

September 20, 2012

Statement of Dr. Janet I. Warren Regarding BSA's

Ineligible Volunteer Files

**Introduction**

I am a Professor of Psychiatry and Neurobehavioral Sciences at the University of Virginia. Among my other qualifications and professional credentials, I am the University of Virginia's 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 reviewed the more than 1,200 Boy Scout of America (BSA) "Ineligible Volunteer" (IV) Files that were produced in litigation in 2010 in Portland, Oregon and which I now understand will shortly be released to the public in a redacted form. I served as an expert witness for BSA in the Oregon trial and, in that role reviewed many of the files being released. Although my review of the files began in 2010, since that time I have had an opportunity to undertake a more detailed assessment and evaluation of the files being releases in Oregon and the kinds of information they contain.

**Background**

It must be recognized that no mental health professional, scientific researcher, law enforcement agency, or youth-serving organization has ever created a scientifically valid "profile" of a probable child sexual offender. It is an unfortunate reality that child sexual offenders, until they act, are indistinguishable from other members of society. No one has yet designed a reliable "checklist" or similar document to flag persons who will someday go on to abuse children. It would be good if such a document or system existed but it does not. Child sexual offenders can be virtually any age, married or single, with varying degrees of education, across a wide range of occupations, with varying personal traits and habits, and include persons involved in all of the same activities engaged in by good, law-abiding members of society, including an interest in volunteering in Scouting and other youth-serving programs. While BSA and other organizations have no foolproof means to keep offenders from seeking entry into their programs, they can move swiftly to remove these individuals and bar them when wrongdoing is even suspected. This is precisely what the IV File system was designed to do.

As a bit of historical background, BSA's use of such files began sometime shortly after the requirement for annually-renewable registration of Scout leaders was first implemented in 1911. This was long before offender registries, computerized background checks, or even computers. In connection with the process of registering Scout leaders, a system was put in place to identify and keep out of Scouting leaders deemed unfit. The system of checking volunteers against a list of known offenders has gone by different names over the years. For example, in the 1930s it was called the "Red Flag List." In more recent times BSA has called them "IV Files." A volunteer can be excluded from participating in Scouting for a number of reasons established by BSA, including sexually inappropriate conduct. All of the 1,200+ "P" ("perversion") files being publicly released concern some type of sexual conduct; but not all involving youth or even occurring in Scouting. I did not review files concerning exclusions from Scouting for other reasons, and those files to my knowledge are not being made public.

**Methodology**

I reviewed every one of the BSA IV Files now being made available to the public. With a team of researchers at the University of Virginia, each IV File was coded for content and statistically analyzed. The universe of IV Files reviewed spanned the period 1960-1995. Every IV File attempted to capture basic identifying information about the reported offender, including name, address, age, height, weight, race, marital status, and color of hair and eyes. Some of the files contained photographs of the reported offender. Other than basic identifying information, which was captured well across the files, the files varied significantly in their content and level of detail. In many of the files there is no clear finding that the individual removed from Scouting was ever proven guilty in a court of

law of the conduct reported. In some files the offender admitted the charges against him, while in others the charges were vehemently denied. While many of the victims were Boy Scouts, in some of the files the alleged victim was an acquaintance outside of Scouting, a family friend, or even a family member. In some of the files the alleged sexual abuse reportedly took place in connection with Scouting activities, but in many files it clearly occurred outside of Scouting. In many cases there is insufficient information to form a good understanding of the details of what reportedly happened. In all of these cases, despite these factual variations, the offender alleged to have engaged in sexually improper conduct with children was added to the IV File system and barred from Scouting.

It is important to keep in mind that the IV Files were not created by law enforcement or academics. Nor were the files compiled for scientific research purposes. Rather, they were prepared by men and woman around the country who were in Scouting. While one can review this large collection of files spanning thirty-five years and find individual files where, through the benefit of hindsight, we might suppose a different course of conduct would be taken today under the same circumstances, the files document a good faith effort by men and women associated with Scouting to identify and keep out unfit adult volunteers.

### **Conclusions**

While it would be impossible to fully describe my findings in this brief statement, I would like to provide a few important observations as to what these files tell us about the offenders and BSA's actions in removing them and trying to keep them out of Scouting.

First, nothing in these files changes the stark fact that there has never been a profile of a child sexual offender. In reviewing the entirety of these files, I was struck by the wide range of individuals charged with sexual misconduct. No single profile of a suspect offender emerges. While some have attempted to categorize these files as a "treasure trove" of information about pedophiles and their actions, that simply is not the case. The files are incomplete records of events that happened years ago. These files tell us precisely what researchers already knew, and have known for many years: some small number of men will use a position of trust and access to young people to pursue illegal sexual gratification. This is a sad reality that has been with us throughout human history. The circumstance of abuse detailed in these files, as well as the nature of the abuse alleged, vary widely. Despite the important role in identifying unfit adults for involvement in Scouting, the IV Files are very limited in their ability to answer important research questions concerning sexual abuse.

Second, my review of these files indicates that the reported rate of sexual abuse in Scouting has been very low. Scouting involvement served a significant protective function for youth when compared to reported rates of abuse in other youth serving organizations, activities, and even within the family itself. It must be remembered that Scouting for many years has had well over a million registered volunteers per year. And Scouts have always significantly outnumbered volunteers in the millions. The number of offenders and child victims in these files must be kept in perspective against these vast numbers of adults and youth. For example, in 1980 BSA had approximately 1.1 million Scouting-involved adults registered. In that year, only 25 IV Files were created. This indicates that 0.002 percent – or 2 per 100,000 -- of all registered Scouting involved adults in that year came to the attention of BSA because of alleged inappropriate sexual behavior with a child or adolescent. This suggests that youth were safer in Scouting than in society at large.

Third, the files broadly refute the notion that these were "secret files" of hidden abuse. The files show a significant amount of public knowledge of the offenders and their unlawful acts. For example, over 60% of the files being made available to the public include some kind of public information. These public domain sources included newspaper articles, police reports, criminal justice records, and records of civil litigation. The majority of men in the files were arrested at some point in their lives for a sex crime. 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 these individuals. It is understandable, particularly given the years in which these files were created, that maintaining the confidentiality of the names and details encouraged the reporting of abuse without fear of retaliation against

the reporter and embarrassment of the victim at a time when people did not want to recognize or deal with the sexual abuse of children.

Fourth, while there are a small number of files where an alleged offender was allowed back into Scouting after offending, often because he had sought and received psychiatric treatment, those cases were extraordinarily rare. Although the medical community believed until fairly recently that these abusers could be "cured" of their unlawful urges, that is no longer the case. While BSA previously maintained a so-called "probationary" status allowing some men to re-enter Scouting after incidents of abuse, I have been told that this was eliminated over 20 years ago, and that no such process exists presently for the re-entry of individuals put on the IV Files for sexual misconduct. Many of the files show men attempting to re-enter the Scouting program, often many year later, often in a geographically different location, and properly being denied re-entry because their name was on the IV File.

### **Summary**

In summary, my review and analysis indicate that while it was not perfect, and mistakes clearly occurred, BSA's IV File system has functioned well in keeping many unfit adults out of Scouting. Time and again in reviewing these files, I was struck by BSA's pursuit of information regarding a suspected sexual offender. These claims of abuse were not swept under the carpet and ignored. Rather, suspected offenders were pursued and often times barred from Scouting over their fervent objection and at time even the opinion of the local community. I believe that these files show that children in Scouting were safer and less likely to experience inappropriate sexual behavior in Scouting than in their own families, schools and during other community activities supervised by adults. BSA's use of a community vetting system and a national registration system succeeded in offering young people an overwhelmingly safe environment in which to grow and develop according to the values espoused by BSA.