

Bad Bad Teacher!: How Judicial Lenience, Cultural Ignorance, and Media Hype Have Inevitably Lead to Lighter Sentences, Underreporting and Glamorization of Female Sex Offenders

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I. INTRODUCTION

Today's headlines are often replete with sensationalized stories of female teachers engaging in physical relationships with students. Headlines such as: "Mary Kay LeTourneau: Love or Criminal Offense?"¹ or "Crossing the Line: A Beautiful Blonde 23-year Old....Seduced a 14-year Old Boy"² infiltrate television and news articles. A criminal defense attorney in one notorious case even implied his client was too pretty to go to jail.³ Unfortunately, this double standard in society has inevitably influenced notable double standards in sentencing, sex offender registry rates and conviction rates relating to female perpetrators of sexually-based offenses. As a result, females caught engaging in sexual relationships with younger students are often placed on probation, or not required to register on the state sex-offender database.⁴ In order to ensure the safety of school-aged children as well as the even-handed application of the law, treatment of female sex offenses must change in the following ways: (1) there must be less media hype and glamorization directed at cases involving young, attractive females and school-age boys; (2) societal norms excusing sexual experimentation between young boys and mature women must change; and (3) women must be exposed to the potential consequences and detriments associated with sexual relationships with school-age boys.

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¹ *Predator or Lover?* (MSNBC television broadcast July 4, 2006).

² *Crossing the Line: Matt Lauer Sits Down With Notorious Teacher Debra Lafave* (Dateline NBC television broadcast Sept. 13, 2006).

³ Daniel Ruth, *Fitzgibbons Did His Client No Favors*, Tampa Tribune, July 22, 2005, at 2. (Attorney Fitzgibbons remarked "[t]o place [the offender] into a Florida state women's penitentiary, to place an attractive young woman in that kind of hellhole is like putting a piece of raw meat in with the lions."

⁴ Wendy Koch, *More Women Charged in Sex Cases: In Last 18 Months, 25 Cases of Teachers Molesting Boys*, Chicago Sun-Times, Nov. 30, 2005, at 34.

This article will explore the phenomenon of female-perpetrated crimes from a variety of angles. Section II will investigate statistical trends of female abusers on both the national and state level. A handful of states will be examined to showcase changes in the percentages of females being incarcerated for sexually-based offenses. Section II further scrutinizes a set of cases from 2007-2008 in an effort to compare the conviction and sentencing rate female teachers against state sentencing guidelines. Lastly, section II offers a glimpse at the typical female offender and victim profiles. While there are many differences between female offenders and male offenders, there are striking commonalities as well.

Section III explains common theories why young male victims have been historically hesitant to report sexual abuse by older females. These theories include anything from a feeling of honor to embarrassment. Section III also discusses a jury's hesitation to heavily convict and sentence a defendant when she is female and her victim is a young boy. This section will look at the different reasons why women offend as well as blatant double standards in recent case law.

Lastly, section IV encourages positive solutions to this emerging, yet hardly discussed, sensitive problem. As aforementioned, women need to be made aware of the consequences of their actions, accomplished by increased requirements for women to be placed on the sex offender registry. Conviction and sentencing rates must also increase to become equal with male offenders; encouraging equal time for equal crimes.

II. AN ANALYSIS OF FEMALE-PERPETRATED SEX CRIMES

i. Trends in Sex Offenses Perpetrated by Females- National Concern

While the female statutory rapist is hardly a *new* breed of criminal, or the adolescent boy a new type of victim, female offenders have easily slid under the radar of legislatively-enacted

statutory rape laws and guidelines for generations.⁵ However, recent statistical analyses have revealed that in many jurisdictions, female sex offender rates are increasing. A look at national and state-level trends will help illustrate the growing rate of females committing sexual crimes against adolescents.

National crime rates by female offenders have risen in recent years. Today, nearly 4% of individuals incarcerated for sex crimes are female.⁶ In comparison, convicted female sex offenders were extremely rare just twenty years ago.⁷ “In 1980, state prisons nationwide housed barely 100 [female offenders]. But the number has risen nearly every year since: [in 2000], state prisons held more than 1,200 convicted female sex offenders, according to the U.S. Justice Department.”⁸ National criminal justice statistics reveal that arrests for forcible rape are committed by females only 1% of the time.⁹ Juvenile courts report adolescent female sex offenders account for 3% of forcible rape cases, 5% of other violent sex offenses and nearly 20% of all non-violent sex offenses.¹⁰

ii. State-Specific Data Concerning Female Sex Offenders

a. Texas

The state of Texas has a noteworthy history concerning female sex offenders. Despite the seemingly disparate treatment of female offenders on a national level, Texas has responded to its growing realization that female sex offenders are on the rise.¹¹ After a highly-publicized string of arrests made of female teachers accused of sexual abuse, Detective William Lilly of the Harris

⁵ Kay L. Levine, *Women as Perpetrators of Crimes: No Penis, No Problem*, 33 FORDHAM URB. L.J. 357 (2006).

⁶ Leonore M.J. Simon, J.D., Ph.D., *Therapeutic Jurisprudence and Sex Offender Policies, Part II*, 7 SEX OFFENDER LAW REPORT 2, (2006).

⁷ Peter Pochna, *More Women Guilty of Sex Offenses; Societal Perceptions Mean Many Get Short Terms or Avoid Prosecution*, MILWAUKEE JOURNAL SENTINEL, Dec. 1, 2002, at 17A.

⁸ *Id.*

⁹ Center for Sex Offender Management; A Project of the Office of Justice Programs, *Female Sex Offenders*, U.S. Department of Justice, March 2007

¹⁰ *Id.*

¹¹ Sarah Viren, *Many Still Don't See Women as Sex Predators*, THE HOUSTON CHRONICLE, Dec. 17, 2006, at A1.

County, Texas police department remarked “[i]t happens all the time.”¹² Further, nearly 267 of the registered offenders on the Texas Sex Offenders Database have been female.¹³ “Though it has been variously estimated that from 3% to 20% of all molesters are female, the number of women prosecuted is smaller. In Texas prisons, there are 221 women serving time for sex offenses, compared to 12,215 men.”¹⁴

Recent reports indicate that the number of women serving time in Texas prisons for having sex with minors has increased more than 36% in the last five years.¹⁵ Specifically, statistics show that in 2003, 175 women were incarcerated for sexual offenses with an average sentence of 17.24 years.¹⁶ By 2008, the number of incarcerated female offenders rose nearly 36% to include 239 female sex offenders with an average sentence of 17.42 years.¹⁷

b. Southeastern United States¹⁸

Of the 705 women incarcerated in Atlanta in 2005, 100 women were serving time for “forcible, or “hands on,” sexual assaults of children, ranging from fondling to rape.”¹⁹ Social worker Susan Strickland found the growing problem alarming and she was prompted to study these women.²⁰ Of the 100 women serving time, 30 were excluded for mental impairment or mental illness.²¹ Strickland’s concerns also lie with the studies estimating that while only 4% of sexual abuse acts committed by women against children are reported to Georgia authorities,

¹² *Id.*

¹³ *Id.*

¹⁴ Waltrina Stovall, *A Sex Offender Can Be Anyone*, DALLAS MORNING NEWS, Nov. 1, 1998, at 1F.

¹⁵ Wendy Hundley, *Number of Female Sex Offenders Rises*, DALLAS MORNING NEWS, Feb. 23, 2009, at 1A

¹⁶ *Id.* (Compared with 13,095 males at an average sentencing rate of 19.4 years).

¹⁷ *Id.* (Compared with a nearly 27% increase for males including 16,603 offenders with an average sentence length of 20.1 years).

¹⁸ Alabama department of corrections reports approximately 6,588 registered sex offenders throughout the state. 126 of those registered (2%) are females having committed crimes including promoting prostitution, sexual abuse, incest, sodomy, molestation and enticement to enter. The majority of the registered female sex offenders served no time in prison.

¹⁹ Karen Hill, *Social Worker Studies Female Abusers; Research Eyes Women Who Committed Sex Crimes*, ATLANTA JOURNAL-CONSTITUTION, Mar. 24, 2005, at 5JN.

²⁰ *Id.*

²¹ *Id.*

inclusion of acts not reported to police but shared with researchers could bring the estimate closer to 13% or higher.²²

In a candid article from Louisiana, law enforcement officials and researchers comment on the frequency of female-perpetrated sex crimes.²³ After a 27-year woman was placed under arrest when her 8-year old son told authorities his mother had sex with him, citizens of Louisiana began to realize that sex crimes by females are a serious problem.²⁴ “Compared to 10 years ago, [the increase in the problem has] been significant.”²⁵ Just a few years earlier, a 21-year old Louisiana woman was indicted for aggravated rape of a man’s eight-year old son. A local Louisiana prosecutor told reporters that his office had reviewed many cases “in which women were accused of carnal knowledge of a juvenile for having sex with teenage boys, but the cases were not prosecuted....”²⁶ “Similarly, when an adult woman has sex with an adolescent male younger than 17 years old, a crime under the laws of Louisiana, the case *often* doesn’t end up in a courtroom.”²⁷

In Palm Beach, Florida, a music teacher was given the option of taking a 5-year prison sentence or risk life behind bars after being charged with having sex with an 11-year old student.²⁸ Her charge of capital sexual battery carries a mandatory life sentence.²⁹ The offender, age 51, would allow the victim to spend the night at her home, where much of the abuse took place.³⁰ Abuse was also alleged in the classroom, the city park, an Orlando hotel room, and

²² *Id.*

²³ Stephanie A. Stanley, *Reports of Sex Abuse by Women Increase; Experts Say Attacks Not As Rare as Thought*, TIMES-PICAYUNE (New Orleans, LA) June 9, 2009, at 1.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* (Emphasis added).

²⁸ Missy Stoddard, *Teacher Offered a Deal in Sex Case; Charged With Molesting Student, She Could Get 5 Years Probation*, SUN-SENTINEL (Ft. Lauderdale, FL) Feb. 17, 2006, at 1B.

²⁹ *Id.*

³⁰ *Id.*

parking lots.³¹ Florida prosecutors refused to follow what they referred to as the “chivalry hypothesis” and vowed to prosecute the woman without respect to her gender.³² Prosecutors went on to proclaim that “...we’ll see increased penalties for older women who abuse their authority.”³³

c. Midwestern United States

Clearly, instances of female-perpetrated sexual abuse are not limited to any one area of the United States. The problem is widespread across multiple jurisdictions and continues to baffle members of communities who have never considered women to be predators of their children. Alarming, a jury in Washington County Minnesota sentenced a Lutheran school tutor to probation and no jail time for first-degree rape of a fifteen-year old boy.³⁴ The prosecutor’s office recommended a twelve-year sentence for the defendant³⁵ and the maximum sentence in Minnesota for first-degree rape is 30 years.³⁶ In spite of the light sentence, the judge remarked “[t]his is a tragedy. The boy is permanently damaged. If [the offender] went to prison, she could *still* be obsessed with the boy....and interfere with his life.”³⁷

It is hard to imagine any jurisdiction releasing an offender into society who had once been confined under a violent sexual predator law, has mental impairments, is HIV positive, and has victimized multiple children under fifteen years old. This is exactly what the Missouri Court of Appeals did after concluding a female sex offender must be freed “because there is not enough

³¹ *Id.*

³² *Id.* (The “chivalry hypothesis” refers to evidence suggesting that women receive lighter sentences and less severe sanctions as a result of sexism and paternalism).

³³ *Id.*

³⁴ Jim Adams, *Prosecutor Questions Woman’s Rape Sentence*, STAR TRIBUNE (Minneapolis, MN) March 1, 2002, at 3B.

³⁵ *Id.*

³⁶ Minn. Stat. § 609.341 (2002).

³⁷ *Id.* Jim Adams, *Prosecutor Questions Woman’s Rape Sentence*. (Emphasis added).

research into the risk of female sex offenders striking again.”³⁸ The Missouri Attorney General’s Office issued a statement suggesting the offender is likely to reoffend “because she suffered an anti-social personality disorder and sexual sadism.”³⁹ Despite being one of four women in the country at the time housed in a violent sexual predator facility, she served just eight years for her crimes.⁴⁰

d. Other States

The Maricopa County, Arizona, head of the sex crimes unit has reported seeing the “highest number....ever” of female sex offenders in recent years.⁴¹ A whopping 10% of the county’s cases involve female offenders.⁴² “It used to be very rare to have a female sex offender, but now it is not very rare at all.”⁴³ Fortunately, Arizona law enforcement has been recognizing the severity of the problem and is refusing to differentiate between male and female suspects.⁴⁴

New Jersey has seen a sharp rise in female-perpetrated sexual offenses.⁴⁵ Just recently, two female teachers within the same county were charged with having sexual relationships with male students within three weeks of each other.⁴⁶ Parents of one of the victims were outraged at the public support and light sentence of one of the offenders. The offender, a 50-year old female athletic trainer, was caught sexually assaulting a 16-year old athlete.⁴⁷ She received a four year sentence.⁴⁸

³⁸ Todd C Frankel, *Missouri Releases Female Sexual Predator*, ST. LOUIS POST-DISPATCH, Nov. 6, 2003, at C1.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Beverly Ford and Judi Villa, *Women Sex Offenders Increasing; Dirty Old Many Stereotype Doesn’t Always Hold True*, THE ARIZONA REPUBLIC, Dec. 2, 1999, at 1B.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ William Kleinknecht, *Female Sex Assault Cases Stun Experts*, THE STAR-LEDGER (Newark, NJ), Apr. 22, 2007, at 37.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ Under New Jersey sentencing guidelines, second-degree sexual assault carries a sentence of 5-10 years. {N.J. Rev. Stat. § 2C:14-1 (2002).

e. Implications of State Data

The inference imposed by the voluminous data surrounding female sex offenders makes it clear that the problem is far from under control. Every state in the United States reports females committing sexual offenses.⁴⁹ With any increasing criminal problem, legislatures and the judiciary must respond fairly and expeditiously. This glimpse into cases happening across the country should be a strong indication that these crimes must be taken more seriously before they become an unanswered epidemic.

iii. Disparity of Sentencing: Female Sex Offenders Compared with Statutory Guidelines

Over the course of November 2007 to May 2008, multiple cases were studied to observe the conviction and sentencing rates of female teachers accused of the sexual misconduct against minor students.⁵⁰ Those convictions and sentences were compared with the statutory guidelines for such crimes. The statistics having resulted from this study reveal female-teacher sex crimes against minors are receiving much-reduced prison sentences, if receiving a prison sentence at all. The following section examines some of the most disparaging cases as they compare to state statutory guidelines.

Ohio sentencing guidelines suggest a sentence of 1-5 years for the third-degree felony of sexual battery. A 36-year old Ohio English teacher was indicted on six counts of felony sexual battery against a child. Her plea agreement resulted in one count of sexual battery against the child.⁵¹ This sex offender was not required to serve a single day in jail. She was required to

⁴⁹ U.S. Dept. of Justice, Bureau of Justice Statistics, <http://www.ojp.usdoj.gov/bjs/crimoff.htm#data>.

⁵⁰ Data retrieved from: http://www.arte-sana.com/articles/rape_statutes.pdf.

⁵¹ All data relating to six-month case study retrieved from female predator website, available at <http://badbadteacher.com/>.

complete a sex offender treatment program, surrender her teaching license, and register as a sex offender on a Tier III status.⁵²

Colorado sentencing guidelines suggest up to 8 years in prison for the Class 4 felony of sexual assault on a child.⁵³ A 33-year old female high school teacher, convicted of sexually assaulting a minor child in her class, received a 90-day sentence and must register as a sex offender. The conduct between the offender and the child included coercion of the minor to participate in sexual activity after serving him alcohol in a private hotel room.⁵⁴ When the sexual activity took place, her young children and a babysitter were asleep just feet away.⁵⁵ Also in Colorado, a teacher was charged with thirteen felony counts of sexual assault on a child.⁵⁶ She was served no prison time and was forced to attend sex-offender treatment classes.⁵⁷

Maryland lawmakers suggest up to ten years in prison for third-degree sexual offenses.⁵⁸ A 23-year old female teacher was engaging in sexual conduct with a child under age 15 for months.⁵⁹ Despite the suggestion that such offenders spend a decade in prison, the offender was sentenced one year in a detention center and is not required to register as a sex offender with the Maryland department of corrections.⁶⁰

Missouri sentencing guidelines suggest seven years for second-degree statutory rape and ten years to life for sodomy.⁶¹ A 22-year old teacher and coach was accused of three counts of statutory rape and one count of sodomy against a junior-high school aged young boy. In an

⁵² *Id.*

⁵³ Colo. Rev. Stat. § 18-3-401 (2002).

⁵⁴ *Id.* <http://badbadteacher.com/>.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ Md. Crim. Law Code Ann. § 3-301 (2002).

⁵⁹ *Id.* <http://badbadteacher.com/>.

⁶⁰ *Id.*

⁶¹ Mo. Rev. Stat. § 566.010 (2002).

alarming sentencing, the offender was given no jail time and required to remain on probation for just two years.⁶²

Oklahoma suggests up to 15 years for second degree rape and up to a life sentence for an indecent act upon a child under 16.⁶³ A 33-year old computer teacher was accused of enticing a minor young boy with cigarettes and alcohol and taking him to her home to engage in sexual activity.⁶⁴ Although the Oklahoma sentencing guidelines are clearly very adamant against sexual activity between children and adults, this offender received a 30-day sentence to be served on weekends.⁶⁵ Further, she is permitted to be around children with adult supervision.⁶⁶

The preceding cases, coupled with the previously discussed state-specific reports of female sexual offenses against children, unambiguously illustrate that female sex offenders are a very serious criminal group, on the rise, and receiving shockingly light sentences as consequences to their crimes. By comparison to male offenders, females committing heinous crimes against children are receiving no jail time, light probation sentences, and quite often are not required to register as a sex offender. After exemplifying these frightening criminal trends, the following section looks at the typical profile of a female sex offender as well as the profile of her victims.

iv. Profile of the Female Sex Offender & Her Victim

Oftentimes, it is difficult for the general public to perceive females as capable of committing sexual crimes against children.⁶⁷ One author described the phenomenon as “[a]ppalling, unfathomable and incongruent with societal notions of femininity.”⁶⁸ While it is quite common

⁶² *Id.* <http://badbadteacher.com/>.

⁶³ Okla. Stat. tit. 21, § 1111 (2003).

⁶⁴ *Id.* <http://badbadteacher.com/>.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ JULIA HISLOP, FEMALE SEX OFFENDERS: WHAT THERAPISTS, LAW ENFORCEMENT AND CHILD PROTECTIVE SERVICES NEED TO KNOW 29 (Joan Burlingame ed., Issues Press 2001).

⁶⁸ *Id.*

to stereotype sex offenders as male, older, uneducated, and of a lower socio-economic status, the characteristics of female offenders can be much different:⁶⁹

Women who sexually abuse children can be of any age, social class, intellectual ability and marital status, and can be involved in any type of employment. They can perpetrate any form of sexual act and can behave seductively or sadistically towards their victims. Some women behave both seductively *and* sadistically.⁷⁰

Since it is difficult to imagine females as capable of sexual abuse against children, it is important to understand the reasons women typically abuse. While studies of female sex offenders are sparse, researchers have categorized these women into four types of abusers. The following sections explain each category and profile the offenders belonging to each type as well as her typical victim.

a. The Teacher/Lover

The first category of female sexual offenders is known as the “teacher/lover” offender.⁷¹ These offenders are women who view themselves as being involved in a romantic relationship with a child.⁷² This type of offender possesses no actual malice towards her victim.⁷³ Not surprisingly, the teacher/lover offender typically has a history of being abused by adult men and past lovers.⁷⁴ “She hopes the boy will love her, accept her, and be kind to her in ways that adult men have not been.”⁷⁵ This offender feels that her sexual advances on the boy are an act of kindness and an expression of love.⁷⁶ Sometimes referred to as the “child exploiter offender,” these women often have a history of exploiting their dominant relationship or authority statuses

⁶⁹ JACKIE TURTON, *CHILD ABUSE, GENDER, AND SOCIETY* 95 (Routledge 2008).

⁷⁰ *Id.*

⁷¹ LARRY A. MORRIS, *DANGEROUS WOMEN* 182 (Prometheus Books 2008).

⁷² *Id.*

⁷³ *Id.* Kay Levin, *Women as Perpetrators: No Penis, No Problem*, 33 *FORDHAM URB. L.J.* 357.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ Kim Bell, *Sex Crimes by Women Draw More Notice*, *ST. LOUIS POST-DISPATCH*, Mar. 24, 2003, at B1.

with children or adolescents.⁷⁷ This category could contain some distinct cognitive distortions in “terms of believing that her sexual abuse of a child or teen is based on mutual attraction and love interests, rather than on planned manipulation of a minor for her own sexual and emotional gratification.”⁷⁸

b. The Intergenerationally Predisposed Female Offender:

The second category of female sexual offenders is known as the “intergenerational offender.” These offenders sexually abuse family members, likely their own children.⁷⁹ Some intergenerational abuse is disguised by the offender as mothering or caretaking behavior.⁸⁰ Female perpetrators in this category are able to hide sexual behavior within a context that appears as ordinary behavior.⁸¹ For these reasons, the sexual abuse of children by female caretakers can remain unnoticed and excused as an extension of the daily duties of a mother.⁸²

Common to all categories, females in this category were likely sexually abused by family members, usually at a very young age.⁸³ These women commonly do not enjoy sex but typically become promiscuous at a young age despite having a difficult time establishing “positive relationships with men.”⁸⁴ Also, intergenerational abusers find family relationships painful and difficult as well as social relationships and jobs.⁸⁵ “She abuses children because she wants to hurt them as she was once hurt, or to establish emotional contact that adults in her life refuse to

⁷⁷ KAREN DUNCAN, *HEALING FROM THE TRAUMA OF CHILDHOOD SEXUAL ABUSE: THE JOURNEY FOR WOMEN* 3 (Praeger Publishers 2004).

⁷⁸ *Id.*

⁷⁹ *Id.* Kay Levin, *Women as Perpetrators: No Penis, No Problem*, 33 *FORDHAM URB. L.J.* 395.

⁸⁰ *Id.* JACKIE TURTON, *CHILD ABUSE, GENDER, AND SOCIETY* 106.

⁸¹ *Id.* 108.

⁸² *Id.* 109.

⁸³ *Id.* Kay Levin, *Women as Perpetrators: No Penis, No Problem*, 395.

⁸⁴ *Id.*

⁸⁵ *Id.*

provide.”⁸⁶ The following excerpt from *Dangerous Women* illustrates how the easily-concealed routines of the intergenerational abuser can remain undetected for years:

My father absented himself from the family much of the time, and he tended to be sadistic. I soon learned that my survival depended on my mother. But her protection came at a cost. My mother indicated she was sexually abused as a child. When I was a small child she seduced me into becoming her lover. We slept together until I was fifteen. She was very convincing in presenting our relationship as something beautiful....She said we could touch each other any way we wanted....My mother engaged in....variations of lovemaking with me. My mother often administered enemas “so I wouldn’t get impacted”....and at times she restrained me so she could watch my reaction to intense overstimulation....All of this was done in a gentle, pampering manner, resulting in positive sensual feelings on my part.⁸⁷

c. The Male-Coerced Female Offender:

The third type of female offender is the female who is coerced by a male she is in a relationship with.⁸⁸ “This woman is passive and feels powerless in interpersonal relationships.”⁸⁹ She fears her partner’s anger and will follow his lead in abusing children.⁹⁰ He likely began abusing first and subsequently exposed her to it.⁹¹ As a victim of sexual abuse herself, she is looking for someone to protect her.⁹² Victims of a male-coerced female offender tend to be the offender’s own daughter.⁹³

⁸⁶ *Id.*

⁸⁷ *Id.* LARRY A. MORRIS, *DANGEROUS WOMEN* 198-99.

⁸⁸ *Id.* Key Levin, *Women as Perpetrators: No Penis, No Problem*, 395.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.* Kim Bell, *Sex Crimes by Women Draw More Notice*.

d. Violent Female Offender/Pre-Disposed Offender

The last category of female offenders describes those that have been severely sexually abused themselves and are acting out.⁹⁴ These women are traumatized and typically target pre-pubescent children.⁹⁵ Members of this category include the “adult female who primarily uses physical coercion to commit her sexual offenses and may share characteristics of any of the above categories of typology.”⁹⁶ These women are a predatory type and have a need for power and control over their victims.⁹⁷ Some researchers suggest that some women release anger and gain a sense of relief and power by sexually abusing behind closed doors.⁹⁸ Interestingly, counselors suggest that most survivors of sexual abuse do not become sex offenders and some of the most severe abusers were not abused themselves.⁹⁹

III. WHY ARE FEMALE-PERPETRATED SEX CRIME CONVICTIONS STILL ANOMALOUS?

With female sex crimes statistics on the rise and increasing research on the female offender, it may seem surprising that sex crimes against adolescent boys are among the most underreported crimes in America. Also, as previously discussed, female-perpetrated sex crime convictions commonly result in lighter sentences as compared with male-perpetrated sex crimes. The following section investigates the current theories behind why sex crimes against adolescent boys, in particular, are so often underreported. Also, this section discusses the gross double standard in current case law as relating to gender and sex crimes. Lastly, this section considers recent high-profile female sex offenders and the media’s detrimental glamorization of women as sexual predators.

⁹⁴ *Id.* Waltrina Stoval, *A Sex Offender Can Be Anyone*.

⁹⁵ *Id.*

⁹⁶ *Id.* KAREN DUNCAN, HEALING FROM THE TRAUMA OF CHILDHOOD SEXUAL ABUSE: THE JOURNEY FOR WOMEN.

⁹⁷ *Id.*

⁹⁸ *Id.* JACKIE TURTON, CHILD ABUSE, GENDER, AND SOCIETY 105.

⁹⁹ *Id.* Waltrina Stoval, *A Sex Offender Can Be Anyone*.

i. *Underreporting of Sex Crimes Against Adolescent Boys*

a. *Badge of Honor*

The “badge of honor” theory behind the underreporting of the sexual abuse of young boys stems from generations-old societal beliefs about male sexual development.¹⁰⁰ Males are socialized to be interested in sex and it is often difficult for them to discern between a sexual experience with a female as an incidence of abuse or a “lucky score.”¹⁰¹ Society has long believed that a man cannot be sexually abused by a woman.¹⁰² From a physiological standpoint, adolescent males can be confused by sexual experiences with older women because oftentimes an erection and ejaculation occurs; thus blurring the lines even further between consensual sexual activity and traumatic abuse.¹⁰³

For many males, sexual intercourse with a teacher would be considered something to brag about.¹⁰⁴ As one Houston detective remarked: “A lot of times, it’s their parents that come forward, and, a lot of times, the males are very upset about that...For 15-, 16-year-old males, that female is a trophy. To them, that is lifelong bragging rights.”¹⁰⁵ There are age-old societal attitudes that boys are willing, even lucky, participants.¹⁰⁶ One victim testified that when he decided to go to police about his sexual experiences with his teacher, his friends immediately ridiculed him by stating “How could you say you were victimized by having sex with a teacher? She was hot. She was young. She was the best thing that ever happened to you.”¹⁰⁷

¹⁰⁰ *Id.* JACKIE TURTON, CHILD ABUSE, GENDER, AND SOCIETY 32

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.* At 33.

¹⁰⁴ Sarah Viren, *Many Still Don’t See Women as Sex Predators*, HOUSTON CHRONICLE Dec. 17, 2006, at A1.

¹⁰⁵ *Id.*

¹⁰⁶ Wendy Koch, *More Women Charged in Sex Cases*, CHICAGO SUN-TIMES, Nov. 30, 2005, at 34.

¹⁰⁷ Carol Wilkins, *The Bias in Favor of Female Sex Offenders*, ASSOCIATED CONTENT, Oct. 28, 2009, at 1.

b. Denial

Society has a hard time viewing women as sexual predators because they are usually seen as the “weaker” or “softer” gender.¹⁰⁸ Particularly, women are viewed as “non-sexually aggressive, non-physically aggressive, individuals who are, by their nature, protective of children.”¹⁰⁹ Some believe that it is far more comfortable to deny that women can sexually abuse children than to actually face the problem.¹¹⁰ Similarly, societal sexual concepts of women include passivity and submissiveness and men as the aggressors and initiators.¹¹¹ Disturbingly, incest is a common occurrence among female sex offenders. Our heritage as Americans places an emphasis on mothers as warm and nurturing. While some research has been offered documenting women in other cultures stimulating the genitals of infants in order to soothe them, our culture views female caretakers as more asexual and any sexualized behaviors between mothers and their children is incomprehensible.¹¹²

ii. *Double Standards*

a. History

Sex crime laws have historically been enacted to protect females from lecherous male predators.¹¹³ States’ policies behind this unequal protection included an interest in deterring deviant acts and prevention of pregnancies out of wedlock.¹¹⁴ State legislatures eventually began changing their rape laws to include gender-neutral language, protecting both male and

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* JULIA HISLOP, FEMALE SEX OFFENDERS: WHAT THERAPISTS, LAW ENFORCEMENT AND CHILD PROTECTIVE SERVICES NEED TO KNOW 41.

¹¹⁰ *Id.* at 42.

¹¹¹ *Id.*

¹¹² *Id.* 42-43.

¹¹³ Joe Stennis, Jr., *Equal Protection Dilemma: Why Male Adolescent Students Need Federal Protection From Adult Female Teachers Who Prey on Them*, 35 J.L. & EDUC. 395, 398 (2006).

¹¹⁴ *Id.*

female victims.¹¹⁵ In the Supreme Court case *Michael M v. Superior Court of Sonoma County*, a 17-year old male convicted of statutory rape for consensual sex with a female under age eighteen challenged the California statutory rape statute as unconstitutionally discriminate based on gender.¹¹⁶ The Court upheld the statute holding “the risk of pregnancy itself constituted a substantial deterrent to young females....no similar natural sanctions deter males.”¹¹⁷

Fortunately, most states have adopted gender-neutral statutory rape laws. Lawmakers are finally beginning to recognize the irrevocable damage caused to young boys by engaging in sexual relationships at young ages.¹¹⁸ While young males are often more ashamed to report abuse than young girls, studies show there is little if any difference in the impact of sexual molestation of boys versus girls.¹¹⁹ New laws in place protect young boys against adult females “who prey upon minor males for sexual gratification.”¹²⁰

b. Leniency

Female offenders are often treated more leniently by the criminal justice system than their male equivalents.¹²¹ “Women are frequently referred to counseling, while men typically serve time in prison and attend a treatment program for sex offenders.”¹²² Despite prosecutorial advances in charging women for sex crimes against boys, many would contend such cases are still the subject of jokes and our society has a double standard when the alleged perpetrator is a woman.¹²³ District Attorney Tony Rackauckas contends “[women] just [are] not going to be

¹¹⁵ Tina M Allen, *Gender-Neutral Statutory Rape Laws: Legal Fictions Disguised as Remedies to Male Child Exploitation*, 80 U. DET. L. REV. 111, 114 (2002).

¹¹⁶ *Michael M. v. Superior Court of Sonoma County*, 450 U.S. 464 (1981).

¹¹⁷ *Id.* at 473.

¹¹⁸ *Id.* Tina Allen, *Gender-Neutral Statutory Rape Laws: Legal Fictions Disguised as Remedies to Male Child Exploitation*.

¹¹⁹ *Id.*

¹²⁰ *Id.* at 115.

¹²¹ Charisse Jones, *Abuse Cases Face Double Standard*, USA TODAY, Feb. 11, 2005, at 3A.

¹²² *Id.*

¹²³ Brian Dakss, *Female Sex Offenders: Double Standard?*, CBS NEWS, June 15, 2006, available at http://www.cbsnews.com/stories/2006/06/15/earlyshow/main1715421_page2.shtml?tag=

sentenced to the same kind of lengthy prison sentences men get.”¹²⁴ In reference to a 2006 case, Rackauckas lamented about a middle school teacher receiving a six-year sentence after sexually assaulting 11-, 12- and 13- year old boys.¹²⁵ “If she was a male teacher, I don’t think she’d ever see the light of day again.”¹²⁶ Female offenders are typically viewed by juries as *victims* rather than perpetrators of heinous crimes.¹²⁷ Because of society’s antiquated view of the male adolescent/female adult sexual relationship as appropriate, leniency has surfaced in many rape and sexual assault sentences against these offenders.¹²⁸

c. Negative Effects of the Double Standard on Young Males

Lenient and archaic attitudes towards adult female abuse against young boys are particularly disturbing in light of the voluminous evidence that abuse greatly affects young boys sexually, mentally, and emotionally.¹²⁹ “Boys are especially harmed when they are victims of sexual abuse by women. Sex offenders are introducing their victims into a cycle of sexual abuse that sometimes lasts a lifetime.”¹³⁰ The following anecdote adequately illustrates the effect of sexual intercourse between a young boy and an older teacher:

Diana’s grandson came to her with his secret....School had just started....and she and the 14-year old [just] finished cleaning up....dinner. She took a glass of iced tea....outside....he followed. And that’s when things changed. “He had broke down,” recalled Diana. Her grandson, a football player who speaks in ma’ams and sirs, said he had been sexually abused the year before, when he was 13, by a woman nearly 20 years his senior. She was a former neighbor and his mothers close friend. The pair had sex at least twice and sexual contact another time....The teenage had been

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.* Joe Stennis, Jr. *Equal Protection Dilemma: Why Male Adolescent Students Need Federal Protection From Adult Female Teachers Who Prey on Them*, 401. (The leniency of courts tends to give the impression that the adult female is the victim rather than the minor male child).

¹²⁸ *Id.*

¹²⁹ *See supra*, note 77 at 1.

¹³⁰ *Id.*

saving himself for marriage....He worried that God might not forgive what he did.

Diana saw subtle changes in her grandson months before she knew what caused them. For one, his grades dropped. He also developed a[n] “....attitude.” He later told her what happened had been eating at him and that he avoided going home when he knew [the offender] might visit his mother.¹³¹

Males who were sexually abused by women as children run a high risk of becoming sex offenders in adulthood.¹³² After studying a group of male sex offenders who had been molested by a primary female caretaker, researchers discovered alarming results. These men showed significant depression with the possibility of suicide.¹³³ Their characteristics also included anti-social behaviors, worry, tension, and fear.¹³⁴ When this group was contrasted with a group of male offenders who had never been molested by a female caretaker, researchers concluded that those offenders molested by females were “slightly more upset and disturbed.”¹³⁵

Male victims of female-perpetrated sex crimes report dysfunctions in romantic relationships and sexual problems.¹³⁶ Mother-son incest is known to lead to isolation, impotence, fear and resentment of women, misogyny, domestic violence, rape and murder.¹³⁷ Males molested by their mothers frequently cannot emotionally sever the mother/son relationship in adulthood. Also, 80% of male victims of female sexual abuse have been divorced.¹³⁸

iii. Media Obsession

Unfortunately, public intrigue and media hype have also lead to the decreased abhorrence of female sex offenders. Society tends to view female offenders as scandalous *femmes fatale*

¹³¹ See, *supra* note 104.

¹³² See, *supra* note 67, at 77.

¹³³ *Id.*

¹³⁴ *Id.* at 78.

¹³⁵ *Id.*

¹³⁶ *Id.* at 81.

¹³⁷ *Id.*

¹³⁸ *Id.* at 82.

worthy of endless gossip headlines. The glamorization of female sex offenders adds to the already stigmatized notion that when a male engages in sexual intercourse with an older female, he is “lucky.” “Unfortunately, [juries] look at it as the ‘Mrs. Robinson syndrome’ and think everything is OK.”¹³⁹ Media outlets rarely use language to convey this type of sexual abuse as a traumatic crime.¹⁴⁰ While reports about male offenders quite often include words like “predator” or “monster,” reports of female crimes refer to the perpetrators as “bombshells” or the conduct as a “romp.”¹⁴¹ “There is a huge dichotomy in coverage. Men are demonized, while women are diagnosed.”¹⁴² Due to the excessive media coverage of female offenders, one might perceive there “was an epidemic of molestation cases involving women against boys.”¹⁴³ The entertainment industry has sensationalized the allure of older women and younger adolescents with television shows like “Desperate Housewives” and “Cougar Town.”

IV. SOLUTIONS TO THE PROBLEM: LESS MEDIA HYPE AND MORE CONSEQUENCES

The statistics on female-perpetrated crimes do not lie. The problem is very alive and thriving. Both national and state-specific statistical analyses conclude that there is an existing population of women targeting young boys. However, courts are under-sentencing these offenders to the dismay of the victims and their families. While the profile of the female offender is often quite different than that of her male counterparts, her crimes are just as devastating on the development of young boys. Despite this evidence, double standards in the law abound and the media treats these women as if they are the next big starlet.

¹³⁹ See *supra*, note 121.

¹⁴⁰ See *Supra*, note 96.

¹⁴¹ Ann M. Simmons, *Female Sex Offenders Drawing Increased Scrutiny: Cases Involving Women and Boys Might Make More Headlines Because of Stricter Enforcement and the Public’s Fascination*, LOS ANGELES TIMES Jan. 13, 2006, at B2.

¹⁴² *Id.*

¹⁴³ *Id.*

This problem can be lessened through a dual-solution: reduce the cultural media fixation on these women and replace it with honest discussions of the detrimental effects these crimes have on the offender's future, her family's future, and society in general. Only then will these women start consider their actions as criminal. Revelations of these negative effects could possibly result in a deterrent from molesting or sexually assaulting young boys.

i. Negative Consequences for the Offender

A 2004 study was conducted on a group of female sex offenders in multiple states.¹⁴⁴ The analysis focused on identifying negative consequences reported as arising from being a registered sex offender, as well as perceptions and attitudes of registrants toward the system.¹⁴⁵ Forty-five percent of offenders report that 90% of the people in their lives know about their offenses and criminal background.¹⁴⁶ The top negative consequence reported by female sex offenders is loss of a job.¹⁴⁷ Following, denial of promotion at work, denial of a place to live, rude treatment in a public place, and asked to leave a public place comprised the top five negative consequences reported by female offenders.¹⁴⁸ Other reported consequences included loss of a friend, personal harassment, assault, harassing or threatening phone calls, and harassing or threatening mail.¹⁴⁹

Within the same study, offenders were asked to reveal their feelings about being a sex offender. The most common response was "I feel ashamed."¹⁵⁰ The next most common responses in order of frequency included "I feel I am being unfairly punished by being on

¹⁴⁴ Richard Tewksbury, *Experiences and Attitudes of Registered Female Sex Offenders*, 68 FED. PROBATION 30 (2004).

¹⁴⁵ *Id.*

¹⁴⁶ *Id.* at 32.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

a....registry,' 'I understand why people want a....registry,' and '[p]eople avoid being around or talking with me.'"¹⁵¹

ii. Negative Consequences for the Offender's Family

Another study was conducted to assess the effects of being a family member of a sex offender.¹⁵² The study acknowledges that sex offender registration and notification laws are "strongly endorsed by the public, who believe that knowing where sex offenders live can enhance their ability to protect themselves and their children from sexual victimization."¹⁵³

While many lawmakers and citizens are not concerned with negative impacts on sex offenders, these laws "often relegate....sex offenders to neighborhoods marked by high levels of social disorganization, lower incomes, and larger minority populations. These neighborhoods are....characterized by community neglect, low social capital, and a paucity of resources...."¹⁵⁴

Family members of offenders most often reported financial hardship as a result of offender's inability to procure employment. Other negative consequences on the family included being forced to move out of a rented residence at the insistence of a landlord or neighbors, threats, harassment, physical assaults, injury and property damage.¹⁵⁵ The children polled reported feelings of anger, depression, feeling left out, ridicule, harassment, suicidal thoughts, fear and teasing.¹⁵⁶

iii. Conclusion

This article has effectively identified the abounding criminal patterns of female sexual abuse of young boys. By showcasing the current statistics surrounding female sex offenders on a

¹⁵¹ *Id.*

¹⁵² Jill Levenson, *Collateral Damage: Family Members of Registered Sex Offenders*, 34 AM. J. CRIM. JUST. 54 (2009).

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

national and state level, it is clear that something must be done to lessen the occurrence of this crime. It is likely that the lower sentencing rates and judicial lenience on female offenders has arisen from societal norms undermining the effects of female-perpetrated sexual abuse on young boys. Similarly, media sensationalism of these crimes coupled with the entertainment industry's glamorization of the problem has added to the notion that these crimes are not as big of a deal as crimes perpetrated against young girls by men.

Clearly, these sexual crimes leave a lasting impact on victims, their families, and their communities. The solution must involve less media hype and more realization of the real consequences that women will face once they decide to engage in this behavior. Whether the perpetrator is a "teacher/lover" or a "pre-disposed" abuser, her actions will result in negative treatment by society for both her and her family. Instead of making these offenders appear as victims themselves, they must be made out as the "monster predators" they usually are; akin to the treatment male offenders duly receive. Family therapist Karen A Duncan's summation speaks to the heart of the problem: "If we are to prevent child sexual abuse....we are going to have to accept that female perpetrators do exist."¹⁵⁷ Once this objective is met, society and the judiciary can begin the process of treating this crime with the same resistance male-perpetrated sex crimes have always undergone.

¹⁵⁷ See, *Supra* note 77.