Exposing the Link between Crime and Sexual Trauma

When Americans talk about crime, they tend to dehumanize criminals, painting them as villains or merely statistics. Too often, Americans forget that every criminal has a story, and that evil inflicted often stems from evil suffered. Probing deeper into the pasts of criminals reveals a distressing reality that many criminals, whose offenses range from drug abuse to serial murder, suffered traumatic abuse during their childhoods and/or adolescences. Social scientists have recognized a connection between being victimized during youth and becoming a criminal; this link has been most studied in relation to physical abuse, yet sexual abuse presents its own unique and distressing patterns. Perhaps this should not come as a surprise in a society where 1 in 5 girls and 1 in 20 boys is a victim of sexual abuse.¹ Sexual trauma during youth leaves a victim with deep psychological scars, which increase the victim’s likelihood of engaging in criminal activity. The extent of this impact varies based on the gender of the victim, the heterosexual or homosexual nature of the assault, and the victim’s age at the time of abuse. Sexual victimization transforms a child mentally and emotionally and leads to a greater incidence of certain criminal behaviors among abused populations than in non-abused adults. Therefore, defendants’ severe psychological damage due to childhood sexual trauma must be carefully considered as a mitigating factor in criminal defense trials in order for justice to be done.

To understand how sexual trauma increases a victim’s likelihood to commit crime, it is essential to recognize the transformative and tragic impact of abuse on a victim’s well-being. Sexual abuse inflicts neurochemical brain damage in victims that can last a lifetime and lead to devastating psychological complications. In victimized children, trauma “can significantly shape neurodevelopment – impeding the brain’s ability to inhibit impulsive and reactive behaviors – leading to a risk for greater impulsivity and aggressive behavior.” Trauma induces a chemical imbalance in the brain through which catecholamine and cortisol levels are heightened, which “adversely affect[s] brain development” by accelerating the death and stunting the growth of nervous system cells. The physical changes that trauma induces in a victim’s brain reveal an undeniable, powerful impact of sexual abuse. Victims also often experience post-traumatic stress disorder (PTSD), which can involve flashbacks to the assault, difficulty sleeping, trouble concentrating, and distrust of others. PTSD sufferers are constantly on edge and paranoid, as they are forced day after day to mentally relive the horrors of their pasts. Rape victims are about six times more likely to develop PTSD than non-victims, and about 30% of rape victims struggle with this disorder at some point in their lives.

The cognitive impacts of sexual abuse come with serious emotional consequences, though the form of a victim’s emotional suffering and his/her coping strategy vary greatly according to gender. Female victims often experience “poor self-esteem [and a] negative attitude to sex” as well as “distrust of men, anxiety, depression, [and] suicidal tendencies.” 30% of women who suffered rape during their childhood or adulthood have experienced major depression, as opposed

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3 Ibid.
to 10% of non-victimized women; about one-third of all female victims seriously consider suicide.\textsuperscript{7} In general, women who are sexually abused tend to internalize their pain silently or to seek psychiatric help “rather than direct their aggression ‘outwardly’”, a behavior that is more often seen in men.\textsuperscript{8} Like female victims, men who have experienced sexual trauma (whether during youth or adulthood) usually become anxious and depressed; however, male victims also struggle with “increased feelings of anger and vulnerability, loss of self-image, emotional distancing, self-blame, and self-harming behaviors.”\textsuperscript{9} Men often view rape as a violation not only of their privacy and bodily autonomy, but also of their masculine identity,\textsuperscript{10} which culturally involves control, dominance, freedom, and strength. Rape undermines all these pillars of masculinity: a victim loses control of his body in the most intimate way; he is dominated by his rapist through physical violence and has no choice in the matter; and he feels weak because he was not able to defend himself against the rapist, due to the paralysis of fear and confusion, or to physical inferiority. The sense of helplessness and powerlessness male victims experience during and after sexual assault often leaves them feeling emasculated, ashamed and extremely angry. In fact, “male victims report significantly more hostility, anger, and depression than females.”\textsuperscript{11} Male victims often desire revenge against their rapists; for some, this desire becomes an obsession. As one victim states, the “need for revenge is so strong that it is as damaging as the rape itself.”\textsuperscript{12} This consuming anger and thirst for vengeance can cause men to act aggressively toward others and use violence and crime as outlets for their rage.

\textsuperscript{7} Kilpatrick.
\textsuperscript{9} Walker, Jayne, John Archer, and Michelle Davies, “Effects of Rape on Men: A Descriptive Analysis,” \textit{Archives of Sexual Behavior} 34.1, 2005. P. 69.
\textsuperscript{11} Walker, “Effects of Rape on Men,” P. 70.
\textsuperscript{12} Ibid, P. 76.
Another key component of men’s reactions to sexual victimization is uncertainty and distress surrounding their sexuality. While some men are raped by women, the majority of male victims are abused by other men, with the assault often culminating in forcible anal penetration. For heterosexual victims, this tends to be their first homosexual encounter, and they are often horrified by the behavior itself and more so by their bodies’ responses to it. For purely physiological reasons, these victims often respond to the perpetrator’s behavior with an erection and/or ejaculation and can mistakenly interpret this reaction as a sign that they must have subconsciously enjoyed the experience and thus have homosexual tendencies. This thought process causes “80% of…heterosexual victims” to “experienc[e] long-term crises over their sexual orientation”\(^\text{13}\) and can have especially lasting effects if the victim is a child who has not yet established a sexual identity or experienced any form of sexual contact. If a boy first encounters sex through sodomitic rape, it can profoundly impact how he views his sexuality as he matures and can be a source of intense uncertainty and inner conflict if he later finds he has heterosexual urges but has grown up believing he must be gay. In sum, male victims, while not recognized or discussed as frequently as female victims, face a host of issues that are different but equally as devastating as those faced by their female peers, if not more so.

In the wider context of all child abuse, including physical and sexual abuse as well as neglect, a clear correlation exists between victimization during childhood and becoming involved in crime as an adolescent or adult. Though the majority of abused children do not become criminals, “being abused or neglected as a child increases the likelihood of arrest as a juvenile by 59 percent, as an adult by 28 percent, and for a violent crime by 30 percent.”\(^\text{14}\) Abused and neglected children have a larger average number of criminal offenses (2.43 versus 1.41 offenses),

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\(^{13}\) Ibid, P. 70.

commit their first offenses earlier (at age 16 rather than 17, on average), and are more frequently chronic offenders (17% versus 9%), in comparison to controls.\textsuperscript{15} These figures suggest that children who are forced to endure abuse, whether it be beatings, molestation, neglect, or other cruelties, are less likely to obey the law and instead will perpetuate harmful behaviors either through violence against others or through self-destructive actions. This pattern through which victims become offenders is known as the ‘cycle of violence.’ Though the ‘cycle of violence’ term was coined for the tendency of boys with abusive fathers to become perpetrators of domestic violence, it aptly describes the increased likelihood of any childhood abuse victim to become a criminal. While it is true that victims of sexual abuse “are no more likely than children who are physically abused or neglected to be charged with a crime later in life,”\textsuperscript{16} sexual abuse shows a unique correlation to certain types of crimes, like illegal drug use, prostitution, and child molestation.

Just as sexual trauma elicits different mental and emotional reactions in male and female victims, it also leads to gender-distinct criminal outcomes. Female victims tend to engage in self-destructive crimes such as drug abuse, or in crimes motivated by survival, such as prostitution, to make a living. It has been found that “women rape victims with PTSD are 26 times more likely to have two or more…serious drug abuse problems”\textsuperscript{17} due to their reliance on drugs to provide a reprieve from haunting, painful memories; as one might expect, these women are often arrested and jailed for possessing illegal drugs. Many young women who have been sexually abused also resort to “delinquent behaviors such as theft, prostitution, and the like, to support themselves” after running away from home to escape incestuous abusers.\textsuperscript{18} Women who were sexually abused

\textsuperscript{15} Widom, P. 162.
\textsuperscript{16} Widom, P. 5.
\textsuperscript{17} Kilpatrick.
during childhood are 27.7 times more likely to be arrested for prostitution than women who were not abused.\textsuperscript{19} Sexual trauma leaves women feeling that they have no options in life; as they struggle with PTSD, low self-esteem, and the need for financial independence from their abusers, they sadly look to illegal means to make a living, which perhaps explains why 45.7\% of female inmates and 32\% of female delinquents have experienced sexual abuse.\textsuperscript{20}

In men, aggression and the desperate desire to regain control over one’s life after rape tend to serve as the motivators for criminal activity. As described earlier, male victims are often driven by a powerful desire for revenge and wish to reassert their authority and masculinity in the aftermath of a rape. One rape survivor stated that “for a long time after the assault, [he] felt like a failure as a man for not being able to protect [himself]” and he had “feelings of inadequacy, so to compensate for [those] feelings [he] became aggressive and a bully.”\textsuperscript{21} Another man voiced similar feelings and admitted that his “anger has led [him] to be a psychological abuser and a bully.”\textsuperscript{22} When men are raped, their masculine self-image of being powerful individuals in control of their own lives is shaken. They blame themselves for ‘allowing’ the rapes to occur, while despising their abusers for degrading and emasculating them. These men become so desperate to enact revenge and to regain control over their lives that they “[grasp] onto extreme versions of masculinity in an effort to restore a sense of personal power and to defend against the very real powerlessness instilled in them through the chronic abuses of their childhood[s];”\textsuperscript{23} these ‘extreme versions of masculinity’ can include aggression and crime. In fact, a history of sexual abuse in men has been statistically shown to correlate with increased rates of armed robbery,

\begin{thebibliography}{9}
\bibitem{Widom} Widom, P. 7.
\bibitem{Shin} Shin, P. 108.
\bibitem{Walker} Walker, P. 76.
\bibitem{Ibid} Ibid.
\bibitem{Lisak} Lisak, P. 125.
\end{thebibliography}
burglary, and assault,\textsuperscript{24} and also frequently corresponds with sexual abuse of adults or children. About one in ten male American prison inmates report having been physically or sexually abused before their imprisonment,\textsuperscript{25} and 59\% of a sample population of death row inmates had been sexually abused during childhood.\textsuperscript{26}

Nowhere is the connection between childhood sexual abuse and crime more evident than in the perpetration of pedophilia. In 1990, social scientists analyzed the self-reports of 344 men including heterosexual and homosexual pedophiles, non-pedophilic sex offenders, and controls, and confirmed that “the proportion of pedophiles who report having been sexually abused in childhood by mature persons is larger than that of men who were not charged for or accused of a sex offense against a child.”\textsuperscript{27} 28.6\% of heterosexual pedophiles and 25.9\% of homosexual pedophiles reported victimization, versus 10.7\% and 11.8\% of controls, respectively.\textsuperscript{28} A 2001 study confirmed this positive correlation between childhood sexual trauma and pedophilia; this study examined a larger sample size of 747 men and 96 women, and among this group, 35\% of male perpetrators of child sexual abuse had been abused themselves during childhood, compared to 11\% in non-perpetrators.\textsuperscript{29} This trend was only found to be significant in the men, though, because of the 43\% of women studied who had been victims of child sexual abuse, only one had become a perpetrator of such abuse.\textsuperscript{30} These findings reveal a trend that boys who are molested as children are more likely than others to become child molesters. This demonstration of the ‘cycle


\textsuperscript{26} Lisak, P. 122.


\textsuperscript{28} Ibid.

\textsuperscript{29} Glasser, M. “Cycle of child sexual abuse: links between being a victim and becoming a perpetrator,” The British Journal of Psychiatry, 179 (6), 2001. P. 482.

\textsuperscript{30} Ibid.
of violence’ seems to stem from the traumatic mental impact of rape and a victim’s need to feel power. Some more mentally unstable rape victims, who have harbored for years the shame, anger, and pain of traumatic abuse, see in children an easy target upon which to exert control and thus regain the feeling of dominance lost when raped. “The change from being the passive victim to the active perpetrator, making use of the mechanism of identification with the aggressor, is the way in which some victims repeatedly attempt to master the trauma”31 and to regain a sense of control over their lives. Interestingly, an “abuser’s target age-group is usually limited to the age when he was himself abused;”32 this suggests a strong link between a man’s history of victimization, and the accompanying mental scars, and his abusive behavior as an adult.

The ‘cycle of violence’ concept and the impact of childhood abuse on a criminal’s mind have significant implications for the US criminal justice system. Childhood sexual trauma can often be used as a mitigating factor in trials – that is, a piece of evidence that arguably lessens the defendant’s culpability and may make the jury more sympathetic toward the defendant when deciding his/her sentence. However, though one would expect a jury to “allocate less punitive sentences to abused than non-abused offenders… jurors’ self-reports…indicate that they sometimes ignore a defendant’s history of child abuse or even use it as an aggravating factor that increases sentence severity.”33 A 2002 study found that death-qualified jurors (those who would be able to rule on a capital case due to their willingness to sentence a defendant to death in some situations) are “less likely to use…a history of child abuse as [a] mitigating factor.”34 For some capital case juries, a defendant’s abusive upbringing when coupled with his/her heinous crimes indicates that s/he is a lost cause, past the point of rehabilitation, someone who is likely to commit

31 Glasser, P. 10.
32 Ibid.
34 Ibid, P. 9.
future crimes and thus is not worth the resources of trying to rehabilitate; instead, s/he should be sentenced to death.\textsuperscript{35} In addition, many jurors insist that childhood abuses do not make an individual unable to control his/her behavior as an adult. They may feel sympathy that a defendant grew up in such pitiable circumstances, but they will argue that a defendant’s “sob-story” does not give him/her the right to ignore the law. The flaw in this argument, of course, is that it discounts the profound mental impact of sexual trauma. In some cases, the physiochemical changes in the brain caused by trauma, which can result in PTSD, depression, and anxiety, \textit{do} alter a person’s ability to control his/her actions. Thus, a defendant’s history of sexual trauma should perhaps be given the same weight in court as a mental illness or “insanity” defense claim.

Juries tend not only to underappreciate the impact of sexual trauma on defendants, but also to approach the entire issue of child sexual abuse with gender-based bias. Male and female jurors often “react differently toward child sexual abuse and its victims, with men being more pro-[abuser] and women being more pro-victim.”\textsuperscript{36} While female jurors’ verdicts in child molestation cases are typically “not influenced by either [perpetrator] gender or victim gender;”\textsuperscript{37} male jurors’ attitudes toward a sexual abuse victim vary greatly depending on the genders of both the victim and the perpetrator of abuse. Male jurors are less likely to condemn female child molesters and “rende[r] fewer guilty verdicts in the woman-boy condition [of sexual assault] than in all other conditions;”\textsuperscript{38} this is largely due to a cultural attitude that views “sexual relations with older women…[as] a glorified ‘rite of passage’ into adulthood” rather than exploitive abuse.\textsuperscript{39} Men are also more likely to blame male victims than female victims of childhood sexual abuse, under the incorrect assumption that “boys are infrequently sexually abused and …boy victims are weak and

\textsuperscript{35} Ibid, P. 27.
\textsuperscript{37} Ibid, P. 2004.
\textsuperscript{38} Ibid.
\textsuperscript{39} Ibid, P. 1996.
effeminate, secretly enjoying the assault.” These misconceptions that a boy must have enjoyed being raped are incredibly ignorant and harmful; such prejudices may prevent victims from sharing their stories because they fear they will be met with stigma and scorn. Furthermore, jurors’ sexist attitudes risk skewing verdicts away from true justice: the fact that a female child molester would likely receive a lesser sentence than a man for the same crime, and that a female criminal with a history of abuse would receive greater sympathy in mitigation than a male criminal who suffered similar abuse, reveal prejudice and favoritism that are incompatible with the concept of blind justice.

A male juror’s sympathy for a sexual abuse victim also appears to vary based on his perceived similarity to or difference from the victim, according to the ‘defensive attribution hypothesis.’ Research suggests that male jurors feel more sympathy for female victims of rape, who are physically different from them, than they do for male victims, to whom they are more similar and from whom they expect greater resistance. Heterosexual men are most critical of heterosexual male victims “because they believe they would have resisted an attack if in an identical situation.” However, most heterosexual male jurors hold gay male victims to a different standard: due to cultural stereotypes, jurors often expect gay men to be weaker and more feminine and do not expect them to fight off attackers. In fact, a gay victim is “actually blamed more when he [fights] back than when he [does] not,” and the attempt but ultimate failure to fend off an attacker “only increase[s] the amount of contempt” that homophobic ‘straight’ male jurors have for gay victims. In this way, sexual orientation-based biases can impact how jurors

42 Ibid.
consider mitigating evidence and can place male defendants with traumatic histories at a
disadvantage, wherein they receive less sympathy and possibly harsher verdicts from male jurors.

Gender- and sexual orientation-based biases, and jurors’ general lack of understanding
about trauma, necessitate an intervention in our criminal justice system. Juror education is
essential if a criminal’s sexual trauma history is to be properly understood and weighed in court.

“Assessing the role of trauma is (or should be) an essential component of … any competent
assessment of mental health issues” in all criminal cases, and especially in capital cases, when the
jury’s understanding of a defendant’s trauma could mean the difference between a life or death
sentence. 43 Unfortunately, most average jurors simply do not have the understanding of sexual
trauma, mental health, and the connection between abuse and crime necessary for a thorough and
objective analysis of such mitigating factors. While experts now understand and acknowledge the
trauma-crime connection, “we cannot assume that the results of this research have infiltrated the
minds of the average layperson, juror, or judge.” 44 Instead, we must actively educate the men and
women who sit on juries. One way to accomplish this is to begin educating jurors about the
realities of sexual abuse during jury selection. “The jury selection process is the first
opportunity…to begin educating jurors in a sexual violence [related] case and allows [lawyers] to
identify and strike jurors whose biases will interfere with their ability to follow the law and render
a fair verdict.” 45 While selecting jurors during voir dire, defense lawyers who plan to introduce
evidence of their clients’ traumatic pasts should try to learn more about the perspectives with
which jurors might approach the sexual trauma issue. If prospective jurors’ responses reflect
homophobia or victim-blaming, informed lawyers may be able to screen them out of the final

43 Wayland, P. 932.
44 Mallios, Christopher, and Toolsi Meisner, “Educating Juries in Sexual Assault Cases,” Strategies: The
jury, or at least know that they will need to provide the jury with more information about the facts of rape and dispel myths surrounding male victimization. This can greatly improve the impartiality of a jury and the likelihood that mitigating evidence will be properly considered; when lawyers “selec[t] jurors who have a more realistic understanding of the dynamics of sexual assault, they are more likely to be fair and perhaps even help educate other jurors during deliberation.”

In addition to the possibility of early interventions during voir dire, the defense may introduce expert testimony to educate a jury during trial. Experts can “explain how and why the defendant’s history of abuse caused long-term cognitive, behavioral, and volitional impairments that relate to the [crime] he committed.” A medical professional, psychologist, social worker, researcher, or victim advocate can offer valuable testimony in defense of a criminal who has been sexually traumatized. Yet it is important that expert testimony is introduced at the right time; “early introduction of expert testimony on the general dynamics of sexual assault” can be effective in informing juror opinions and allows jurors to “understand[d] the facts and issues in the trial.” However, “introducing such testimony late in the trial” has been found to be “insufficient to overcome the commonly held stereotypes and myths that otherwise fram[e] juror understanding,” since by that point in the trial, most jurors have already solidified their opinions on a defendant. Juror education can play a key role in ensuring justice for abuse victims, but it must occur early in the trial process to be effective.

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49 Ibid.
Yet in order for defense counsel to educate a jury properly, the counsel him/herself must know to do so. The limited knowledge of a defense team regarding sexual trauma, or a defense team’s lack of understanding about aspects of their client’s cultural background that may interfere with his/her willingness to share evidence about the abuse, can prevent them from adequately presenting the defendant’s abuse history in a way that will help reduce his/her sentence. To better serve their clients, defense attorneys should become well-educated on the issue of trauma and its effects on the brain and on criminal tendencies; counsel should seek out information from medical and psychological experts, and should thoroughly investigate a defendant’s background through outside sources such as “records, neighbors, and teachers” that can “provide…critical information” exposing a sexually traumatic history.\(^5\) By taking the time to diligently investigate a criminal’s past and learn from experts about trauma’s impact on behavior, attorneys can ensure that they will provide adequate assistance.

Sexual trauma causes psychological damage that in turn can lead victims to perpetuate abusive behaviors. Female victims commonly engage in self-destructive behaviors such as prostitution and drug abuse, while some male victims act out violently or attempt to regain a sense of control by becoming child molesters themselves. A criminal’s history of sexual trauma must be considered during his/her trial to ensure that s/he receives true justice. Currently, many jurors – especially heterosexual males – view mitigating evidence of trauma with cynicism, sexist or homophobic biases, and/or ignorance of trauma’s effect on the brain. Attorneys, too, are often unaware of the connection between trauma and crime, and so they often fail to adequately defend criminals with traumatic histories. Juror and attorney ignorance about sexual trauma denies justice to criminals with traumatic pasts and should be addressed immediately, through juror and attorney education, for the integrity of our justice system.

\(^5\) Crocker, P. 1197.