Confronting Child Sexual Abuse

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Confronting Child Sexual Abuse: Knowledge to Action.

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I have finally arrived at the last, and most important, chapter of the book. How can society and individuals reduce childhood sexual abuse (CSA) and the significant harm associated with it? The good news is that there are many strategies available to tackle the problem. The substantial reduction in rates of CSA over the last thirty years is also encouraging.¹ It signals that some current policies may be having a positive effect. At the same time, as previous chapters of this book have demonstrated, our societal response to CSA has been largely reactive, a response to high-profile extreme cases. Now is an excellent moment for us to step back and use our considerable knowledge about CSA to proactively design new policies and revise some old ones.

Before I turn to a discussion of particular policies, it is useful to know that policy makers view prevention efforts as falling into

three categories.² The first, primary prevention, aims to stop a harmful event—like CSA—before it starts. Below are some fictional examples.

Eight-year-old Alice took part in a training program at school and learned about CSA. When a day-care worker gave her a present and told her to keep it a secret, she told her mother. The mother reported the incident to the head of the day-care center, and the worker received training and increased supervision.

James felt attraction to children and went on the internet to find help. He ultimately found a therapist who taught him ways to control his impulses.

The second category of prevention is designed to stop abuse as quickly as possible. The hope is that informed children and adults can recognize warning signs of abuse and intervene, minimizing the damage.

Twelve-year-old Henry was being abused by his aunt. He was afraid to tell anyone, but his parents noticed that he was acting out more than usual and asked him what was wrong. He told them about the abuse, and they contacted Child Protective Services.

Karen noticed that her fellow teacher often spent time alone with a particular child. She had been trained about grooming and talked to the other teacher’s supervisor. An investigation was launched, putting an end to what turned out to be the colleague’s abusive behavior.

The final category of prevention, called tertiary, is the provision of support to victims to help them overcome the negative effects of abuse. It is preventative in the sense that it helps victims to live full lives and avoid engaging in abuse themselves.

Lila was abused for many years as a child and suffered from depression and anxiety. She participates in two different support groups and speaks to groups of children about abuse. While she still struggles sometimes, her depression is greatly reduced, and she is happily married with children of her own.

Mark was abused by a priest. The priest was successfully prosecuted, and the state provided financial help to Mark’s family to pay for therapy. Now twenty-eight, he still thinks about the abuse but recognizes that it was not his fault.

It is clear that CSA requires that people pay attention to all three levels of prevention. The goal is a society with no abuse at all, but in the meantime, survivors and current victims need support and help. In this chapter, I look at a range of policies and assess their efficacy in achieving these different levels of prevention. I have organized the chapter by a number of guiding questions: What polices work and should be retained? Which should be jettisoned? And what new and promising directions are there? At the end, I present some actions that individual people can take to reduce CSA and mitigate its harm.

WHAT WORKS?

Media Coverage

In chapter 1, I discussed that the media is the primary way that the public accesses information about CSA. The media have a powerful voice to dispel myths and provide people with the facts they need to detect, report, and prevent abuse. Because of this, they
may deserve some credit for the declining rates of CSA. They also deserve credit when their coverage sends a message to abuse victims and survivors that they are not alone.

Of course, media coverage has the potential to be harmful as well as helpful. The stories that are chosen and how they are framed can lead to dangerous misperceptions about CSA. For example, the media disproportionately cover CSA committed by strangers, suggesting that it is more common than family abuse.\(^3\) Remember that in the 1980s, there were many stories in magazines and on television about repressed memory. Although the idea has been largely discredited, many people continue to believe that it is a frequent response to abuse.\(^4\) The media have influenced our ideas about CSA prevention as well. By focusing on ways children can protect themselves rather than educating about adult or society-wide solutions, people come to believe that children, rather than adults, are responsible for stopping abuse.\(^5\) Finally, when the media use episodic rather than thematic framing, minds are drawn to individual punitive solutions rather than larger-scale interventions.

How can the media use its substantial power to make children safer? An obvious answer is to focus on countering common misperceptions and increasing coverage of a wide range of prevention strategies. Researchers Jenny Kitzinger and Paula Skidmore point out, however, that most reporters who write about CSA are general reporters and do not have specialized knowledge of CSA. This impedes their ability to think critically about the issue and


makes it harder for them to write in a thematic, rather than episodic, way. More reliance on reporters who specialize in abuse issues and increased use of experts as sources could lead to better and more accurate reporting. There also needs to be less coverage of extreme cases and more reporting about family abuse so that the public has a more accurate picture of CSA. Finally, changing the fact that victims of color receive less media attention than white victims is crucial.

Support for Victims and Survivors

Historically, our society has failed to provide CSA victims with the support they need to heal from the effects of abuse. In fact, the criminal justice system has actively harmed victims through practices that demean them or fail to take them into account. This continues to be true today, although the situation has improved. The victim’s rights movement can be credited with getting laws passed that mandate communication about court cases and gives victims more of a voice in the process. Societal attitudes have shifted as well, resulting in less blame and suspicion directed toward victims. There is still much that needs to be done, however. The suggestions below are based on research about what helps victims disclose abuse and heal from it.

First, the majority of abused children do not disclose it. While study findings vary, most find that about two-thirds of children do not ever tell anyone. Children who do disclose the abuse often wait for years. This delay in disclosure can be psychologically damaging.

because it forces children to carry a terrible secret alone. Delays may also prolong abuse and postpone treatment. So how do we encourage children to disclose? One study found that children will often talk about abuse if they are simply asked. It appears that even a general question about well-being can elicit a disclosure.\(^9\)

Thus, when children show signs of distress or unusual behavior, an adult should ask them what is going on in their lives; parents and professionals should not simply assume that the child is “just being a kid.” Another option is for physicians to ask children about abuse at their regular yearly check-up. This practice would not be without precedent, since many doctors already screen children for other mental health issues like depression.

A second way to improve the response to abused children is to provide services to their nonabusing caretakers. When children disclose abuse, a supportive response by a parent or caretaker substantially reduces the chance of long-term harm.\(^10\) Sometimes, however, caretakers are not well-equipped to be supportive. For example, a parent might have unresolved issues of their own due to childhood abuse. They may also feel so guilty about their child’s abuse that it is hard for them to focus on support. It appears that group therapy can be very helpful to these caretakers and—by extension—is helpful for the abused children as well.\(^11\)

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\(^11\) Poonam Tavkar and David J. Hansen, “Interventions for Families Victimized...
Third, studies show that some kinds of cognitive behavioral therapy (CBT) are effective in helping victims deal with both emotional and behavioral issues. CBT is a form of psychotherapy that starts by helping people confront and change unhealthy emotions and distorted thoughts. The new emotional and thought patterns provide a foundation to change unhealthy behavior. One CBT program that has shown success is called trauma-focused CBT. It is delivered to children in twelve to sixteen sessions and includes information on stress management, abuse, and trauma. The program also helps victims frame abuse in more healthy ways (for example, it teaches them not to blame themselves). There are modules of trauma-focused CBT available for the parents of abused children as well. Project SAFE is another model of CBT that appears to be effective.

Fourth, as discussed in chapter 7, the investigation and prosecution of CSA can be traumatic for children. Children’s Advocacy Centers (CAC) provide a safe, centralized space for various types of investigation and support services. In 2017, these centers served over 334,000 children. About two-thirds of them were victims of sexual abuse. As an example of these centers’ efficacy, one study found that 72 percent of children whose cases were handled through a CAC received mental health referrals, compared to only 31 percent of cases handled in communities without a CAC. Extending the reach of these centers could help many children. While most urban areas are well served, many rural areas lack a CAC entirely.


Fifth, there is evidence to suggest that health-care coverage is linked to reduced rates of victimization. The Affordable Care Act (ACA) allowed states to expand their Medicaid programs. Studies show that this led to reductions in some types of crime. Why might this be? ACA coverage, by law, includes mental health services, giving victims access to therapy. Therapy can help these victims recover and—in so doing—enables them to avoid criminal behavior themselves. Medical coverage is also linked to a reduction in parental depression, substance abuse, and stress—all factors that can play a role in abuse.14

There are currently opportunities for improving services to victims of CSA. The 1984 federal Victims of Crime Act is the primary funding source for victim support services. It provides block grants to states. In 2015, this funding was increased from $745 million to $2.3 billion dollars—a huge increase that has the potential to reach many more crime victims with expanded services. This is particularly good news because a recent large-scale study with crime victims showed that two-thirds did not receive any help from the government after their victimization.15

Background Checks

Background checks provide a valuable means for employers or supervisors of volunteers to identify people with CSA convictions

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before they are hired to work in positions that involve children. As discussed in chapter 6, when organizations use these checks, they can substantially decrease the chance of hiring someone with a conviction. Today, most schools, day-care centers, and youth organizations require background checks. This has been accomplished through a combination of legal action and voluntary compliance.

There are many ways to improve the background check system. First, the accuracy of records is a continuing problem that needs to be resolved. For example, FBI records often show an arrest but not the case disposition. Background checks from commercial vendors also miss information because they contain only a subset of criminal records. Additionally, commercial vendors use names or social security numbers rather than fingerprints, which can lead to misidentifications.

Reforming Background Check Procedures

Background check reform is a complicated issue. If readers are interested in learning more about it, the National Consumer Law Center has a terrific report with recommendations. Check it out at https://www.nclc.org/images/pdf/pr-reports/broken-records-report.pdf.

Background checks are most effective when used thoughtfully. Instead, many organizations simply prohibit people with any kind of criminal conviction from service, resulting in a wide range of harms. Good workers are rejected for long-ago crimes unrelated to the job they seek. Parents who committed minor crimes are precluded from volunteering in their child’s classroom. Perhaps these outcomes would not be so bad if they only affected a small group, but a huge number of people are arrested. In fact, about 23 percent of Americans born between 1979 and 1988 have an arrest record for incidents occurring prior to their twenty-sixth birthdays.16 These

16. James P. Smith, “The Long-Term Economic Impact of Criminalization in
are today's parents and workers. Minorities and poor people are arrested at even higher rates, largely because they are more likely to be caught, arrested, and convicted of certain crimes, particularly those involving drugs. Background check policies that include drug crimes as disqualifiers run the risk of perpetuating this discrimination. For all of these reasons, organizations should use background checks judiciously, and if nonabuse crimes are included on the list of prohibitions, there should be time limits.

Prevention Training for Children and Adults

In the last chapter, I talked about prevention training programs. Some of these programs are delivered to children in schools and in organizations like the Boy Scouts of America. There are also a growing number of programs that target adults. It appears that training both groups can result in higher levels of knowledge and confidence.17 While the findings are more mixed about behavioral


effects, some studies find that children are more likely to resist going away with a stranger after training.\textsuperscript{18} It may also be the case that child participants disclose abuse faster.\textsuperscript{19} Adults who receive training are more likely to talk to their children about CSA, reinforcing what the children learn in school.\textsuperscript{20} For all of these reasons, it is worthwhile to continue prevention training. Given that a significant percentage of abuse is committed by juveniles (such as camp counselors), it is also important to change current policies to require their participation.

Of course, organizations need to be thoughtful about the particular prevention programs they adopt. There are a huge number on the market. However, the most effective ones follow best-practice guidelines developed by researchers. There’s a list of these in chapter 7. Organizations should also remember that curricula can convey unplanned messages through what is presented and what is not. As my description of Protecting God’s Children illustrated, in-person training can also introduce dynamics that result in a spiral of silence and cause extreme (and sometimes wrong) positions to be embraced by the group.

Various organizations are experimenting with new and different kinds of prevention programs. For example, the Vermont Network Against Domestic and Sexual Violence has created a Consent Campaign Guidebook to help middle and high school teachers introduce the concept of consent to students. This provides an opportunity

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\item \textsuperscript{19} Laura E. Gibson and Harold Leitenberg, “Child Sexual Abuse Prevention Programs: Do They Decrease the Occurrence of Child Sexual Abuse?” \textit{Child Abuse & Neglect} 24, no. 9 (2000): 1115–25.
\end{itemize}
for boys and girls to think together about consent and about people’s right to control their own body. Prevent Child Abuse Vermont has also created a set of interesting training programs for children and adults. The child program is notable because it teaches about CSA in the context of creating healthy relationships. It also acknowledges that children can be both victims and perpetrators.

**Links to Education Resources**


While these new types of prevention programs are exciting, it is important to note that the kind of comprehensive sex education programs that many school districts have been offering for years also appear to provide protection.21

**Treatment for Offenders and Potential Offenders**

One of the keys to reducing CSA is to ensure access to treatment for people who have already abused children as well as for those who fear that they might in the future. A recent meta-analysis of

studies evaluating the impact of treatment demonstrated that therapy can reduce recidivism. While treatment appears to be effective in adults convicted of sexual crimes (reducing recidivism by about 5 percent), the effect is stronger for juveniles (with a 24 percent reduction). When treatment is offered in the community, it tends to be more successful than when it is offered in prison.22

Because identities of convicted sex offenders are made public, it is not difficult to locate them for treatment. It is far more challenging, however, to treat those who have not been caught or who have not acted on an attraction toward children. This is because, in the United States, therapists are mandatory reporters. People cannot reveal past abusive behavior without risking law enforcement involvement. While simply having sexual fantasies about children is not a reportable offense, many people do not understand this and are afraid to admit to attraction for fear of being identified and possibly arrested.23

Compounding the fear of arrest, people have difficulty figuring out where to go for help. Elizabeth Letourneau, a well-respected researcher, asked people arrested for sex crimes why they did not seek help. She reports,

The first thing they say is that they really had no idea where to go. They see all these public health announcements: “If you have a drug problem, or a gambling problem, or you think you have HIV, call this number.” But you never see a bus go by with an ad that says: “If you’re concerned about your attractions to children, call this number.” Another reason is the very shame and fear of


judgment—“If I open up and tell somebody, what are they going to think of me?”

Germany has experimented with new approaches to voluntary treatment. In 2005, researchers launched a media campaign offering free and anonymous treatment to anyone over eighteen who was troubled by an interest in children or teenagers. Almost six hundred men contacted the program over the following six years, and the waiting list became long, making it possible to form a control group from those people who were waiting for help. Men in the treatment group received weekly cognitive behavioral therapy (CBT), and men in the control group received no treatment (until they were no longer on the wait list). The results of the study indicated that the program was successful in reducing many of the risk factors associated with sexual offending. The official recidivism rate of the project was zero, although it is possible that some treatment-group participants continued to abuse children or looked at child pornography undetected by the criminal justice system.

Story about a Juvenile Seeking Help for Attraction to Children

Here’s a link to the National Public Radio show This American Life. It’s a story about a juvenile who is a self-identified pedophile and his seeking help for his attraction. It’s very much worth listening to. It’s in act 2 of the radio broadcast: https://www.thisamericanlife.org/522/tarred-and-feathered.

A second public outreach project in Germany targeted juveniles who felt an attraction to children. Using posters with a picture of a dinosaur or a teddy bear, they offered free treatment. The dinosaur poster was directed at those who were attracted to boys. It said,

“He is still dreaming of dinosaurs. You are dreaming of him.” The tagline on the teddy bear poster, directed toward attraction to girls, said, “She is sharing her bed with teddy bears. You would like to share it with her.” Of course, these taglines were in German on the actual posters. While evaluation results are not yet available, about fifty juveniles contacted the project and received treatment.25

Germany has been at the forefront of voluntary treatment, but there are examples in the United States as well. As I mentioned in the preface, there is a hotline that takes calls about CSA—including those from people who are afraid they may act on their attraction to children. Called Stop It Now!, the model originated in the United States and has been exported to other countries, including the United Kingdom and the Netherlands. An evaluation of the programs in the latter two countries found that the hotline was effective in encouraging callers to enter therapy and that it helped them develop plans to avoid offending. Callers, however, reported that it was difficult to find out about the hotline and that shame had kept many of them from calling earlier.26

The success of the programs described above provides an argument for their expansion. It is clear that some people who are attracted to children would like help to resist their feelings. When anonymity is guaranteed, they are willing to seek treatment. It should be noted, however, that the two German projects were made possible by a law that exempts therapists from mandatory reporting. This is a difficult idea for most Americans because it appears to give offenders a free pass on punishment.27 At the

same time, it is important to remember that some of the people who sought out therapy in Germany were likely never going to be caught. Voluntary treatment gave them a chance at rehabilitation and therefore enhanced public safety. While it is unlikely that the United States will completely exempt therapists from mandatory reporting, perhaps there could be a middle ground, allowing an exemption for people in therapy who only abused in the past (meaning that the abuse is not actively ongoing). Alternately, public outreach campaigns could be created that are very clear about which actions are reportable and which are not, so that people understand that desires are not illegal.

Electronic Monitoring and Risk Assessment

While much more research needs to be conducted, there are some indications that electronic monitoring (EM) decreases recidivism. In other words, restricting offenders to their homes and workplaces appears to reduce the chance that they will abuse another child. Some caveats are necessary, however. Many states have widened the net, forcing monitors on hundreds of people convicted of low-level crimes and who are extremely unlikely to recidivate. This is expensive, time consuming for law enforcement, and negatively impacts those who wear monitors. Similarly, a number of states require some categories of sex offenders to wear monitors for life—well past the point where they are at significant risk of reoffense.

EM is most appropriately used for limited periods of time with people who have committed very serious crimes and are at high risk of reoffense. How is risk determined? This may be an area where risk assessment is helpful. As discussed in chapter 7, risk-assessment tools are becoming increasingly good at predicting recidivism. While the use of these tools in sentencing is ethically problematic, the issues that arise in decisions about limited-time monitoring are less so. Of course, assessments should include both risk and promotive factors and should be conducted at intervals.
Because factors change over time, risk levels do as well. Remember that EM does not rehabilitate people—it simply limits their opportunities to commit new crimes. EM must be combined with the kinds of therapy discussed in the previous section, and with significant reintegration supports, which are discussed below.

WHAT DOES NOT WORK

The Registry

As discussed in chapter 5, public sex offender registries do not achieve their intended effect; they do not appear to reduce rates of offending, nor do they help protect children. In fact, there is evidence that people on the registries are so stigmatized that it is difficult for them to find places to live or work. This increases their chances of committing further crimes. Further, the children of people on the registry often suffer harassment—a particularly sad and ironic outcome given that the point of the registry is to protect children. Registries may also encourage plea bargains or


reduced charges, which can change the categorization of a crime from sexual to nonsexual. Finally, as described earlier, registries only contain a small percentage of the people who actually go on to commit sex crimes.\textsuperscript{31}

Politicians created registries based on faulty recidivism statistics. As discussed in chapter 3, Supreme Court Justice Anthony Kennedy used the now infamous, and incorrect, 80 percent recidivism statistic in an opinion. Many states went on to use that same number to justify passing registry laws. Registries are also a result of politics. Sociologist Joseph Gusfield points out that politicians are very interested in voting for policies that can bolster their image while also saving the state money.\textsuperscript{32} Registries are expensive, but they are cheaper than other measures the state could take to protect children. The registry effectively allows the state to off-load some of the responsibility for children’s safety onto parents. In other words, the state creates a list of names, but it is the parents who must engage in the actual prevention.\textsuperscript{33}

Unfortunately, there is widespread public support for the registry, so it may be necessary to take some intermediate steps to reduce its harms.\textsuperscript{34} First, remove people who have not actually

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committed sexual crimes. As described in chapter 5, some states have expanded their registries to include people who have committed minor, nonsexual crimes. This kind of net widening makes the registry completely meaningless. There are also compelling reasons to restrict the registry to people who committed CSA as adults. Juveniles simply do not have the same capacity as adults to make decisions about their behavior. Neuroscience is increasingly suggesting that children’s brains process information in different ways from adult brains.35 Further supporting the difference between the two groups, therapy is particularly effective with juveniles, and their recidivism rates are lower than those for adults.36 As described in chapter 3, only a small minority of juvenile sex offenders go on to adult sex crimes.37 Finally, the effects of the registry on children’s lives are enormous and include harassment and a loss of access to education, jobs, and housing.38 While juveniles who commit serious sexual abuse should certainly receive sanctions and help, the registry is an ineffective and disproportionately punitive way to achieve that.

“Memorial” Bills

In the wake of Polly Klaas’s brutal murder, Californians passed a three strikes law mandating life imprisonment for criminals who commit a third felony of any type after having received two “serious” or “violent” felony convictions. While not named after Polly Klaas, her memory was frequently invoked in the campaign to pass the law, and her father, Mark Klaas, was an ardent supporter. Once the bill was passed, however, it became clear that it had serious flaws. For example, there were no limits on what felonies could constitute a third strike. As a result, people ended up with life sentences after stealing a battery or baby food (those are real examples). Both Mark Klaas and his father, Joe, ended up actively working for the rollback of the law that they had helped pass. Read the Los Angeles Times’s coverage here: https://www.latimes.com/archives/la-xpm-2004-sep-19-tm-threestrikes38-story.html.

Sometimes, when a particularly horrific CSA case comes to light, politicians create new laws to prevent similar crimes. These laws are often named after the victim and are known as memorial laws or bills. The intention of memorial bills is certainly good; they honor the victim by trying to make the world a safer place. The problem, however, is that memorial laws are often passed hastily and contain flaws that limit their efficacy.

Policy makers worry that if they do not act immediately in the wake of a crime, they will face public criticism. Consequently, they rush to pass poorly written and inadequately researched bills. The fact that the bills memorialize a child victim adds to the pressure to pass them. Politicians worry that any opposition might be read as a...

lack of empathy toward victims. It is also the case that memorial bills are usually proposed in the wake of extreme CSA cases. Thus, the measures they enact do little to stop the vast majority of cases. If politicians are really interested in protecting children, they need to craft careful legislation that is targeted at the largest number of cases, not the extreme ones.

In addition to resulting in faulty legislation, memorial bills raise ethical questions. The use of a victim’s name implies that the bill represents that person’s interests and wishes. Yet, when a victim is dead or when they are a young child, it is impossible to know what they really would have wanted. Although not referring to memorial bills specifically, one theorist called this kind of talking for others “usurpatory ventriloquism.” Like a ventriloquist, lawmakers talk through a silent other—in this case, the child victim. By claiming that a bill is what a victim “would have wanted,” lawmakers can hide the fact that they gain political capital from its passage.

I should note that it is overly simplistic to say that all memorial bills are bad. In theory, it is possible to craft a solid memorial bill that really does protect children and does not exploit the victim’s name. The political reality surrounding the bills, however, makes this difficult to achieve. Society would be better off finding other ways to honor victims.

Residency Requirements and Halloween Laws

In chapter 5, I talked about residency rules that limit where people with CSA convictions can live. These rules are based on the assumption that offenders stalk schools and parks looking for victims. This assumption has been shown to be incorrect; abusers usually meet their victims through family connections or through

40. Simon, “Managing the Monstrous.”
work at a school or other child-serving organization. Halloween laws are similarly based on misperceptions. There is no evidence that offenders lure children into their homes during trick or treating. This myth is similar to recurrent, and also incorrect, rumors about tainted Halloween candy. Both residency rules and Halloween laws are the result of irrational fears stoked by media reports of stranger danger.

It is clear that neither residency rules nor Halloween laws reduce CSA in any substantial way. Additionally, they have unanticipated negative effects. Residency rules severely limit where people on the registry can live, resulting in high numbers living in close proximity in particularly poor neighborhoods. In extreme cases, the rules force them to become homeless. The impact of Halloween laws is much less serious, but enforcing the laws is expensive and takes police away from tasks that are much more pressing (like directing traffic so that trick or treaters are safe). Communities would save money and become safer if both kinds of laws were overturned.

**Othering People Who Have Committed CSA**

In the first chapter of this book, I talked about perceptions of CSA offenders as monsters and evil. This imagery suggests that offenders are a completely different category of people who are nothing like the rest of society. One of the reasons that this is unfortunate


is that it may slow down the detection of CSA. When an image of a monster is placed in the minds of the public, it is hard for them to recognize that the person abusing children could be a family member or friend. Demonizing offenders also has the potential to discourage people who might abuse a child from seeking help. When they hear the message that they are evil and unable to change, they may internalize it, and in a self-fulfilling prophecy, do not bother to seek help.45

Interestingly, the #MeToo movement might help rethink the othering of people with sexual convictions. Othering causes people to see “sex offenders” as part of one homogeneous group of bad guys. #MeToo has brought to light the fact that many beloved figures, such as Bill Cosby, sexually abuse others. In other words, seemingly nice people can commit abuse. #MeToo is also making people question the homogeneity of offenders. It has encompassed a wide range of accusations, from rape to unwanted advances, sparking heated discussion about how different levels of abuse should be treated. For example, former Senator Al Franken was accused of forcibly kissing a woman. This is quite different from accusations against Senate candidate Roy Moore who faced assault allegations from three women, one of whom was fourteen at the time of the alleged encounter. There are similar distinctions with CSA—a serial child rapist is different from a person who exposes himself once to a child. Both require intervention, but solutions and sanctions should be different.

Portraying Children as Innocent and Nonsexual

In chapter 1, I discussed the image of children as innocent. Research suggests that, at least in part, people understand innocence to mean a lack of knowledge about sex and an absence of sexual

impulses.\textsuperscript{46} Parents feel strongly about protecting this aspect of children’s innocence. In interviews, they say that they purposefully withhold information about sexuality from their children for this reason.\textsuperscript{47} When infants and toddlers touch their genitals, parents usually describe it as “natural and nonsexual.” Among preschoolers, the activity is considered to be exploratory. After that, most parents begin to discourage it because of concerns that it might be a sign of problems or lost innocence.\textsuperscript{48}

The cultural assumption that children are nonsexual led to the pathologizing of children who engaged in any sort of sexual behavior. Starting in the 1980s, some experts came to believe that these children must have been victims of CSA. How else would they know to do sexual things? It was only a small leap to labeling children who tried to involve other children in sexual behaviors as sexual abusers.\textsuperscript{49} It was hard to refute these conclusions because few researchers had conducted studies of the sexual behaviors of “normal” children.\textsuperscript{50} Today, it is common knowledge that children engage in a wide range of sexually related behaviors that include masturbation as well as exploring other children’s bodies (“playing doctor”), fondling other children, touching women’s breasts, and trying to look at naked people. A very small percentage engage in penetration or other highly intrusive acts.


\textsuperscript{47} McGinn et al., “Parental Interpretations of ‘Childhood Innocence,’” http://researchspace.bathspa.ac.uk/8782/1/8782.pdf.


\textsuperscript{50} Ryan, “Childhood Sexuality,” https://scholar.google.com/scholar?hl=en&as_sdt=0%2C36&q=Childhood+Sexuality%3A+A+Decade+Ryan&btnG=.
The portrayal of children as innocent can lead us to pathologize healthy children. Jenny Kitzinger points out that there can be other unintended effects as well.\textsuperscript{51} First, projecting innocence onto children may actually make them more appealing sexual targets for adults. Child pornography, for example, often plays off the idea that children’s innocence makes them sexy. We also see this link in mainstream advertising when teenage girls are made to look like innocent children.

When we assume that “normal” children are innocent, it can make people less sympathetic to children who do not conform to that expectation. If a child displays sexual knowledge or interest, for example, their allegations of abuse may not be taken as seriously. Similarly, if a child acquiesces to sexual activity or appears to have enjoyed it, they may not be protected as vigorously.\textsuperscript{52} Finally, as described above, when parents prioritize children’s innocence, they might fail to give them information about their bodies or about sex that could help them protect themselves. They could, for example, deprive them of information that would help a child interpret a potential offender’s actions as inappropriate.\textsuperscript{53}

Extremely Lengthy Sentences

One important policy area for reconsideration involves the length of criminal sentences. The last thirty years have seen dramatic


increases in mandatory minimums for CSA, resulting in many life sentences. Sentences for sexual offenders tend to be fairly long compared to other types of criminals, although there is no evidence to suggest that sentence length is associated with a convicted sex offender being rearrested for a sexual crime. Additionally, as discussed in chapter 3, recidivism is relatively low for sexual offenses, and most people age out of all types of crime, including CSA. In other words, each year older a former offender is, the lower the risk they pose to society. At a certain point, incarcerating someone makes no sense from a public-safety perspective—it’s just expensive. Additionally, research suggests that sentence length is not related to its value as a deterrent. This is because when a person is thinking about committing a crime, they rarely consider the punishment. They might, however, consider how likely they are to be apprehended. Sentence length is of less consequence because most people optimistically assume that they will not be caught.

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Mass Incarceration

Lengthy sentences contribute to mass incarceration, which has had a devastating impact on poor and minority communities. Here is a terrific TED Talk that made me think about punishment and mass incarceration in a new way: https://www.ted.com/talks/bryan_stevenson_we_need_to_talk_about_an_injustice?language=en.

Another excellent resource about mass incarceration is a documentary called 13th. If you have a Netflix account, it is well worth watching.

Long sentences are appealing to Americans because, as discussed in chapter 5, society tends to support a retribution theory of punishment. In other words, punishment is seen as a way to make people pay for their crimes. Punishment also serves an expressive purpose. For example, one way to symbolize sorrow and guilt over harm done to child victims is by imposing harsh sentences on the offenders. This can easily turn into a dangerous cycle, however. Sorrow and desire for retribution lead to harsh sentences, but then society needs to justify those sentences, so the level of danger offenders present is exaggerated. This tendency, while understandable, creates a system where people are paying a lot of money to incarcerate people who are not actually very threatening.

One of the justifications that society uses to explain support for harsh penalties is that victims deserve justice. This argument is based on the assumption that victims want offenders punished with maximum penalties. But is that the case? A recent survey of crime victims finds compelling evidence that many of them support rehabilitative, not retributive, sanctions. In fact, two out of three say that they would prefer that the criminal justice system focus on rehabilitation rather than punishment. Six in ten argue that sentences should be decreased so that more money can be spent on prevention and rehabilitation. Two in three want to see more funding for parole and probation and less to prisons.\textsuperscript{63}

### One Victim’s View of Punishment

Lindsay contributed to the national survey of victims described above. She talked about her experiences following the murder of her sister by her sister’s husband. Lindsay said:

Victims and families need help recovering from crime. I’ve also come to realize that focusing too much on punishment can cause us to lose sight of the big picture. Initially, I was very angry at my brother-in-law and wanted retribution. But with time, I began to think about how the system had failed us all. My brother-in-law had substance abuse addiction issues and had been incarcerated. Did his drug addiction and experience in prison play a role in his loss of control? He’s not a bad person. Public safety must be the top priority. But I believe we can best achieve that by helping those with substance abuse and mental health problems. Our criminal justice system should do more to help rehabilitate people like my brother-in-law instead of making them worse off and more likely to commit crimes.\textsuperscript{64}


\textsuperscript{64}. Alliance for Safety and Justice, https://allianceforsafetyandjustice.
A final reason to reconsider very long sentences is that they encourage innocent people to take plea bargains. A recent survey with attorneys found that the vast majority (89.1 percent) had been involved in cases where a person who maintained their innocence agreed to a plea bargain. Similarly, nearly 45 percent of the attorneys had advised a client they believed to be innocent to take a plea bargain. When asked to explain why, they listed long mandatory sentences as one of their key considerations. Here are quotes from two of the attorneys in the study:

Many innocent people take deals when facing draconian mandatory penalties. Faced with decades of prison and offered a year or two, rational people don’t even gamble.

Even if the risks of losing are extremely small, the consequences of losing can change a client’s life where the consequences of a plea will not.65

Given that lengthy sentences fail to deter crime and encourage innocent people to plead guilty, it is time to rethink them. Of course, this leads to the question of what sentence length should be. Comparing the United States to other Western countries can provide some guidance. The United States incarcerates people much longer than the countries we usually compare ourselves to; for example, European countries rarely incarcerate anyone for more than twenty years.66 There is a continuum of punitive sentencing, with the United States on one end, Germany and other

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countries in continental Europe on the other, and Canada, the United Kingdom, and Australia in the middle. We could use laws drafted in these other countries as a guidepost for scaling back our own sentences so that we are no longer an outlier.67

NEW AND PROMISING DIRECTIONS

Circles of Support and Accountability (COSA)

Circles of Support and Accountability (COSA) is an innovative program that shows promise in lowering recidivism rates among former offenders. People who are soon to be released from prison are provided with what is essentially a support team.68 The team consists of an “inner circle” of four to six volunteers from the community and an “outer circle” of professionals such as therapists, job counselors, and social workers who are specifically trained to work with sex offenders.69 The inner circle undergoes background checks, interviews, and training to ensure that they are well equipped to help returning citizens.

The team begins working with an offender (called the “core member”) before he or she is released from prison. This enables everyone an opportunity to get to know each other and for the group to help the core member formulate a reentry plan. This is important because studies have found that people with convictions


for sexual crimes who have more extensive reentry plans prior to being released are less likely to recidivate. Upon release, the COSA meets weekly with the core member. Team members provide support, from advice to social outings. The core member can call either inner or outer circle members if they encounter problems in any area of their lives. While there are some other reintegration models in use, they tend to focus on the physical needs of the formerly incarcerated. The COSA model is unique in its recognition that returning citizens also need social support.

**COSA in Canada**

Reconciliation and Re-entry Ministries in Canada made a short film for the Canadian Correctional Service about COSAs and the people who participate in them. It can be found here: https://www.youtube.com/watch?v=bUv3BNiqr0k.

The first COSA programs began in Canada and have since spread to the United Kingdom and New Zealand. The United States has been slow to adopt them—but both Vermont and Minnesota now have programs. The relative rarity of this model is unfortunate, however, given research showing that participation in a circle significantly decreases recidivism risk. One study compared COSA participants with people who had committed similar crimes but were not in a circle. The researchers found that the COSA participants were considerably less likely than nonparticipants to return to prison. Another, less well-designed, study followed twenty people assessed to be at high risk of sexual reoffense. All participated in a British COSA and none were charged with a new sexual offense over three years.

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71. Wilson, Cortoni, and McWhinnie, “Circles of Support & Accountability.”
Restorative Justice

The term restorative justice covers a huge number of programs and approaches. In general, restorative justice programs are an alternative or supplement to the regular criminal justice system. They bring together victims, offenders, and other stakeholders to arrive at a resolution about how to move forward after a crime. These meetings only occur after an offender has admitted guilt—the point is not to find out what happened, but rather to help resolve the issue. For example, a family whose house had been burgled might come together with the offender to talk about why the burglary happened, what the impact of it was, and what would need to be done to “restore justice.” Restorative justice models are generally not applied in cases of child abuse (even when the victim has aged into adulthood) because there is a significant power differential between the victim and the offender and because an encounter with the offender could retraumatize the victim. These are the same reasons why restorative justice is only rarely used in cases of domestic violence.

Restorative Justice Podcast


Despite the risks associated with using restorative justice for CSA, there are reasons to consider it—at least in some cases. First, a study conducted with adult survivors of child sexual abuse revealed that many of them had not reported their abuse to the

police because they felt an emotional tie to their abuser (usually a relative) and did not want that person to go to prison. Having a restorative justice option could make family members more willing to report abuse because it opens punishment options that do not involve prison sentences. Restorative justice also has the potential to overcome limitations built into the criminal justice system. Some of the adult survivors in the study reported that they had become deeply upset when the criminal justice system did not allow them to fully tell their story, their offender would not admit guilt, or the sanctions did not appear to address the root causes of the offending. In restorative justice hearings, victims can gain a better sense of closure because they are given a safe space to confront their abuser directly, ask questions, and talk about the harm the abuse caused.

### Why Not Report Abuse?

Luz experienced sexual abuse as both a child and as an adult. Here, she explains why she did not contact law enforcement:

> As a youth, I never called Child Protective Services or law enforcement to deal with the perpetrators. I don’t think knowing the perpetrators are in prison would have helped me heal and it might have added more trauma in my life because I would have had to testify against them, leaving me with the burden of breaking up my family unit. What I do want is for them to receive the help they need to see the impact of their actions and to value women and children, and to learn to love and be loved in healthy and appropriate ways.74

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There is at least one program in Australia that uses a restorative justice model with juvenile sexual offenders. A study of its efficacy, while not methodologically strong, indicated that it decreases recidivism among offenders. Additionally, a case study of a restorative justice meeting between an adult survivor of child rape and the man who abused her shows that—when conducted carefully—such meetings can provide an important opportunity for victims to tell their abusers how the abuse affected them and to hear an apology. In that particular case, the victim prepared herself to meet with the abuser by seeing a counselor for three months. Additionally, a very experienced moderator was brought in to run the session to ensure her emotional safety.

In chapter 4, I talked about how victim impact statements are one way to allow victims an opportunity to tell their abusers about the harms they have suffered. I also, however, talked about the many problems with the use of these statements, particularly in the sentencing phase of a trial. Restorative justice programs have the potential to let victims voice their experiences without some of the problems associated with victim impact statements. Restorative justice programs also have fewer restrictions on how long the victim can talk and what they can talk about. For example, victims can ask questions and offenders have a chance to explain their actions and apologize.

Talk about Gender and CSA

Although research clearly shows that the majority of CSA offenders are men,78 people often try to avoid talking about this fact or its implications. Gender becomes the elephant in the room. When gender does come up, a common response is that the problem is not men per se, but rather a few “bad apples.” The bad apple theory is comforting because it allows society to avoid the uncomfortable conclusion that something might be wrong with men or with definitions of masculinity. It does little, however, to explain the gender disparity in CSA offending. If CSA is really caused by bad apples, why are so many of them men? Of course, women also abuse children, but at much lower rates and often alongside men.79

Comprehensive solutions to CSA, and to the related crimes of rape and to sexual harassment, are going to have to involve an honest engagement with the issues of gender and power. How do we socialize our boys? What does masculinity mean? One place to start this conversation is in schools. Linda Gordon, a prominent feminist historian, suggests that it’s essential to talk frankly with children about power so that both boys and girls have tools to contextualize abuse. In other words, they need to understand that power is not equally distributed in society—some groups such as women, children, people with disabilities, and LGBTQ+ people do not get an equal share. Consequently, members of these groups are more likely to be victims of sexual crimes.80


80. Linda Gordon, “The Politics of Child Sexual Abuse: Notes from
Programs to Reduce Male Violence

Here are some programs working to reduce male violence through deconstructing common ideas of masculinity:

Promundo operates in forty countries, including the United States. It is dedicated to eradicating gender-based violence through both research and community-based outreach. The organization educates both men and women about masculinity and promotes “healthy ways to be a man”: https://promundo.org/about/.

Men Can Stop Rape, based in Washington, DC, has a mission to “mobilize men to use their strength for creating cultures free from violence, especially men’s violence against women.” The organization has a school-based curriculum for youth as well as a college campus education program: https://mcsr.org/our-vision.

Maine Boys to Men provides training to youth to stop the incidence of male violence. Their programs are used in many middle and high schools in the state: https://maineboystomen.org/.

In chapter 3, I talked about how masculinity may be related to the commission of abuse. The power imbalance among men, women, and children can result in a situation where men feel they have a right to women’s and children’s bodies. Dominant ideas about masculinity also demand that boys not show weakness or ask for help. When they are victimized, it is especially hard for them to reveal abuse or agree to get to therapy. A reconsideration


82. Ramona Alaggia, Delphine Collin-Vézina, and Rusan Lateef, “Facilitators
of masculinity might have the double advantage of reducing rates of CSA and enabling boys to ask for help when they are victims.

**Video about the Construction of Masculinity**

Here’s an interesting trailer for a film called *The Mask You Live In*, about how the current construction of masculinity hurts boys: https://www.youtube.com/watch?v=hc45-ptHMxo.

**CONCLUSION**

As you may recall, this book was born when I dragged myself to a CSA prevention program. That training made me question myself and my own opinions. What did I think about CSA? Did my beliefs match the research? Was I blindly supporting problematic public policies? Standing here at the end of this project, I know the answers to these questions. I did hold significant misperceptions about CSA, and many of my beliefs and feelings were shaped less by reality than by what I had read in the media and heard from my friends. My opinions led me to support a number of ineffective, and even harmful, public policies.

I hope that this book has been a useful resource in your own thinking about CSA. What now? It is possible to take steps to work toward CSA prevention. Below, I present a list of some possible actions. Perhaps some will interest you as you move forward in your efforts to protect children.

- Intervene when someone mischaracterizes CSA. This suggestion is tough because it requires overcoming the spiral of silence. At the same time, it is important to educate people so that society can make better policy decisions.

• Critically analyze media coverage about CSA. When reading an article, think about the frame that is being employed and how it may affect your reaction. Is the coverage episodic? Does the story cover an extreme case? Link the answers to these questions to the feelings of fear and blame discussed in chapters 1 and 5.

• Challenge your own and others’ assumptions about children. How, for example, does the view of the ideal victim cause belief in the claims of some children over others? How does the view of children as innocent affect the ability to recognize that children sometimes harm other children? How does it prevent teaching children information about sexuality that could help them protect themselves from CSA?

• Call your congressperson about a policy you find problematic. For example, address the registry, background checks, or residency requirements. You can find contact information for your federal, state, and local representatives at https://www.usa.gov/elected-officials.

• Donate to your local Children’s Advocacy Center or other organization that provides support to child victims (like the courthouse dogs program talked about in chapter 4).

• Call the victim assistance department of the local court and find out how to help victims navigate the criminal justice system. Some offer opportunities to become a guardian ad litem. In this capacity, one would accompany a child through a court case and then would have a role in advocating for their interests to the judge.

• Find out about local reentry initiatives. Volunteer to work with people leaving prison. There might even be a COSA in the area. If not, enlist support from the community and start one.

• Sign up to be a facilitator for CSA prevention workshops. The Catholic Church offers this option, but you may be able to
find opportunities through your place of worship or through a local scouting or other nonprofit organization.

- Challenge the local school to think about the participation restrictions they put on employees and volunteers. Are these restrictions really necessary for the protection of children? Or are they a result of net widening?
- Before you vote on criminal justice issues, think through your own ideas about sentencing. Are you reacting out of fear or out of mischaracterizations of who offenders really are? What would really help to protect children?
- Consider the restrictions you put on your own children. If they are primarily based on fear and not on an honest assessment of risk, consider loosening those restrictions.
- If you are interested in learning more about initiatives to scale back the registry or to change other public policies toward sex offenders, check out the National Association for Rational Sex Offense Laws (NARSOL). Their website has links to all sorts of up-to-the-minute information at https://narsol.org/.
- Think about whether and how you are talking to your kids about sex and CSA prevention. Make sure that you talk to them about bodily integrity and give them the words they need to describe their own bodies. The Chicago Children’s Advocacy Center has a great reading list for children about CSA prevention, sexual development, and healing from abuse. Here is the link: https://www.chicagocac.org/books-children-sexual-abuse/.
- Bring a program that trains boys on how to develop a healthy masculinity to your community or schools (see some examples of these programs in the box above).