## Review of the Ineligible Volunteer (IV) Files of the Boy Scouts of America (BSA)

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#### **Referral Information**

I have prepared this report in connection with the R.D and C.D litigation against the Boy Scouts of America (BSA) in federal district court in Washington state, USA.

### Janet I. Warren, DSW, Qualifications

I am a Professor of Psychiatry and Neurobehavioral Sciences (PNBS) at the University of Virginia. In this capacity, I serve as teaching and research faculty at the Institute of Law, Psychiatry and Public Policy, a multi-disciplinary policy center organized under the auspices of the School of Law and the School of Medicine at the University of Virginia. I have held this position since 1981.

In my position at the Institute of Law, Psychiatry and Public Policy, I train psychiatrists, psychologists and social workers in conducting forensic evaluations for the courts and specialize in evaluations that focus on assessing the risk for violent behavior and the examination of individuals charged with sexual crimes. I have worked with the FBI's Behavioral Sciences Unit in developing paradigms relevant to the criminal investigative analyses of sexual offenders including distinctions between impulsive versus ritualistic sex offenders, and the elements of modus operandi, ritual, and signature displayed in an offender's crime scene behavior. I have collaborated with the FBI's Behavioral Sciences Unit and FBI National Center for the Analysis of Violent Crime in conducting research on the crime scene analysis of serial rape, sexually sadistic murder, and the criminal histories of individuals convicted of sexual crimes against children. I have served on Virginia state crime commissions that examined policy pertaining to the satanic sexual abuse of children (1991), the registration of sex offenders (1993), and the commitment of sexually violence predators (1994). I am the University of Virginia liaison to the FBI Behavioral Sciences Unit and sit on the Research Advisory Board of the FBI National Center for the Analysis of Violent Crime.

I have published in peer reviewed journals on topics including forensic evaluation and opinion formation for the courts, serial rape, child abduction and murder, crime scene analysis of sexually sadistic crimes involving children and adult, consensual and coerced sex in prisons, risk factors for violence, personality disorders, psychopathy,

female inmates, linkage analysis involving sexual crimes, the use of third party information in conducting evaluations for the courts, and juvenile adjudicative competency and restoration. Many of these publications have derived from research funding that I was awarded by the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Virginia Department of Criminal Justice Services.

I have a BSW and a MSW from the University of Manitoba, Canada, and a doctorate in Social Welfare from the University of California, Berkeley. I am a clinical social worker licensed by the Virginia Board of Social Work (1988), a Sex Offender Treatment Provider (1994) licensed by the Virginia Board of Psychology, and a psychoanalyst accredited by the New York Freudian Society (2001).

My curriculum vitae is attached which details my publications over the past 10 years along with a list of my prior testimony since 2005. My compensation for this work was \$475 an hour.

#### **Sources of Information**

I have considered the following materials in formulating my opinions.

- A review of the BSA "P" IV files from January 1, 1965 to June 30, 1984.
- Report No. 01173 summarizing registration numbers of youth and leaders involved from the BSA from 1970 through 2009.
- http://www.scouting.org/sitecore/content/BSA youth protection/BSA-communications/ineligible-volunteers.
- Murray, W.D. (1937). *The History of the Boy Scouts of America*. Boy Scouts of America. New York, NY: Forward and Chapters 15 (Registration) and 16 (Leadership).
- Boy Scouts of America Inter-organization Communication, *Maintaining Standards of Leadership*, distributed by Paul Ernst dated December 4, 1972.
- BSA Procedures for Ineligible Volunteer File Desk, undated, (Bates BSA0103047).
- US Department of Health and Human Services (1981). Study Findings: National Study of the Incidence of Severity of Child Abuse and Neglect (NIS-1).
- Terry, K., Smith, M.L., Schuth, K. et al. (2011). The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States: 1950-2010.
- Terry, K., Smith, M.L., Galietta, M., et al. (2006). The Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States.
- Bennett, S. "Big Brother + Big Sister = Big Disaster." World Daily Net, August 24, 2002, www.wnd.com/news/article.as? Article-ID = 28723 (as cited by Terry et al., 2011).
- Chuchmach, M., & Patel, A. "ABC New Investigation: USA Swimming Coaches Molested, Secretly Taped Dozens of Teen Swimmers," *ABC News*, April 9, 2010 (as cited by Terry et al., 2011).
- New York Times article, Boy Scouts Head Explains "Red" List, dated June 9, 1935.
- Testimony of Paul Ernst in Jack Doe 1 vs. Corporation of the Presiding Bishop, March 8, 2011.
- Plaintiffs' Amended Complaint dated August 10, 2010.
- R.D. deposition transcript dated May 13, 2011.
- C.D. deposition transcript dated May 12, 2011.
- Warren trial testimony transcript in the *Kerry Lewis v. Boy Scouts of America, et al.* litigation in Portland, Oregon dated April 12, 2010.

The tables summarized below reflect my review of the P/IV data. Further analyses may be warranted should additional questions arise concerning the data.

## Review of the BSA Ineligible Volunteer (IV) Files

The current review of the BSA Ineligible Volunteer (IV) files supplements a prior analysis of the files conducted in 2010 as part of litigation against the Boy Scouts of America (BSA) and the Cascade Pacific Council in Portland, Oregon. The goal of the review was to capture as much reliable information as could be gleaned from the files and to conduct analyses that might inform youth protection efforts within the BSA. The files reviewed represent individuals brought to the attention of the BSA due to suspicions concerning inappropriate sexual behavior from January 1, 1965 through June 30, 1984. A total of 930 files were submitted to me, of these 920 were unduplicated, and 829 involved allegations of inappropriate sexual behavior with a youth.

# Use of the Ineligible Volunteer (IV) Files by the Boy Scouts of America

The use of the Ineligible Volunteer (IV) files by the BSA began shortly after the requirement for annually-renewable registration of all Scout leaders was implemented in 1911. This yearly registration was viewed as one component of a process designed to identify men who were considered mentally and morally "worthy" to be involved in Scouting, while also detecting "weaknesses" that might deem a particular individual "unfit" for sustained involvement with youth<sup>1</sup>. The IV files came to represent a second tier of information used to identify unfit leaders, to ensure that their registration with the BSA was terminated, and to centralize identifying information that could be used to detect any attempts they might make to rejoin Scouting.

A volunteer can be excluded from participation in Scouting for suspected or confirmed behavior identified according to six IV classification categories: Perversion (P), Morals (M), Financial (F), Leadership (L), Criminal (C), and Theft (T). Information concerning any of these behaviors is submitted by the local council to the BSA for storage in the IV filing system. Over the years, individual files have been deleted from the filing system at the BSA if the organization was informed that the person referenced had died or reached the age of 75 years. Prior to deletion, the executive director of the registration services confirmed that this deletion was warranted. All of the IV files reviewed in the current study came from the P classification code.

Currently, the BSA website describes the existence of the Ineligible Volunteer (IV) files and explains their function as one component of a three prong effort to ensure youth protection including local and national screening, education, and training, and clear policies to protect youth members<sup>2</sup>.

<sup>2</sup> http://www.scouting.org/sitecore/content/BSA youth protection/BSA-communications/ineligible-volunteers

<sup>&</sup>lt;sup>1</sup> Murray, W.D. (1937). The History of the Boy Scouts of America. Boy Scouts of America. New York, NY.

#### **Method of Data Collection**

The IV project was submitted for expedited review as archival research to the Institutional Review Board for the Social and Behavioral Sciences at the University of Virginia. The Director of the IRB Committee at UVA responded that the use of these files in the context of litigation only did not reflect human subject research and that further review was not required at this time.

Data for the current study were collected using a 17-page data abstraction form, which included a separate victim module that was completed for each Scouting-involved youth victim. The variables were designed to capture all information in the files pertaining to the IV, his victims, the interactions between the victim and perpetrator, and the characteristics of the file itself.

Table 1: Description of Coding Form and Coding Process

Coding Form	Question Numbers	Information Collected
Section A. Nature of Case File	A1-A7	Basic data regarding the earliest, latest, and opening date of the file, the number of pages, whether the file involved inappropriate sexual behavior with a minor, and when possible a description of why the file was opened.
Section B. File Content Concerning Sexual Behavior with a Youth	B1-B33	Information on what prompted the opening of the file, who was aware or made aware of the inappropriate sexual behavior, attempts at re-registration or reinstatement, public information included in the file, and the nature and number of victims.
Section C. Characteristics of IV	C1-C19	Basic demographic information such as name, age, marital status, employment status, and race. Indication of what the BSA attempted to obtain and actually obtained to assist in identifying the IV. Information on criminal, mental health, and substance abuse history.
Section D. Characteristics of Each Victim	D1-D27	Only completed if it was clear the victim was a Scout. Basic demographic information such as initials, age, gender, and race of the victim. Information about the inappropriate behavior including when it occurred, what happened, and who was informed.

Prior to data collection, the data abstraction form was submitted to David Finkelhor, Ph.D., University of New Hampshire, and Karen Terry, Ph.D., John Jay College of Criminal Justice of the City University of New York to ensure

that it was comprehensive and congruent with prior research and state of the art knowledge. Their comments were integrated into the data abstraction form which is attached to this report.

Ten coders were involved in the coding process, which began on January 5, 2011, and concluded on April 19, 2011. The coders were made up of junior faculty, advanced graduate students, and graduating law students at the University of Virginia. Each signed a confidentiality agreement and protective court order (Case No. 0710-11294) ensuring that they would keep the files and their contents strictly confidential and each was compensated for their time. Based upon the coding and data analytic procedures, confidentiality was maintained during all stages of the research project.

The total number of unduplicated IV files involving alleged inappropriate sexual behavior with youth was 829. The total number of Scouting-involved youth identified using the victim data module was 1302.

## **Data Quality and Data Coding**

The IV files are administrative and archival in nature and were created to identify individuals who did not meet the standards for involvement in Scouting, to revoke their registration with the BSA, and to create a barrier to any attempt they might make to reregister with the BSA at a later point in time. Congruent with these goals, the first page of most files contains a confidential record sheet that inquires about the IV's physical attributes (for example, age, height, weight, eye color, hair color), their demographic characteristics (for example, marital status, religion, education, occupation, nationality), and some of their outstanding characteristics or interests (for example, white water canoeing, archery). These data were sought in all cases and were consistently found in most files. Other information about the alleged perpetrator, the victim, and their interactions was more irregular or intermittent, and while found in some files, was absent in many.

To best represent these gaps in the data, we presented the data as "unable to ascertain from the file (missing)" unless the information was sufficient to indicate a definitive "yes" or "no" answer to a specific inquiry or question.

## **Descriptive Statistics of IV File Information**

Generally, there was sufficient information in each file to determine the reason for the IV being denied further registration with the BSA. In 90 percent of the "P files" produced for our review, the behavior of concern reflected suspected or confirmed inappropriate sexual behavior with a youth. This represents 829 individuals identified by the BSA and denied registration over a nineteen and a half year period for suspected inappropriate sexual contact with a minor.

The Individual files varied in both their length and their content. The shortest file was two pages long, including the confidential record sheet and a single letter from the local council to the BSA. The longest file included 134 pages of information about the IV and his behavior derived from police reports, newspaper articles, victim interviews, and correspondence between the local council and the BSA. The mean length of the files across the full sample of 920 cases was 11.8 pages.

The majority of the IV files contained information that was accessed from the public domain (58.1%). These public domain sources included newspaper articles, police reports, criminal justice records, and/or records of civil litigation. These data indicate that more often than not, the police, the courts, and the public were aware of inappropriate sexual behavior having been attributed to the men identified in the IV files.

Table 2: Description of IV Files January 1, 1965 through June 30<sup>th</sup>, 1984

Overview of Files	N	(%)
Total Number of Coded Files	920	
Reason Opened (N = 920)		
Inappropriate sexual behavior with an adult	46	5.0
Inappropriate sexual behavior with a youth	829	90.1
Unable to ascertain from file (Missing)	45	4.9
Files Including Public Information (N = 829)	482	58.1
	М	Range
Number of Pages in Files (N = 920)	11.8	2 to 134

The data in Table 3 indicate that multiple incidents of inappropriate sexual behavior with youth by adults involved in Scouting occurred each year from January 1, 1965, through June 30, 1984. This rate varied from a low of 25 in 1980 and 1981 to a high of 75 in 1966. The year in this chart is the year the confidential file was opened, which was derived from the date on the confidential record sheet. Specific date information was missing from the confidential record sheet in 18 of the cases reviewed, but all materials were within the time period of the study and hence included in the analyses.

Table 3: Number of Files Opened Each Year (N = 920)

Year Files Opened	N	(%)
1965	54	5.9
1966	75	8.2

1967	69	7.5
1968	64	7.0
1969	64	7.0
1970	53	5.8
1971	40	4.3
1972	52	5.7
1973	40	4.3
1974	33	3.6
1975	26	2.8
1976	33	3.6
1977	44	4.8
1978	28	3.0
1979	28	3.0
1980	25	2.7
1981	25	2.7
1982	33	3.6
1983	64	7.0
1984	52	5.7
Not entered on record sheet	18	2.0

As presented, over a 19.5 year time period, 829 individuals came to the attention of the BSA because of suspicions or confirmations of inappropriate sexual contact with children or adolescents. BSA registration data that is available from 1970 through 1984 indicate that in 1980 when the smallest number of individuals was entered into the IV files (i.e., 25), there were 1,117,057 Scouting-involved adults registered with the BSA. This indicates that 0.002 percent of all registered Scouting-involved adults in that year came to attention of the BSA because of alleged inappropriate sexual behavior with a child or adolescent. In 1983, the year when there were the most Scouting-involved adults entered into the IV files (i.e., 64), and for which there are registration numbers available, there were 1,121,754 adults registered with the BSA. This indicates that 0.006 percent of all registered adults in that year were entered into the IV files because of inappropriate sexual behavior with a child or adolescent.

There is limited comparative data concerning the rates of identified child molesters in other comparable youth serving organizations. In 2002, the President of the Big Brothers and Big Sisters (BB/BS) organization reported that their agency receives less than 10 allegations of sexual abuse per year while matching 220,000 children with mentors. This represents a rate of 0.005 percent of all mentors each year investigated by the BB/BS due to

concerns about child sexual abuse<sup>3</sup>. Data from USA Swimming has indicated that 36 out of 12,000 active coaches were banned over a ten year period for sexual misconduct<sup>4</sup>. This behavior ranged from the videotaping of athletes to sexual intercourse. Translated into yearly rates (3.6 coaches per year out of 1,200), these statistics suggest that approximately 0.3 percent of all coaches were banned each year for inappropriate sexual behavior. From 1950 through 2002, US Catholic dioceses, eparchies, and religious communities reported that 4.0 percent of the priests in ministry per diocese were accused of sexual abuse of a minor<sup>5</sup>.

Table 4: Number of Files Opened by State (N = 829)

Location Where File was Opened	N	(%)
Alabama	7	0.8
Alaska	4	0.5
Arizona	12	1.4
Arkansas	1	0.1
California	89	10.7
Colorado	18	2.2
Connecticut	16	1.9
Delaware	2	0.2
Florida	42	5.1
Georgia	13	1.6
Hawaii	4	0.5
Idaho	7	0.8
Illinois	39	4.7
Indiana	22	2.7
lowa	10	1.2
Kansas	12	1.4
Kentucky	8	1.0
Louisiana	14	1.7
Maine	3	0.4
Maryland	20	2.4
Massachusetts	29	3.5
Michigan	36	4.3

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<sup>&</sup>lt;sup>3</sup> Bennett, S. "Big Brother + Big Sister = Big Disaster." World Daily Net, August 24, 2002, www.wnd.com/news/article.as? Article-ID = 28723 (as cited in Terry et al., 2011).

<sup>&</sup>lt;sup>4</sup> Chuchmach, M., & Patel, A. "ABC New Investigation: USA Swimming Coaches Molested, Secretly Taped Dozens of Teen Swimmers," *ABC News*, April 9, 2010 (as cited in Terry et al., 2011. p. 19).

<sup>&</sup>lt;sup>5</sup> Terry, K., Smith, M.L., Galietta, M. et al. (2006). The Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States.

Minnesota	16	1.9
Mississippi	0	0
Missouri	23	2.8
Montana	4	0.5
Nebraska	3	0.4
Nevada	5	0.6
New Hampshire	7	0.8
New Jersey	30	3.6
New Mexico	3	0.4
New York	63	7.6
North Carolina	19	2.3
North Dakota	2	0.2
Ohio	38	4.6
Oklahoma	5	0.6
Oregon	18	2.2
Pennsylvania	53	6.4
Rhode Island	3	0.4
South Carolina	6	0.7
South Dakota	1	0.1
Tennessee	6	0.7
Texas	42	5.1
Utah	3	0.4
Vermont	2	0.2
Virginia	12	1.4
Washington	12	1.4
Washington, D.C.	1	0.1
West Virginia	4	0.5
Wisconsin	18	2.2
Wyoming	1	0.1
Multi-State	8	1.0
Outside US	11	1.3
Unable to ascertain from file	2	0.2

The state data indicate that suspicions or confirmations of sexual abuse were identified by local councils from across the US, and in a small number of instances, in foreign countries.

As noted earlier, data were quite rich concerning the physical attributes (for example, height and weight) and demographic characteristics (for example, education and occupation) of the individuals entered into the IV files. It was these data that were solicited to ensure that the IV would be recognized if they sought to re-register with the BSA at another time, in another location, or possibly using a different name.

No information concerning the physical and demographic attributes of non-IV Scouting-involved men exists for comparison purposes. However, there is no basis in the research literature to suggest that physical attributes or demographic characteristics differentiate between Scouting involved men in the IV files and Scouting- involved men who are not included in the files.

Table 5: Characteristics of the IVs Identified in Files (N = 829)

Characteristics of IV		
Information Documented in File	N	(%)
Name	823	99.3
Address of IV	816	98.4
Exact age	629	75.9
Approximate age	821	99.0
Nationality	495	59.7
Religion	630	76.0
Occupation	777	93.7
Education	532	64.2
Weight	786	94.8
Height	791	95.4
Race	769	92.8
Color of Hair	773	93.2
Color of Eyes	592	71.4
Outstanding characteristics or interests	498	60.1
Married or single	788	95.1
Number of Children/Had Children	730	88.1
Names of Children	681	82.1
Wife's Name	725	87.5
Photograph of IV	58	7.0
Race of IV	N	(%)
Caucasian	717	86.5
Other	38	4.6

Unable to ascertain from file (missing)	74	8.9
Age of IV at time File Opened	N	(%)
18-29	348	42.0
30-39	265	32.0
40-49	171	20.6
50-59	30	3.6
60-69	5	0.6
70+	1	0.1
Unable to ascertain from file (missing)	9	1.1
Marital Status of IV at time File Opened	N	(%)
Single	553	66.7
Married	237	28.6
Unable to ascertain from file (missing)	39	4.7
Parental Status of IV at time File Opened	N	(%)
IV Had Children	200	24.1
No Indication IV Had Children	628	75.8
Unable to ascertain from file (missing)	1	0.1
If IV had children, was there evidence that any of the children were involved in Scouting at the time the IV file was opened?		
Yes	11	1.3
No	61	7.4
Unable to ascertain from file (missing)	757	91.3
Position of IV in the BSA <sup>1</sup>	N	(%)
Professional Scouter	27	3.3
Scout Master	386	46.6
Assistant Scout Master	224	27.0
Troop Committee Chair Person	19	2.3
Troop Committee Member (Committeeman)	100	12.1
Scout Parent	1	0.1
Merit Badge Counselor	17	2.1
Summer Camp Staff	24	2.9
Non Registered with BSA	18	2.2
Other	179	21.6

Notes:

<sup>&</sup>lt;sup>1</sup>Multiple responses coded resulting in totals not adding to 100%.

The majority of the men (99.9% of the IVs were male) identified in the IV files were under the age of 50. Of these men, approximately two thirds were unmarried at the time they were entered into the IV files. To explore martial status as a factor that might be unique to the IV sub-group of men, we further analyzed age by marital status. As summarized in Table 6 below, IVs involved in Scouting under the age of 39 tended to be single; men aged 40 to 49 were both single and married, and IVs over the age of 50 tended more often to be married. Approximately one quarter of the men in the IV files were parents at the time that the IV was opened.

Three positions in Scouting tended to be associated most consistently with entry into the IV files: Scout Master, Assistant Scout Master, and Troop Committee Member. Together, these three positions represented 85.7 percent of the men entered into the IV files.

Table 6: Marital Status by Age of IV (N = 820)

Age of IV at Time File Opened	N	(%)
18-29 (N = 348)		
Single	298	85.6
Married	35	10.1
Unable to ascertain from file (missing)	15	4.3
30-39 (N = 265)		
Single	167	63.0
Married	87	32.8
Unable to ascertain from file (missing)	11	4.2
40-49 (N = 171)		
Single	75	43.9
Married	88	51.5
Unable to ascertain from file (missing)	8	4.7
50-59 (N = 30)		
Single	6	20.0
Married	21	70.0
Unable to ascertain from file (missing)	3	10.0
60-69 (N = 5)		
Single	2	40.0
Married	3	60.0
Unable to ascertain from file (missing)	0	0
70+ (N = 1)		
Single	0	0
Married	1	100

n

0

Notes: <sup>1</sup>Frequencies are calculated based on a N = 820 reflecting the number of IVs for which age was known,

As summarized in Table 7, below, the IV files appear to have identified some "unfit" leaders within a relatively short time after their initial registration with BSA. Of the 829 men in the IV files for alleged sexual behavior involving youth, at least 128 or 15 percent of the IVs were identified and had their registration revoked within a year of their initial registration (data on length of time involved in Scouting was missing for 234 or 28 percent of the IVs).

These data indicate that some IVs were detected for their inappropriate sexual behavior with youth shortly after they became involved in Scouting. However, the majority of the IVs were involved in Scouting for more than one year by the time allegations of inappropriate sexual behavior came to the attention of BSA headquarters. As illustrated by the data, one Scout Leader was involved in Scouting for 42 years before being identified and entered into the IV files. The mean length of time from registration to entry into the IV files was 3.5 years.

In 735 files, there was no information concerning the IV's involvement with Scouting as a youth. The data that were available indicated that 8.7 percent of the IVs were known to have been involved with Scouting during their childhood and/or adolescence.

In 627 files, there was no information concerning the length of time that the IV had been living in the local community before being entered in the IV files. When these data were available, they suggested more often than not that the IV had been living in the community for at least five years by the time suspicions arose about their sexual behavior. The majority of the files also did not contain information that contradicted the impression that the IVs were viewed as being stable members of their local communities.

At least 15.7 percent of the IV files contained information indicating that the IV was involved in other youth-oriented activities at the time that they had their registration with the BSA revoked. These activities involved work as teachers, involvement in other youth serving organizations such as the Big Brothers and Big Sisters, and/or involvement in community sport and church activities. Some case files indicate that the IV attempted to become involved in other youth serving organizations after being denied registration by the BSA.

After being denied registration by the BSA, 175 men (21.1%) were identified as having sought to re-register with the organization. These efforts involved straightforward attempts to re-register in the same community with the same name to more complex attempts to re-register under a different name at another location many years after their original entry into the IV files. In these instances, their efforts came to the attention of the BSA and they were denied registration in the organization.

Table 7: IV's Involvement with Scouting and other Youth Serving Organizations (YSO) (N = 829)

Characteristics of IV's Involvement with Scouting/YSOs	M	Range
How many years had the IV been involved in Scouting as an adult when the IV file was opened?		
Includes IVs With Less Than a Year In Scouting (N = 595)	3.5	0-42
Unable to ascertain from file (missing)	234	(28%)
Had the IV been a member of Scouting as a youth?	N	(%)
Yes	72	8.7
No	22	2.6
Unable to ascertain from file (missing)	735	88.7
Had the IV lived in the community for more than five years at the time of the first alleged abuse?	N	(%)
Yes	157	19.0
No	45	5.4
Unable to ascertain from file (missing)	627	75.6
Was there any information to indicate that the IV was NOT a stable member of the local community?	N	(%)
Yes	77	9.3
No Indication	752	90.7
Are there any indications that the IV was involved in other youth serving activities (for example, being a school teacher, Sunday school teacher, sports coach, etc.)?	N	(%)
Yes	130	15.7
No Indication	699	84.3
Are there any indications that the IV tried to become involved with another youth serving organization after being refused registration by the BSA?	N	(%)
Yes	7	0.8
No Indication	822	99.2
Are there any indications that the IV tried to register as a leader/volunteer in another area after being declared ineligible for membership in Scouting?	N	(%)
Yes	175	21.1
No Indication	654	78.9
Was the IV ever arrested for a sex crime?	N	(%)
Yes	486	58.6
No Indication	343	41.4

The majority of the men identified in the IV files were arrested at some time for a sex crime (58.6%). This arrest could have occurred prior to their involvement in Scouting, as a proximate outcome of the incident that resulted in their entry into the IV files, or sometime after they had terminated their involvement with Scouting. This finding again illustrates the degree of public awareness associated with the sexually criminal behavior of these individuals and the criminal justice system's response to it.

In the files, there are indications that 34 men were placed on probationary status during the 19.5 years of the study period. Although this N is small and there is considerable missing data, in 6 of 29 cases (21%) the probationary status appears to have been associated with the IV entering into some type of mental health treatment. Within the group, 13 of 25 (52%) men were eventually reinstated and 12 (48%) were not. Of those reinstated, twenty-two of the 28 men (79%) were not known to have become involved in any further inappropriate sexual behavior with Scouting involved youth during the probationary period. Two of 20 (10%) men were accused of inappropriate sexual behavior with a youth after their probationary period had ended.

**Table 8: Probationary Status** 

Probationary Status of IV		
Was the IV placed on probation by BSA based upon concerns about their behavior? ( $N = 829$ )	N	(%)
Yes	34	4.1
No	783	94.5
Unable to ascertain from file (missing)	12	1.4
If IV was placed on probation, was the IV reported to have obtained mental health treatment? $(N = 34)$	N	(%)
Yes	6	17.6
No	23	67.6
Unable to ascertain from file (missing)	5	14.7
If IV was placed on probation, was the IV ultimately reinstated? $(N = 34)$	N	(%)
Yes	13	38.2
No	12	35.3
Unable to ascertain from file (missing)	9	26.5
If IV was placed on probation, was the IV ever known to have offended against a Scout during their probationary period? (N = 34)	N	(%)
Yes	6	17.6
No	22	64.7
Unable to ascertain from file (missing)	6	16.6
If IV was placed on probation, was the IV ever known to have	N	(%)

offended against a Scout after their probationary period	= N) ?k	
34)		
Yes	2	5.9
No	20	58.8
Unable to ascertain from file (missing)	12	35.3

In most instances, the IV accepted the decision communicated to them by the local council that they were being denied further registration with the BSA. This action was often associated with a letter of resignation that referenced personal reasons for their decision to terminate their involvement in Scouting. However, as summarized in Table 9, in 6.5 percent of the cases, the IV disputed the allegations being made against them, in 4.0 percent of the cases they sought to be reinstated despite the suspicions of the local council, and in 1.3 percent of the cases, they threatened legal action against the BSA.

Table 9: Reaction of IV to Opening of IV File (N = 829)

Reaction of IV to Opening of File	N	(%)
Did the IV dispute the allegations made by the BS?		
Yes	54	6.5
No Indication	775	93.5
Did the IV try to seek reinstatement?		
Yes	33	4.0
No Indication	796	96.0
Did the IV threaten some type of legal action against the BSA or Council?		
Yes	11	1.3
No Indication	818	98.7

Opening of the IV files was often prompted by some type of police action or contact with the criminal justice system (45.5%). Less frequently, disclosures by the child (20.9%) or a report by a family member (15.3%) triggered the investigation that led to the opening of the IV file. In 6.6 percent of the files, the inappropriate sexual behavior was observed by another youth or adult and reported to individuals involved in Scouting.

After receiving allegations of inappropriate sexual behavior by a Scouting-involved adult, the local council typically began a process of inquiry designed to understand more about the allegations and the alleged IV (81.4%). In 24.2 percent of the files, the local councils had contact with local law enforcement, in 15.8 percent they met with the

parents of the youth, and in 13.6 percent of the files members of the local council met with the youth(s) who was believed to have been the victim of inappropriate sexual contact by a Scouting-involved adult.

In 523 (63.1%) of the IV files, there are indications that the police were involved in the investigation of the behavior that was associated with the opening of the IV file.

In the majority of instances, the parents of the alleged victim were aware of the allegations being made against a particular Scouting-Involved adult (62.4%). In 3.3 percent of the files, the parents explicitly stated that they wanted this information to remain confidential. In 17.7 percent of the files, the parents reported the alleged sexual abuse either to the police or to the district attorney.

Table 10: Activities Associated with the Opening of IV File (N = 829)

Activities Associated with Opening of IV File	N	(%)
Events that led to the opening of IV File <sup>1</sup>		
Disclosure by child/youth	173	20.9
Observation of inappropriate/suspicious behavior by third party	55	6.6
Report of third party – family member	127	15.3
Report of third party – police officer/prosecution/defense/arrest information	377	45.5
Report of third party – physician or medical personnel	1	0.1
Physical evidence (STD, physical injury, etc.)	0	0
Inexplicable sexual knowledge of child	0	0
Inexplicable sexual behavior of child	0	0
Other	42	5.1
Unable to ascertain from file (missing)	76	9.2
Response of Local Council to Allegations of Abuse <sup>1</sup>	N	(%)
Seek to obtain more information about the alleged incident or perpetrator	675	81.4
Meeting with the youth by Scouting officials	113	13.6
Meeting with the parents of the youth by Scouting officials	131	15.8
Meetings with other parents of other scouts	15	1.8
Meeting with other scouts in the same troop	18	2.2
Meeting with personnel associated with the Chartered organization (for example, church)	35	4.2
Contact with law enforcement/prosecution/defense	201	24.2
Other	191	23.0
Police Involved in Investigation of Crime	N	(%)

Police Involvement	523	63.1
No indication of police Involvement	306	36.9
Were the parent(s) of the alleged victims advised or made aware that the inappropriate sexual behavior had been occurring?	N	(%)
Yes	517	62.4
No	7	0.8
Unable to ascertain from file (missing)	305	36.8
Parents requested alleged sexual behavior be kept confidential	N	(%)
Yes	27	3.3
No	201	24.2
N/A Youth Not Involved in Scouting	129	15.6
Unable to ascertain from file (missing)	472	56.9
Parents reported abuse to police/district attorney	N	(%)
Yes	147	17.7
No	248	29.9
Unable to ascertain from file (missing)	434	52.4
Among parents who knew about the abuse, did the parent(s) allow their child to continue in Scouting?	N	(%)
Yes	22	2.7
No	5	0.6
N/A Youth Not Involved in Scouting	90	10.9
Unable to ascertain from file (missing)	712	85.9

Notes

The available data suggest that the victim selection techniques used by the IVs tended to focus on Scouts or non-Scouts rather than a combination of youth from both categories. Despite considerable missing data, 55.2 percent of the IVs were known to have been involved in alleged inappropriate sexual behavior with a youth who was involved in Scouting only. In 12.9 percent of the files, the IV was known to have been involved in alleged inappropriate sexual behavior with youth who were non-Scouting involved only. In 7.7 percent of the files, there was information indicating that the IV was suspected of having been involved in inappropriate sexual behavior with youth who were known to be involved in Scouting along with youth with no known Scouting affiliation.

The IVs tended to have multiple child victims. In 64.1 percent of the files, there was information indicating alleged inappropriate sexual behavior with multiple youth. In 30.4 percent of the files, the available information indicated alleged inappropriate sexual behavior with only a single victim.

<sup>&</sup>lt;sup>1</sup>Multiple responses coded resulting in totals not adding to 100%.

The location of the alleged inappropriate sexual contact was identified in only 54.5 percent of the files. Campouts (29.1%) and the residence of the IVs (18.0%) were the locations most frequently identified. In 4.3 percent of the files, there was information indicating that the alleged inappropriate sexual contact occurred during activities known to be non-Scouting related.

Table 11: Characteristics of Inappropriate Sexual Behavior with Youth (N = 829)

Characteristics of Inappropriate Sexual Behavior with Youth	N	(%)
Affiliation of Youth Victims		
Only Scouting affiliated	458	55.2
Only youth with no Scouting activity	107	12.9
Scouts and non-Scouts	64	7.7
Unable to ascertain from file (missing)	200	24.1
Nature of Victimization	N	(%)
Single Victim identified	252	30.4
Multiple Victims identified	531	64.1
Unable to ascertain from file (missing)	46	5.5
Location of Inappropriate Sexual Behavior <sup>1</sup>	N	(%)
On campout	241	29.1
On other scouting outing or activity	75	9.0
At IV's home	149	18.0
In IV's vehicle	39	4.7
At victim's home	31	3.7
At the home of another Scout	2	0.2
At the home of another non-Scouting-involved youth	0	0
During victim's family activity	1	0.1
Identified non-scouting activity	36	4.3
Chartered organization's facility not during Scouting activity	5	.6
Other	81	9.8
Unable to ascertain from file (missing)	377	45.5

Notes:

The total number of youth victims identified in the 829 IV files using the victim modules was 1622. Of these, 1302 were known to be involved in Scouting. For 112 alleged victims, it was unclear if they were involved in Scouting, and for 208 alleged victims, it was clear that they were not involved in Scouting.

<sup>&</sup>lt;sup>1</sup>Multiple responses coded resulting in totals not adding to 100%.

The dates of the alleged abuse were included in only one half of the victim modules. However, for estimation purposes, if we assume that the victims spanned the full period of our study, then we would estimate that the BSA became aware of allegations involving approximately 67 different youth victims each year (1302 divided by 19.5). Registration data that is available from the BSA for the years 1970 through 1984 indicate that the number of youth involved in Cub Scouts and Boy Scouts ranged from a low of 3,157,294 in 1979 to a high of 4,891,926 in 1972. If we calculate according to both frequencies, they would suggest that 0.00137 to 0.00212 of the youth involved in Scouting each year over the course of our study became the victims of suspected child sexual abuse allegedly perpetrated by adults involved in Scouting. When translated into common prevalence statistics, these numbers indicate that approximately 1.4 to 2.1 youth per 100,000 Scouting-involved youth were allegedly victimized in the context of their involvement in Scouting.

These rates of alleged sexual abuse derived from the IV files can be compared with other data involving the sexual abuse of children. The National Incidence Study of Child Abuse and Neglect (NIS), a congressionally mandated effort maintained by the United States Department of Health and Human Services (DHHS), began collecting data on child sexual abuse in 1979 and 1980. Mandated by Public Law 93-247 (1974), it was designed to develop standardized definitions, to create a standardized NIS methodology, and to collect national information concerning the incidence and severity of child abuse and neglect<sup>6</sup>. The results of the first study were published in 1981 followed by three further studies in 1986 and 1987 (NIS-2), 1993 and 1995 (NIS-3), and in 2005-2009 (NIS-4). These studies targeted all children investigated by Child Protective Services (CPS) and those identified by "sentinels" who are likely to come in contact with maltreated children in public schools, day care centers, short stay general and children's hospitals, municipal police departments, coroner's offices, voluntary social service agencies, mental health agencies, country juvenile probation, public health departments, and the country sheriff and state police departments. These studies focused only on parents and caretakers as perpetrators and yet found in 1980 that 70 per 100,000 children experience sexual exploitation each year. Sexual exploitation was defined as penis penetration, molestation with genital contact, and other types of sexual exploitation including sexual assault, maltreatment, or other forms of sexual abuse.

As summarized in Table 12, the most common sexual acts described in the IV files involved the making of sexual propositions to a youth (12.1%) and fondling. The fondling involved sexual touching of the youth by the IV over their clothes in 7.5 percent of the files and under their clothing in 16.9 percent of the files. It also included sexual touching of the IV over his clothing in 0.8 percent of the files and/or under his clothing in 5.1 percent of the files. Penetration of the victim was suspected or confirmed by 4.6 of the known Scouting victims. Penetration was

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<sup>&</sup>lt;sup>6</sup> US Department of Health and Human Services (1981). Study findings: National study of the incidence and severity of child abuse and neglect. Washington, DC.

defined in the current study as penetration of the victim or IV in the anus or vagina with a finger, penis, or other object.

The reported incidents of alleged inappropriate sexual contact were seldom associated with overt physical violence (2.6%). Similarly, they were seldom associated with the threat of physical violence toward the youth (2.4%) or toward a friend or a member of the youth's family (0.3 %).

There was little information in the files concerning the techniques used by the IV to "groom" their alleged child victims. Grooming is defined in the current study as any and all activities or behaviors used by the IV to entice the youth into some type of sexual contact and to lessen the likelihood that the youth will report these activities to others. These data were missing for 670 of the 1302 (52%) known Scouting-involved victims. For those for whom this information was reported, being singled out and made to feel special was the most common grooming behavior identified. However, this behavior was identified in relation to only 4.1 percent of the known victims.

Table 12: Additional Characteristics of Inappropriate Sexual Behavior with Youth (N = 1302)<sup>1</sup>

Additional Characteristics of Inappropriate Sexual Behavior with Youth	N	(%)
Sexual Acts Included in Victimization <sup>2</sup>		
Sexual looking or taking of nude photographs	71	5.5
Showing pornographic images to the youth (either professional or homemade)	69	5.3
Making some type of sexual proposition to the youth	158	12.1
Fondling of victim's sexual body parts over clothes	97	7.5
Fondling of victim's sexual body parts under clothes with hands	220	16.9
Fondling of victim's sexual body parts with mouth	77	5.9
Fondling of IV's sexual body parts over clothes	11	0.8
Fondling of IV's sexual body parts under clothes with hands	66	5.1
Fondling of IV's sexual body parts with mouth	32	2.5
Masturbation of IV in front of victim	41	3.1
Penetration of victim with finger, penis, or other	60	4.6
Penetration of IV with finger, penis or other	7	0.5
Other*	472	36.3
Unable to ascertain from file (missing)	122	9.4
Victimization involved physical violence	34	2.6
Victimization involved threatened physical violence against youth	31	2.4
Victimization involved threatened physical violence against member of family/friends	4	0.3

Frequency of Sexual Activity	N	(%)
Only one time occurrence with victim(s)	418	32.1
Multiple incidents with victim(s)	298	22.9
Unable to ascertain from file (missing)	578	44.4
Behaviors used to solicit sexual behavior from victim/keep victim from reporting <sup>2</sup>	N	(%)
Money and/or gifts	25	1.9
Child attracting activities or interests (for example, baseball cards, pets, pools, games, etc)	37	2.8
Adult behaviors such as staying up late/drinking/smoking/driving a car or operating a boat	36	2.8
Showing pornography in books, magazines, and/or movies	28	2.2
Being singled out - made to feel special in relation to other Scouts	53	4.1
Travel and/or exciting adventures in the community	37	2.8
Intimate relationship and sense of caring	37	2.8
Sexual pleasure or enticement	33	2.5
Threats of loss of relationship	6	0.5
Threats of physical harm to self or others	33	2.5
Threats of embarrassment or humiliation	19	1.5
Other*	120	9.2
Unable to ascertain from file (missing)	670	51.5

# Notes:

Information concerning the various child victims was limited in most of the IV files, this not being germane to the intent of the files in identifying and denying registration to a small subset of Scouting-involved adults. When data were available, they suggested that the victims ranged from seven to 30 years of age at the time of reporting to BSA. The mean age of the known victims was 12.6 years. Most of the victims were male although a small number of the victims were identified as being female (1.1%). Twenty victims (1.5%) were known to have been handicapped.

Approximately one-fifth (21%) of the Scouting-involved victims reported the abuse to an adult when it was occurring. Conversely, more than three quarters did not. When this reporting occurred, it was most frequently involved a parent (14%) or to another adult involved in Scouting (7.1%).

<sup>&</sup>lt;sup>1</sup>This total includes all Scouting victims that could be reliably accounted for using the victim module.

<sup>&</sup>lt;sup>2</sup>Multiple responses coded resulting in totals not adding to 100%.

<sup>&</sup>lt;sup>3</sup>Non-Intrusive included acts of fondling with hands, masturbation, proposition, and pornographic material. Intrusive included acts of penetration and fondling with mouth.

<sup>\*</sup> Other Includes vague descriptions of acts such as indecent liberties, sexual act, homosexual behavior, immoral acts, advances, etc.

Table 13: Characteristics and Behaviors of Child Victim(s) (N = 1302)<sup>1</sup>

Characteristics and Behaviors of Child Victims		
Age of Victim when sexual behavior reported or discovered		
Mean Age	12.6	
Age Range	7 to 30 <sup>2</sup>	
Missing Data	1003	
Gender of Victim	N	(%)
Girls	14	1.1
Boys	954	73.3
Unable to ascertain from file (missing)	334	25.7
Race of Victim	N	(%)
Caucasian	7	<1
Other	1	<1
Unable to ascertain from file (missing)	1294	99.4
Consumption of alcohol or drugs associated with victimization by IV	N	(%)
Yes	35	2.7
Unable to ascertain from file (missing)	1267	97.3
Handicaps Associated with victims of IV	N	(%)
Yes	20	1.5
Unable to ascertain from file (missing)	1282	98.5
Victim reported victimization during its occurrence	N	(%)
Yes	339	26.0
Unable to ascertain from file (missing)	963	74.0
Who was told of victimization while it was occurring <sup>3</sup>	N	(%)
Another adult involved in Scouting	92	7.1
Another Scout	29	2.2
Another non-scout involved youth	0	0
A Parent	182	14.0
A Teacher	1	0.1
A Friend	3	0.2
A Sibling	8	0.6
Other	12	0.9
Unable to ascertain from file (missing)	50	3.8

Notes: <sup>1</sup>This total includes all Scouting victims that could be reliably accounted for using the victim module.

### **Conclusions**

The current review of the IV files indicates that they functioned well in helping to keep unfit adults out of Scouting. Eight hundred and twenty nine (829) Scouting-involved adults were identified over a 19.5 year time period for whom there were suspicions or confirmations of inappropriate sexual behavior with children or adolescents. Information was collected on identifying characteristics of the IVs in over 90 percent of the files and this information was used to identify 175 men (21% of the identified Scouting-involved adults) who were attempting to re-register with the BSA. The men who sought to re-enter Scouting appeared intent or perhaps undaunted in their attempts to access child victims through Scouting and the IV files worked successfully as an internal safeguard to protect youth from their re-entry into the organization.

The existence of the IV files confirms that there are some men who access youth-serving organizations in order to establish sexual contact with youth, often of a particular desired age. However, when compared to methodologically sound prevalence rates of sexual abuse of children during the 1970s (NIS-I), registration numbers from the BSA suggest that children were safer in their Scouting activities and less likely to experience inappropriate sexual behavior when involved in these activities than in the family and during other community activities supervised by formal caregivers of the child. The prevalence estimates for Scouting were 1.4 to 2.1 of youth per 100,000 as compared to 70 per 100,000 identified by the NIS-I study. This difference in estimated prevalence is of such magnitude as to inverse the question of risk and to argue instead that the BSA served a significant protective function in their programming for youth. In making these comparisons, it is important to note that the two "prevalence studies" are different in intent and thoroughness and many factors can help explain the different rates of child sexual abuse including social class, family cohesion, victim vulnerability, and varying levels of investigative experience and vigor. However, these different rates argue that involvement in Scouting profoundly diminished rather than increased the level of risk for sexually inappropriate behavior being perpetrated by a trusted adult against a child during the time period of 1965 through 1984.

Based upon our review, the reference to the IV files as "secret files" seems misplaced in view of the information that is contained in the actual files. Four hundred and eighty two (482) or 58.1 percent of the files contained some type of public source documentation, often including newspaper articles and police reports. This finding demonstrates that the majority of these men were known to society for their criminal sexual proclivities. The fact that the police were involved in the investigation of these men in 523 or 63 percent of the files and that 486 or 58.6 percent of them were arrested at some point in time for a sex crime further underscores the contact that

<sup>&</sup>lt;sup>2</sup> All individuals were minors at the time of abuse, but some were adults at the time the abuse was discovered.

<sup>&</sup>lt;sup>3</sup>Multiple responses coded resulting in totals not adding to 100%.

these individuals had with the criminal justice system. These data argue against the impression that the IV files contain information on a unique and rare group of non-criminally involved child molesters and rather documents that Scouting was often just one other avenue used to gain sexual access to children.

In beginning the study, we were interested in the possibility of identifying risk factors that might be used to identify the men placed in the IV files prior to their alleged sexual contact with children. We were not successful in this endeavor, an outcome that might be attributable to the limited nature of the data contained in the files. More likely, it reflects the inordinate and well-documented problems that exist in identifying men who are likely to commit a sex offense prior to the actual commission of a crime. The fact that 58.6 percent of these men were arrested for a sex crime at some point in their lives suggests that some proportion of them might have been identified at the time of their initial registration if criminal background checks had been available at that time. Criminal background checks, however, were not available to volunteer organizations prior to the mid- 1980's due the cumbersome and non-automated nature of the information contained within them. The data also indicate that even if they had been available and conducted flawlessly, criminal background checks would have missed a significant proportion of the men who are not known to have had any contact with the criminal justice system.

As part of our efforts to identify potential risk factors, we became interested in the finding that almost two thirds of the IVs were single at the time that they were entered into the IV file. This finding was to some extent explained by the young age of many of the volunteers and the demographic reality that young men under the age of 30 are more likely to be single than are men in other age categories. Young age and marital status are two of the risk factors for sexual and violent reconviction identified in the past 15 years among adult males who have been charged or convicted of at least one sexual offense against a child or non-consenting adult. These two descriptors (i.e., under the age of 34.9 years and not having lived with a lover for at least two years) represent the first two of ten risk variables coded in the Static-99R, an actuarial risk instrument used widely in the United States, Canada, United Kingdom, Australia, and many European countries, often in association with the commitment of sexually violent predators. This instrument can only be used with individuals who have been convicted of a prior sex offense and has a predictive power of approximately .71 based upon AUC using large samples. No risk assessment paradigms exist for predicting sexual offending prior to the execution of a sexual offense.

The BSA stopped using a probationary option for men entered into the IV files sometime after 1984. This change in policy coincides with a growing disenchantment with the efficacy of treatment for sex offenders among the psychological and psychiatric community in the late 1980's. As illustrated by the data, the majority of men placed on probationary status did not reoffend either during or after their probationary period. However, 17.6% of the

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<sup>&</sup>lt;sup>7</sup> Harris, A., Phenix, R., Hanson, K, Thorton, D. Static 99 Coding Rules Revised-2003.

men were believed to have offended against a youth during their probationary period and 5.9% after they were

removed from probation, reaffirming the value of this change in policy concerning probationary status by the BSA.

Despite their significant administrative role in identifying unfit adults for involvement in Scouting, the IV files were

limited in their ability to answer important research questions concerning the sexual abuse of children within

youth-serving organizations. These limitations derive both from the administrative purpose of the files and their

archival nature. As a result, we could not collect information that might have allowed us as academic researchers

to address important questions concerning child abusers within Scouting such as were the IVs primarily situational

or preferential offenders, did they have criminal histories before or after their involvement with Scouting, did they

continue to offend after being denied registration by the BSA, to what extent did they access children through

other youth serving organizations, were they aware before becoming involved in Scouting that they had a sexual

interest in children/adolescents, how did they identify vulnerable children, and how would they have responded to

higher levels of situational crime prevention efforts. The data presented in our report, however, represents our

best effort to elicit from the IV files all relevant data that might contribute to our understanding of these men and

their suspected inappropriate sexual interactions with youth in the context of Scouting.

Taken as a whole, these data underscore the threat posed to youth by individuals who have or develop a sexual

interest in children or adolescents. This is a problem that has been present throughout history yet one that has

been addressed more consistently and thoughtfully throughout society over the past twenty-five years. As

reflected by these data, prior to this time, Scouting involvement served a significant protective function for youth

and BSA's use of a community vetting system and a national registration system succeeded in offering youth an

overwhelmingly safe environment in which to grow and develop according to the values espoused by the

organization.

The collection, analyses, and presentation of these data is based upon my education, training and experience as an

academic researcher and forensic clinician. My opinions are offered according to a reasonable degree of scientific

probability.

Respectfully submitted,

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