uncovering the undetected sexual offenses significantly improves risk assessment, treatment, prosecution, and supervision.

Lastly, it is imperative that sexual offenders be accurately diagnosed. Without an appropriate diagnosis, the specific risk factors associated with re-offense are less likely to be addressed or identified. *Paraphilic Disorder* diagnosis is mandatory for all sexual offenders.

### ***The Dark Figure of Crime***

The dark figure of crime involves undetected sexual offenses. These are not mysterious, mythical, or imagined. These involve actual sexual offenses that have remained hidden. Surprisingly, there are effective, relatively easy ways to obtain the undetected offenses and undetected victims. This article is the first to directly address this concern.

Undetected sexual offenses are always a concern as many sexual crimes are undetected (Hanson et al., 2025; Scurich & John, 2019, 2025). Prior history of sexual and other offending cannot accurately be determined using traditional criminal history gathering methodology, which significantly underestimates true offending history (Krone et al., 2017; Johnson, 2024, 2025). Offenders who took longer to be detected had more psychopathic traits and more pre-pubescent child victims (Nicol et al, 2024).

Underreporting of sexual crimes and the undetected sexual offenses presents a significant problem resulting in the underestimation of sex crimes (Drury et al., 2020; Hanson et al., 2025; Johnson, 2024, 2025; Kelley et al., 2023; Lussier et al., 2024; Lynch, 2011; Rice & Harris, 2006; Scurich, 2020; Scurich & John, 2019, 2025; Thornton et al., 2021). “***The dark figure of crime***” is used to explain the differences between offenses that occur and offenses that occur and are reported to the police (Biederman and Reiss, 1967; Biscontini, 2024). Criminal histories are a conservative underestimation of actual sexual offending (e.g., Johnson, 2007; Johnson, 2024, p.

189; Johnson, 2025b; Kelley et al., 2023; Lussier et al., 2024; Seto, Hanson, and Babchishin, 2011; Thornton et al., 2021). Therefore, a sexual offender may have several undetected sex related offenses prior to the first sex offense conviction (Krone et al., 2017; Johnson, 2024, p188). The Criminal Complaint for every offense in the criminal history should be obtained to determine if the nonsexual offenses are indeed sex related (Johnson, 2024, p188).

Assessing the dark/undetected criminal offenses and victims (see Abbott, 2020) can include self-report data and polygraphy (Ahlmeyer et al., 2000); life-time sexual recidivism data (e.g., Doren, 2010; Langevin et al., 2004); and statistical modeling (e.g., Scurich & John, 2019).

**What I recommend to address the *Dark Figure of Crime* (undetected sexual offenses/victims):**

1. **Obtain the criminal history-** including the
  - a. **national history** (NCIC)
  - b. **local State**
  - c. ***every State the individual has resided.***

This addresses information concerning sexual offenses/sexual offense related behavior that are not always reported or available from the national or even the offender's current State criminal history check. Not all law enforcement agencies report to FBI and therefore the NCIC check is not a complete check. State to State, another State would not likely be aware of crimes committed in any other State.

2. **For everything in any criminal history, obtain the:**
  - a. **Police Reports**
  - b. **Criminal Complaint**

These documents provide details of the true offense behavior and the context in which the offense occurred. What is found identifies sex offenses and sex related offense behavior that were masked by non-sexual offense convictions. The criminal complaint reveals the context of the offense behavior. Obtaining the criminal complaint identifies what the offender pleads guilty to and is almost always the non-sexual offense behavior component involved in the actual crime. If the criminal complaint involves, assault, burglary, rape, or other charges, the offender may well plead guilty to any of the nonsexual offenses. This means, for example, that a plea to the burglary or assault charge are still sex related offenses. Many criminals are smart enough to know this, and the criminal history check will often not identify the nonsexual convictions as sex related. *Anecdotally*, I found that approximately 50-60% of the offenders had in fact been convicted of sex related crimes that were not appearing sex related in the criminal complaint. If the offender pleads guilty an any of the charges in the criminal complaint, and sexual behavior is involved, then any plea to any of the charges are sex crimes or sex crime related. Sexual offenders often successfully escape detection and conviction for years. True length of sexual

offense history is often underestimated and undetected (e.g., Johnson, 2025; Lussier, Bouchard, & Beauregard, 2011).

**3. Contact the law enforcement agencies where the offender has resided and ask if their department had any contact with the individual, for any reason, regardless of whether an arrest was made.**

*Anecdotally*, I found approximately 40% of sexual offenders had contact with law enforcement over the years that was sexual offense related but may or may not have resulted in arrest. This helps to identify the offender's true history. An example of this is when the law enforcement agency received a call of a man watching children at a playground and the man does not have any children present. Parents call the police because the man is making them feel uncomfortable. Officers arrive and find no crime has been committed and advise the man to leave. This is important information to have especially when investigating the individual for a current sex crime involving a child.

**4. If the sexual offender has a previous conviction for *any* crime, obtain the most recent Presentence Investigation report (PSI).**

PSI reports are completed following conviction and before sentencing. Probation does the investigation and writes the report. The reports are thorough and contain a significant amount of information that investigators benefit from prior to interviewing the offender (e.g., relationship history, medications, erectile dysfunction, other concerning areas) and often contain information about allegations or investigations of additional crimes, including sexual offenses, that may not have resulted in an arrest or conviction. The lack of an arrest, charges or conviction may be due to the individual in fact not being guilty of the offense being investigated. However, other reasons may include *statute of limitation* issues or when the victim reports the crime sometime after the fact. Again, 22%-37% of rape victims report the crime or report it in a timely fashion (Tjaden & Thoennes, 2006; Thompson & Tapp, 2022). This means that 60-80% do not report the rape. Child victims often take 5-10 years to report the crime (e.g., Smith et al., 2020). These time delays in reporting the sexual offense may interfere with prosecution (e.g., years passing; no physical or DNA evidence; lack of reliable witnesses).

**5. Identify any sex/sex related offense behavior that occurred while incarcerated.**

Most of the time crimes committed during incarceration would not have resulted in criminal charges but rather "*write-ups*" and may have resulted in official disciplinary action. These behaviors demonstrate a continued sex-related and violent behavior pattern while in a controlled environment. This impacts the risk assessment as well as helps the interviewer or detective understand the offender's pattern of behavior.

**6. Identify any violation of probation.**

Most criminals and sexual offenders violate the terms of probation and supervision. It is imperative to understand the nature of each violation, including the context. Each violation is a conscious decision to test how far they can violate restrictions as well as an antisocial and perhaps psychopathic based decision to simply do what they want when they want. They are testing the limitations of supervision, testing the resolve of the probation officers, treatment staff, prosecutor and judge. They are either testing how far they can go without serious consequences and demonstrating their resolve to continue their deviant thoughts and behavior. Remember that any violation places the community at risk, especially for known victims and potential victims. Identifying the sexual offender's *Seemingly Unimportant Decisions* (SUDS) helps understand the degree of impulsiveness and degree of criminal sophistication. The lack of significant fear or anxiety of the potential consequences is demonstrating psychopathic traits.

### **7. SHOE LEATHER INVESTIGATIVE TIME!**

When the offender has any teaching, tutoring, sports, or religious material for age groups they are not supposed to be around or which fits the age of victims in a current investigation, it is ***SHOE LEATHER INVESTIGATIVE TIME! If the offender has collected the above material, they either have already or are close to engaging in contact with minors.*** The primary reason to collect such materials is to use them, which involves contact with minors. The material is then used for grooming purposes. Grooming allows the offender to gain access to numerous victims generally in plain view (See work on grooming- e.g., Knoll, 2009; Johnson, 2019b). If the offender has the material, they most likely have already been reoffending. This includes carrying the material in their car, having sex enhancing meds in the car, etc. (e.g., Hazelwood, R., personal communication, January 1998, former FBI Special Agent).

***SHOE LEATHER INVESTIGATIVE TIME*** involves showing the offender's pictures to any agency where the offender may have interacted with or had contact with minors. This involves asking if the agencies recognize the offender or in some cases, you will find that the offender was seeking teaching, coaching, tutoring, or religious positions or jobs or worse yet- that they did or are actively involved with the agencies. This means a lot of potential undetected victims. Regardless of age of the victim, whether child or adult, the above results in detecting the previously undetected sexual offenses!

### **Uncovering the Undetected**

Methodologies for estimating the risk of a sexual offender for sexual re-offense include the number of undetected victims and how sanctions placed on sex offenders likely result in *more victims becoming detected* and more intense supervision perhaps limiting access to potential victim pools and therefore limiting (not preventing) offense opportunities (Hanson, 2000; Kelley et al., 2020; Kelly et al., 2023; Abbott, 2020). *Intense community supervision and more*

*effectively identifying subsequent potential victim pools will likely decrease the percentage of undetected victims for that offender at least while under the intense supervision.*

While being prosecuted for or subsequently convicted of a current sexual offense, prior sexual offenses/victims may become known. If the offender is convicted for a sexual offense for the first time, then the disclosure of additional victims from the past does not constitute re-offense, but rather a more extensive sexual offending history. Also, understanding that whatever sexual offenses become known, whatever the number of newly disclosed and detected victims, even if by self-report, is likely an underestimation of the sexual offender's true sexual offending history (e.g., Amirault & Lussier, 2011; Johnson, 2025). Child victims, often take 5-10 years to report the abuse (Smith, et al., 2020) and approximately 22-37% of rape victims report the crime (Thompson & Tapp, 2022; Tjaden Thoennes, 2006). The delay in reporting can underestimate risk and recidivism (e.g., Soldino et al., 2024).

In federal sexual offender cases, 55% to nearly 74% of offenders reported having prior victims that are undetected, with over 50% indicating 2-10 or more undetected victims (Drury, Elbert, & DeLisi, 2020; Smith, 2020). Another study of federal sex offender cases found that nearly 70% of the sexual offenders reported having contact victims during polygraph examination. The offenders report a total of 148 victims (DeLisi, et al., 2016). Remember that self-report is an underestimation of the actual number of victims and offenses.

***Child porn offenders (CSAM users) admit to having on average 8-20 undetected victims of child sexual abuse*** (Bourke, Fragomeli, & Detar, P.J., et al., 2015) and the overall results of their study indicated that as many as 53% had undetected victims, though another study found 85% had undetected victims (Bourke & Hernandez, 2009). ***Sex offenders in general have a minimum of 8 victims*** (Smith et al., 2000). Yet we often have identified only 1 or 2 victims at the time of investigation. Use of polygraph and investigating when and where the offender had opportunity to have contact with children helps identify the undetected victim/offense.

**CSAM only offenders & Contact Sexual Offenders have only been engaged in use of CSAM or other contact offending for a short period of time.**

Little research has been done to ascertain the length of time a sexual offender has ***thought about or fantasized about*** sexually deviant behavior involving rape or child molestation ***before*** acting on the thoughts and fantasies with a contact sexual offense. In addition, the literature is sparse on the length of time a sexual offender has been ***engaged in sex crimes*** prior to their ***first*** arrest or conviction for a sex crime. This lack of research on length of time an offender has thought about or engaged in sexually deviant behavior is appalling. ***It is highly likely that a sex offender,***

***especially a child sexual offender, goes undetected for years before their first sex related conviction*** (e.g., Johnson, 2025; Lussier et al., 2011; Scurich & John, 2025; Smith et al, 2000).

One study found that the onset of sexual offending behavior was nearly ten years prior to the sex offender's first sexual offense conviction (Mathesius & Lussier, 2014). This makes it difficult to detect sexual re-offense when the offender went undetected for at least 10 years, and most recidivism studies involve 1-3, maybe 5 years length. The use of CSAM appears to be a gradual process, developing into a sexual attraction and orientation involving children. APA requires at least 6 months of experiencing recurrent deviant sexual thoughts, fantasies, or behavior (use of CSAM is a behavior) before diagnosing a Paraphilic Disorder (APA, 2013). This lends support that the developing of deviant sexual thoughts, fantasies or behavior evolves over time.

### **Sex Offender's History of Sexual Offending**

It is assumed that a person would have deviant sexual thoughts perhaps for at least 6 or more months prior to acting on them based on DSM-5 criteria for Paraphilias (APA, 2013, 2013b). A thorough search of the offender's CSAM and internet use and of the offender's electronics suffices to prove the point that they have been viewing CSAM for 6 or more months, thereby establishing deviant sexual interest, urges, thoughts, fantasies, and/or behavior involving children. Acting on deviant sexual thoughts, fantasies, or urges is not limited to touch/contact offenses. Repeatedly viewing rape material or CSAM, repeatedly returning to the CSAM or rape websites, and any downloading of the deviant material is ***behavior***, and therefore, acting on the deviant thoughts. In addition, sexual offenders are likely not convicted for their first sexual offense for nearly ten years after onset of sexual offending behavior (Mathesius & Lussier, 2014).

### **Summary**

Most studies fail to investigate and determine whether the non-sexual crimes were in fact sex related or a sexual offense (e.g., whether the researchers obtained and reviewed the police reports and criminal complaints for everything noted in the criminal history). Relying only on the criminal complaint results in missed sex related/sexual offenses being detected (e.g., may have accepted a plea agreement to a non-sexual charge, despite being a sex related crime, does not show this in the criminal history). This is referred to as the ***Dark Figure of Crime***.

Self-report data, which most sex offense recidivism studies rely, has long been believed to represent an under-reported/under-representation of the offender's actual criminal history (e.g., Abel et al. 1987; Ahlmeyer et al. 2000; Kaplan 1985). Self-report presents a problem in identifying those who have engaged in contact sexual offenses against adults or children or having additional adult or child victims than what has been detected.

Use of polygraphy during the investigative process yields more admissions of contact victims (Bourke & Hernandez, 2009; Bourke et al., 2015; Buschman et al., 2010; Gannon et al., 2009; Heil & English, 2009; Johnson, 2025; Owens et al., 2016) and use of polygraph is essential to ascertain if the CSAM offender has contact victims. It is estimated that approximately 62% of child porn only cases (CSAM user) would turn out to be contact offenses if polygraph is used (Owens et al., 2016; USPIS, 2010).

Those sexual offenders who target children developed their deviant sexual interest, arousal and behavior towards children over time versus genetic involvement (to date there is no study to suggest otherwise).

Child and adolescent victims may not report sexual abuse for some time, perhaps years. *In fact, often child victims of sexual abuse/molestation may not report sexual abuse for 5-10 years.* This is due to numerous factors, some of which include their developmental level, guilt, shame, having a relationship with the offender, and due to threats made to harm the victim or their family if they disclose sexual abuse (Smith et al., 2000). This delay in reporting likely interferes with prosecution- the more time that passes, the less likely there is evidence or witnesses to the sexual abuse. In addition, it may be a decade or longer before a sexual offender is detected or convicted from the onset of sexual offending behavior.

Sexual re-offense and recidivism studies often provide contradictory evidence and present methodological and operational problems. Perhaps one of the most identified but ignored limitations is that researchers consistently fail to obtain the criminal complaint for everything in the sexual offender's criminal history. The most devastating result is that the undetected sexual offenses and victims should have been identified but were not. Obtaining the criminal complaint requires little effort and helps clarify the offender's criminal history with objective evidence.

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