



# When the Abuser Is a Child, Too

**Johns Hopkins researchers say the justice system is failing children convicted of child sex abuse.**

**I**n 2005, a 17-year-old, Amie Zyla, made a plea to members of the House Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. Zyla had been sexually assaulted at age 8 by a 14-year-old friend of the family, Joshua Wade. Nine years after Wade was convicted in juvenile court, Zyla was horrified to see him on the local news. He had been arrested for luring children into his apartment and videotaping dozens of them in his shower. “We cannot sit back and allow kids to continue to be hurt,” she told the subcommittee. “The simple truth is that juvenile sex offenders turn into adult predators.”

In 2006, lawmakers passed the Sex Offender Registration and Notification Act, or SORNA, to provide states with guidelines for sex offender registration and notification. After hearing Zyla’s testimony, they added a provision to the law that requires certain juvenile offenders—those under the age of 18 who sexually abuse children—to be subject to registration.

The inclusion of juveniles on sex offender registries was the culmination of a series of laws enacted in the wake of

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horrific sex crimes. Such legislation started ramping up in the late 1980s, when several particularly violent child abductions and murders dominated headlines. There was the 1989 sexual assault and murder of Jacob Wetterling, an 11-year-old from Minnesota who was missing for 27 years before his remains were finally found. The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994 was the first to require states to maintain registries of adult sex offenders with information such as their name, address, and photograph. Megan's Law, named for 7-year-old Megan Kanka, who was raped and killed in New Jersey by a known sex offender in 1994, expanded the Wetterling Act in 1996 to require community notification of the presence of a convicted sex offender. The Adam Walsh Child Protection and Safety Act, signed in 2006 on the 25th anniversary of the murder of a Florida 6-year-old, established SORNA.

Each law was in response to public demand that the justice system do more to protect children. That response was driven by powerful emotions. Elizabeth Letourneau wants American lawmakers and criminal justice authorities to understand that Zyla's heartfelt assertion—that today's young sex offenders are tomorrow's adult predators—however compelling, is both oversimplified and false. As director of the

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Moore Center for the Prevention of Child Sexual Abuse within the Bloomberg School of Public Health, she has spent years studying sex crimes against children and the people who commit them. Her analysis of the data has led her to some striking conclusions about juvenile offenders. She asserts that current laws do almost nothing to prevent child sexual abuse and do not reflect the true nature of many sex offenses. And she goes further: She asserts that current laws punish children who actually need intervention and supervision rather than punishment, and in so doing they inflict unnecessary pain and danger on innocent people, sometimes even the assault victims themselves.

In late 2016, Letourneau addressed the TED-MED conference in Palm Springs, California, and presented some startling facts. "What do you think the average age is of a typical child sexual abuser? 24? 34? 44?" she asked. "In fact, the peak age for engaging a prepubescent child in harmful or illegal sexual behavior is 14." And that child convicted of a sex offense, the one we are convinced will grow up to be an adult predator? The likelihood that he or she will ever be convicted of a second offense is just 2 to 3 percent, according to Letourneau's research. She told the audience, "Instead of focusing on prevention, we focus nearly all our effort on punishment. ... We know that incarcerating or detaining children, even briefly, reduces the likelihood that they'll graduate from high school and increases the likelihood they will commit more crimes. My research shows that sex offender registration and public notification do nothing—*nothing*—to prevent juvenile sexual offending or improve community safety in any way. Instead, these policies cause harm."

Letourneau came to the study of child sexual abuse in the late 1980s from an oblique angle—she had something to prove to a graduate school professor. "I was struggling, and I had done poorly in a class," she recalls. "So when I had that same instructor the next semester, I wanted to prove to her, and myself, that I could handle grad school. When she assigned me a paper on the topic of pedophilia, I just went all in. Not because I had any previous

interest in pedophilia—I just wanted to prove to her that I belonged in graduate school.” She got high marks for the paper, and the professor showed it to her husband, who worked in the field. He invited Letourneau to join his lab. The deeper she got into the subject, the more compelling it became.

In 2012, the Moore Center was founded at Johns Hopkins by alumnus Stephen Moore, HS '92, SPH '93 (MPH)—whose sisters had been molested by their grandfather—and his wife, Julia. Letourneau, a professor of mental health in the Bloomberg School, was tapped to run it. The center, which studies abuse by both adults and juveniles, takes the perspective that child sexual abuse is preventable, not inevitable. It's a viewpoint that's difficult for many people to imagine. “I think the dominant view is that people who engage in these behaviors are monsters, that there's nothing you can do about them. They're kind of the ultimate other,” she says. The prevailing mindset is to find them and lock them up. End of story.

Letourneau and her team anchor their work on sexual abuse by juveniles in several important insights. Kids who offend are often not motivated by any sexual interest in young children, she says. In a 2008 commentary published in the journal *Child Maltreatment*, psychologist and researcher Mark Chaffin noted that offenders may be young boys or girls re-enacting their own sexual abuse, or impulsive kids who act without thinking or without understanding the law or the consequences of their actions. Some children behave badly out of mental illness; some are satisfying their curiosity by experimenting without a mature understanding of the harm they may be doing. Furthermore, many children (and adults) who feel an unhealthy sexual attraction toward children restrain themselves and do not commit sexual abuse.

One-third of all offenses are committed by teens, usually boys between the ages of 12 and 15. Offenses by juveniles often involve close relationships and opportunity—perhaps a sibling or close family friend. They're most likely to occur in someone's home (69 percent), followed by school (12 percent). They tend to be less severe than cases involving an adult and a child: Roughly 50 percent do not go beyond fondling.

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On average, Letourneau says, child offenders are three or four years older than their victims, a 14-year-old with a 10-year-old, for example. And there is a steep drop-off in incidents as children approach their later teen years and learn about boundaries and healthy sexual behavior. Less than 10 percent of adults who commit acts of child sexual abuse were offenders as juveniles. “Certainly, I want to emphasize that kids can cause serious harm, and I don't want to say that these behaviors come about accidentally,” Letourneau says. “But their brains are not as developed, and they are more impulsive in nature. They have less of an understanding of sexual norms as well as the consequences of their behavior. The intention is simply not the same” as when an adult chooses to sexually abuse a child.

Yet the justice system frequently treats juvenile sex offenders the same as adults. SORNA, the law that mandated the federal sexual offender registry, established the baseline for subjecting children ages 14+ to decades or a lifetime of registration if they have been convicted of an offense comparable to or more severe than aggravated sexual abuse. Today, about 40 states put children adjudicated as juveniles on registries, but in 19 of them there's no minimum age,

The Moore Center’s researchers say that their work demonstrates that juvenile registration does not reduce already-low rates of sexual recidivism among children who offend. Those recidivism rates are lower than those of other nonsexual delinquent offenses. Registration does not reduce first-time offenses. In fact, it increases a juvenile’s risk of being charged with new misdemeanor offenses, possibly because they’re being tracked more closely by law enforcement, what Letourneau calls a “scarlet letter effect.”

meaning prepubescent kids are listed the same as adult offenders. Some states have chosen not to comply with SORNA guidelines; by law they forfeit 10 percent of their funding for Byrne Justice Memorial Assistance Grants, which help with crime-fighting measures. Other states have gone beyond the minimum federal requirements, for instance, choosing not to implement so-called Romeo & Juliet laws, which protect teens having consensual sex from statutory rape charges. And while the office that maintains the registry has not released data on the number of youths registered, lawyer Eric Berkowitz wrote in *The New York Times*, “[It] appears that as many as 24,000 of the nation’s more than 800,000 registered sex offenders are juveniles, and about 16 percent of that population are younger than 12 years old. More than one-third are 12 to 14.” Letourneau adds, “There are no good estimates to use. We simply do not know, other than it has to be in the thousands because we’ve identified

thousands of registered kids as part of our research and the research of others.”

These children encounter other punitive measures that mirror those of adults. They can face lengthy prison sentences and after release can be held, sometimes indefinitely, in civil commitment—involuntary, secure treatment facilities—if they’re deemed sexually violent. They can be barred from living near or setting foot in schools, parks, and playgrounds. They can be forcibly removed from their families and put into the foster system if other children live in their homes.

The impact of these policies is extreme, long-lasting, and cruel, Letourneau says. We recognize that in many respects the law should not treat children as adults—mandatory life sentences, for example—but that’s not the case when it comes to sex offenses. Children get registered for a wide array of behaviors, ranging in seriousness from sharing nude photos with a romantic partner to consensual sexual activity to harmful sexual behavior with a younger child or nonconsenting peer. But Letourneau argues that registering children who commit even the most serious offenses does not help them and goes against the spirit of the juvenile justice system. “It would not be egregious to punish them for what they did, but juvenile justice is all about rehabilitation, the fact that what you did as a child does not predict what you’ll do as an adult.

“[Reiterating] this idea that you did something bad as a child is never going to go away, that it’s going to color everything for the rest of your life—that’s not a good way to handle a child who’s made a mistake, including serious mistakes. A child who has engaged in behavior that harms another needs interventions, but they also need second chances, and registration and notification remove the option.”

**B**etween 2011 and 2013, Nicole Pittman, now director of Impact Justice’s Center on Youth Registration Reform, traveled from state to state interviewing more than 500 youth sex offenders. At the time a fellow at Human Rights Watch, she published *Raised on the Registry*, a 116-page report that details the impact

of trying to live against the backdrop of registration and public notification. “The things I saw were off-the-charts worse than I ever thought they could be in terms of harm not just to children on registries but to their families.” When a sex offender’s name and address go on a public website, regardless of their age, they become a target for violence, she says. They’re followed, threatened, sometimes shot at. Pittman was particularly struck by the emotional distress she saw among children as young as 8 years old. “They were no longer being identified as Bobby or Jane,” she says. “They were considered a sex offender, and when they’re developing their identities, it was just the most tragic thing you could see.”

She has examples from her fieldwork. A 14-year-old boy got his 12-year-old girlfriend pregnant. The couple moved in with the boy’s mother and made plans to raise the baby together. Then, the girl went to the OB/GYN. Certain professionals, including doctors, sports coaches, and teachers are required by mandatory reporting laws to alert law enforcement to suspected child abuse. The doctor felt compelled to report the case to the authorities because in South Dakota, all sex under the age of 13 is considered rape. Ten years later, the boy is now a man who remains on the registry. He can’t live with his son, can’t visit him without supervision, and has been unable to get a job. In another example, a 10-year-old boy who had inappropriately touched his 8-year-old sister had his name and address listed in a local newspaper’s Halloween story titled “Know Where the Monsters Are Hiding.” In yet another case, someone drove by an address listed on the registry and fired shots into the living room as the occupants watched television.

Every single case that Pittman has worked on over the past year has involved children who themselves were victims of abuse or neglect, including of child sexual abuse. Once those children have been convicted, they’re no longer eligible for victim’s services, she notes. And she says that people who shoot at the houses of youth offenders, or set those houses on fire, often don’t realize that they’re targeting a house that contains the victim, too, because the victim is so often a sibling.

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Those recidivism rates are lower than those of other nonsexual delinquent offenses. The mantra “once a sex offender, always a sex offender” is no more true than the idea that a childhood bully will be a bully for life. Registration does not reduce first-time offenses. In fact, it increases a juvenile’s risk of being charged with new misdemeanor offenses, possibly because they’re being tracked more closely by law enforcement, what Letourneau calls a “scarlet letter effect.”

In November, the Moore Center published its latest study online in *Psychology, Public Policy, and Law*. The researchers surveyed more than 250 children who had received treatment for harmful or illegal sexual behavior, 29 percent of whom had been subject to registration and/or notification laws. They found that registered children were four times as likely to report a recent suicide attempt, twice as likely to have been a victim of sexual assault in the past year, and five times as likely to have been approached by an adult for sex in the past year, “the very thing registration is supposed to prevent,” she notes. “I just can’t fathom who would support juvenile registration, knowing that it’s associated with increased risk for suicide attempts and sexual predation of children,” Letourneau says. “I don’t see how someone could stand up and say, ‘Well, maybe for some kids it’s helpful.’ No kid is helped by registration. The data are clear on that. ... My sincere hope is that, particularly with this new research, we show that not only does this policy not work to improve community safety, it really seems to have just a draconian effect on children.”

Letourneau estimates that 90 to 95 percent of national resources related to child sexual abuse go for punitive measures, including imprisonment, civil commitment, registration, and notification. In an op-ed in *Time*, Letourneau describes one case in which she served as an expert witness. A 12-year-old boy was convicted of sexually abusing his younger cousin. He spent five years in juvenile prison and another five years in a civil commitment program, the total

cost of which exceeded half a million dollars. By comparison, she estimated the priciest violence prevention program for at-risk adolescents and their families at \$10,000.

Letourneau says child sex abuse should be treated as a preventable public health issue. “But getting resources to focus on that has been next to impossible, whereas there is almost no check we won’t write when it comes to punishment.”

Were the Moore Center to succeed in moving the needle away from punishment toward prevention, what might that involve? For kids, where the act was a case of ignorance or curiosity—say, a 4-year-old touching his sister in the bathtub—often times what’s needed is simply teaching proper behavior and personal boundaries. For children replaying their own abuse, the solution is getting them to victim services such as trauma-focused cognitive behavioral therapy. And in cases where someone realizes they harbor an unhealthy attraction, it is critical to intervene as early as possible—the moment the person realizes that as they’ve gotten older the people they are attracted to have not; the moment someone close to them suspects something is wrong; or the first time (as opposed to the second, third, fourth, or hundredth) that they try to act on their urges.

Meanwhile, the center is in the process of launching two programs that target adolescents at a key time in their sexual development. The center recently partnered with Baltimore City Public Schools and two other universities to develop and test the Responsible Behavior with Younger Children program for sixth- and seventh-graders. “We say, ‘Don’t punch younger kids, don’t tease them, don’t pinch them.’ We tell older kids all the time how to behave with younger kids, and we never think to include, ‘Oh, by the way, don’t touch their penises and vaginas, and don’t let them touch yours,’” Letourneau says. “Every child approaching puberty needs that kind of clear information, and almost nobody gets it.” The program will encourage empathy for younger kids, give clear direction that younger children should not be involved with sexual behavior and cannot consent, and go over the consequences for harmful actions.

Though the project received some funding from the National Institutes of Health, progress

has been slow. It took 16 months out of what had been planned as a two-year study for all four research partners to get approval from their respective institutional review boards. In January, the intervention recruited its first Baltimore City school and is beginning focus group research with the aim to expand to three more.

The center has also been working on its Help Wanted online program, targeting young people who have unwanted sexual interest in children. “All the people that we’ve spoken to—nearly all of whom have a sexual interest in children—went online to find help. So we know if we properly position our intervention, they’ll find it,” Letourneau says. The intervention has two goals: supporting participants to never act on their urges and helping them navigate adolescence and young adulthood successfully, given the stigma and shame that can come with sexual interest in children. It will address such questions as, How can I meet my sexual needs safely? and Should I disclose this fact about me to

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friends and family? Letourneau says the center hopes to develop a separate module on suicide, a big concern among adolescents with a sexual interest in children. The program received a \$50,000 grant from Raliance, a partnership of several sexual violence organizations established in 2015 with funding from the National Football League, but Letourneau says it may be a couple of years before it opens to the public. “We are absolutely not going to put a prevention intervention out to the public until we know that it achieves what it aims to achieve.”

Last year, on the fifth anniversary of the Moore Center’s founding, Stephen Moore made the announcement that he and his wife had renewed their funding for another five years. And Letourneau is encouraged by how the conversation has started to shift. “If we can get states and the federal government to stop requiring juvenile registration, it will literally free up hundreds of millions—one estimate is billions—of dollars that go into just juvenile registration. And if you free that money up, there’s an argument to be made to put it toward treatment. Treatment of kids who have engaged in these behaviors, treatment of kids who have experienced these behaviors, which are often one and the same, and please, for the love of God, put some of it into the development, evaluation, and dissemination of effective primary prevention strategies.”

The first federal law to require sex offenders to register with local law enforcement was the Wetterling Act of 1994. Patty Wetterling, Jacob’s mother and one of the original proponents of the law, has become a critic of registration in the years since her son’s abduction and murder. “I based my support of broad-based community notification laws on my assumption that sex offenders have the highest recidivism rates of any criminal,” she told Human Rights Watch in 2007. “But the high recidivism rates I assumed to be true do not exist. It has made me rethink the value of broad-based community notification laws, which operate on the assumption that most sex offenders are high-risk dangers to the community they are released into.”

“She thought it would help law enforcement close cases like that of her son who was kidnapped,” Letourneau says. “But instead what it

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does is sweep up a lot of people who are at low risk to reoffend, including children, and punish them for life to no good end. So that’s somebody who’s been remarkably brave and a remarkably, incredibly objective voice in the face of the worst possible thing.”

She adds, “We don’t have to just take away registration. We can replace it with validated interventions for kids who have already engaged in these behaviors and their families. It’s not that there’s nothing out there that works. We have things that work. We just choose to focus on endless and very harsh punishment rather than treating kids so they don’t do this again.”

Jeanette Der Bedrosian is associate editor of *Johns Hopkins Magazine*.