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The unusual suspects: Female versus male accused in child sexual abuse cases



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ABSTRACT

When women encounter the criminal justice system, it is typically as victims rather than as offenders. Consequently, there is limited empirical research on women who have sexually offended against children, but there is a clinically-significant group of victims who have experienced female-perpetrated child sexual abuse (CSA). In a database of 4237 CSA cases that were heard in criminal courts between 1986 and 2012, we found 70 cases that involved female accused. We compared female-accused cases against a randomly selected sample of 70 male-accused cases from the same database. We investigated associations between gender of the accused and characteristics of the victim, offense, and criminal proceeding. Several important differences between female- and male-accused cases were found: proportionally more male complainants were in female-accused cases; female-accused offenses were longer in duration; and despite offenses being similarly intrusive, female perpetrators received shorter sentences. This research indicates that there are potentially unique pathways to abuse for women and men, and unique experiences in the criminal justice system. Although female perpetrators are involved in a small proportion of CSA offenses, the cases that we describe herein are important to consider when developing appropriate support and intervention programs for offenders and victims of CSA.

1. Introduction

The extant literature on sexual violence has focused primarily on male perpetrators. This is unsurprising given the substantial gender disparity in offending (Mahony, 2011; Maxwell, 2015; McLeod & Craft, 2015). Although the rate of female offending for violent crimes such as homicide and sexual assault has been described as “negligible” (Kong & AuCoin, 2008, p. 4), the growing literature suggests that for reasons such as bias and low disclosure rates, female-perpetrated sexual offenses may be particularly underestimated (Cortoni, Babchishin, & Rat, 2017; de Vogel & Nicholls, 2016; Denov, 2003; Hayes & Baker, 2014; Hetherington, 1999). In light of the limited research on female-perpetrated sexual offenses, the goal of this research is to provide an empirical account of female accused in criminal child sexual abuse (CSA) cases. By describing the characteristics of these CSA cases from across Canada, we provide a national sample that compares female- and male-accused cases.

The precise rate of female-perpetrated CSA is difficult to quantify. Depending on the sample (e.g., police-reported disclosures, self-reported surveys, criminal prosecutions), rates of offending can vary widely (Cortoni et al., 2017; Denov, 2003). The consensus from criminal justice statistics is that approximately 1–3% of CSA perpetrators in Canada and the United States are female

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(Brennan & Taylor-Butts, 2008; Kong & AuCoin, 2008; Maxwell, 2015). These statistics, however, often reflect a proportion of female perpetrators that is smaller than from other sources because typically only cases that have gone through the criminal justice system (e.g., charged, investigated, prosecuted) will be captured. In this way, collecting data from criminal cases might reflect a sample of perhaps the most severe cases and/or cases with the most evidence that are perceived to lead to successful prosecution.

Conversely, self-report measures and reports from non-prosecuted populations might capture additional cases that averted the legal system, resulting in higher estimates of female-perpetrated CSA than are reported in criminal justice statistics. Prevalence rates of CSA measured from these other sources without legal documentation tend to be less consistent than criminal justice statistics. Notably, some estimates of female-perpetrated CSA from child services were more than 10-times higher than estimates of cases that had been criminally charged. For example, Peter (2009) estimated that female perpetrators accounted for 11% of CSA cases reported to child welfare services in Canada. McLeod and Craft (2015) and McLeod (2015) indicated higher rates, estimating that females perpetrated 15–21% of CSA cases in the United States. Despite inconsistent statistics, researchers have agreed on three main points: female sexual offending exists, female and male sexual offending is disproportionate, and little is known about women who perpetrate sexual offenses.

2. Challenges in research

Several factors might explain the paucity of research on female perpetrators of CSA. The relative infrequency of female-perpetrated cases compared to male-perpetrated cases creates an unbalanced sample that precludes many direct statistical comparisons between groups. Consequently, quantitative research on female offending is often limited in scope and generalizability. In a critique of the literature on female sexual perpetrators, only eight comparative studies were identified that included female and male groups with sample sizes larger than ten per group (Johansson-Love & Fremouw, 2006). Rarely have sample sizes exceeded 50 in any comparison group and many include fewer than 12 female perpetrators (Williams & Bierie, 2015). Because of the limited comparisons that can be made using such small sample sizes, the research findings to date may lack stability (Williams & Bierie, 2015). Further, because female-perpetrated CSA occurs less frequently than male-perpetrated CSA, there are fewer opportunities for researchers to explore this area.

There is a pervasive belief that “[sexual] offenders are inevitably male, and victims inevitably female” (Allen, 1991; Denov, 2003, p. 303). Several researchers have offered gender-based explanations for why female-perpetrated CSA may go unreported: Western societies may view women as “nurturers” rather than as perpetrators (Gillespie et al., 2015, p. 285; Hayes & Baker, 2014); taboos about sexuality might make it easier for societies to dismiss sexual offenses as rare phenomena (Denov, 2003; Hetherington, 1999); and biases at the investigative stage might prevent female-perpetrated CSA from proceeding to trial (Deering & Mellor, 2009). For example, Deering and Mellor (2009) suggested that when women are presumed to be “law abiding” (p. 394), actual cases of CSA might be prematurely dismissed or overlooked entirely. It may be that social norms (e.g., daily caregiving activities) and social stereotypes (e.g., a trusting mother figure) associated with women demand a higher degree of evidence of abuse before parties will report alleged offenses perpetrated by females rather than males. For these reasons, the true prevalence of female-perpetrated sexual offenses might be masked and understated.

3. Comparisons of perpetrator gender in the literature

Researchers have emphasized the importance of having a clear typology of female sexual perpetrators for assessment, successful treatment, and rehabilitation of offenders (Cantón-Cortés & Cantón, 2010; de Vogel and Nicholls, 2016; Nathan & Ward, 2001; Vandiver & Kercher, 2004). In addition, understanding the profile and pathways of offending can help to support victims in therapeutic interventions (de Vogel & Nicholls, 2016). We surveyed the literature in order to identify features of female CSA offending from three broad categories: *demographics*, including characteristics of perpetrators and victims; characteristics of the *offense*; and characteristics of the *criminal proceeding*, including judicial outcomes. We discuss these features as they relate to both females and males accused of CSA.

3.1. Demographics

3.1.1. Perpetrator characteristics

The mean ages of female and male perpetrators of CSA tend to be similar (Moulden, Firestone, & Wexler, 2007; Peter, 2009). But when age is examined using other measures of central tendency, studies have shown that there are often proportionally more female perpetrators at younger ages than male perpetrators. For example, of abuse cases reported in childcare facilities, the modal age of female perpetrators was less than the modal age of male perpetrators (20 vs. 25 years, respectively; Moulden et al., 2007). In another example, simply comparing mean ages of female and male perpetrators in Peter’s (2009) analysis did not reveal statistical differences; but nearly half of female perpetrators were under 16 years old (47%), compared to about a third of male perpetrators (31%).

Sexual offenses are rarely perpetrated by strangers (Nathan & Ward, 2001; Ogrodnik, 2010; Paige & Thornton, 2015; Perreault & Brennan, 2010). Perpetrators of CSA, specifically, are most likely to be direct relatives of the victims (Mahony, 2011; McLeod & Craft, 2015). When stranger sexual assaults are committed, they are more likely to be committed by men than women (Johansson-Love & Fremouw, 2009; Nathan & Ward, 2001; Rudin, Zalewski, & Bodmer-Turner, 1995). Some have argued that there may be ample opportunity for perpetrators to mask CSA through daily child-care activities (e.g., bathing, dressing), and this may be particularly true for female perpetrators who often occupy these roles (Johansson-Love & Fremouw, 2009; Peter, 2009; Rudin et al.,

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