

An Assessment of Menlo Church's:

- Response to a congregant expressing an attraction to children
- Child protection policies
- Ministries related to the topic of child maltreatment

October 2021

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“Taking the child in his arms, he said to them,
‘Whoever welcomes one of these little children
in my name welcomes me, and whoever welcomes me
does not welcome me but the one who sent me.’”

—MARK 9:36-37

I. Introduction

A. Zero Abuse Project Overview

Zero Abuse Project is a 501(c)(3) organization committed to transforming institutions in order to effectively prevent, recognize, and respond to child sexual abuse. Zero Abuse Project’s programs are designed to provide cross-disciplinary education and training, advocacy for systemic legal change, guidance for survivor support, and leadership on emerging technologies. Zero Abuse Project provides training, technical assistance, and publications to child abuse investigators and prosecutors; oversees 21 state and international forensic interview training programs;¹ has assisted more than 75 institutions of higher education in improving undergraduate and graduate training to future child protection professionals;² and has extensive expertise in prevention education and child abuse policy review.

In December of 2020, Zero Abuse Project entered into a contract with Menlo Church to assess whether a former volunteer, hereinafter referred to as “Individual A,”³ engaged in any act(s) of sexual misconduct with any minor(s), and assess Menlo’s child protection policies.

¹ Rita Farrell & Victor Vieth, *ChildFirst Forensic Interview Training Program*, 32(2) APSAC ADVISOR 56 (2020).

² Victor I. Vieth et al., *Child Advocacy Studies (CAST): A National Movement to Improve the Undergraduate and Graduate Training of Child Protection Professionals*, 45(4) MITCHELL HAMLINE LAW REVIEW 1129 (2019).

³ We acknowledge that this person has been publicly identified in multiple forums. However, since our Assessment did not find evidence of sexual misconduct, we are not naming him in this report. We identify Pastor John Ortberg and Daniel Lavery only because they both are public figures of their own choosing.

Specially, the contract required Zero Abuse to do the following:

- “[A]ssess whether there is any evidence or allegations that Individual A engaged in any act of sexual misconduct against a minor(s) while he was serving as a part-time employee of and/or volunteer at Menlo.”
- “[A]ssess the circumstances surrounding Individual A’s disclosure to Menlo,” and past and current leadership’s “response to Individual A’s disclosure.”
- “[A]ssess child protection policies that were in place during Individual A’s time as a volunteer or part-time employee at Menlo.”
- Write a “Final Report that outlines the Assessment Findings and proposes policy and other Recommendations based upon the factual findings.”

B. Menlo Church Background

Menlo Church was incorporated in November of 1873 and will soon recognize its 148th anniversary. In its current form, Menlo is a multi-site church with campuses around the San Francisco Bay area at Menlo Park, San Mateo, Mountain View, Saratoga, and San Jose. In total, the church has approximately 3,800 registered members.

Menlo has been a Reformed Presbyterian church since its inception, and in 1983, it joined the Presbyterian Church USA (PCUSA) denomination. In 2014, Menlo left PCUSA and joined the denomination ECO: A Covenant Order of Evangelical Presbyterians. According to an Elder familiar with this history, Menlo was concerned about theological drift in the former denomination and that PCUSA was inhibiting Menlo’s expansion.

Menlo is governed by a small group called a “Session,” which currently consists of 10 Elders elected by the congregation for four-year terms, plus the senior pastor as a voting ex officio member.⁴ Throughout this Report, we use the words “Session,” “Session members,” “Elders,” and “Board of Elders” to refer to the church’s governing authority, since these words were used by the witnesses we interviewed and documents we reviewed. When we refer in this Report to church leadership, we are referring to these individuals and/or senior Menlo staff members.

The daily management of the church is overseen by a Central Leadership Team (CLT), which consists of the Senior Pastor and the “Executive Pastors responsible for the three primary areas of [Menlo’s] work: Campuses, Ministries, and Operations.”⁵ The CLT is also part of an Extended Leadership

⁴ See <https://menlo.church/elder-roles-responsibilities>.

⁵ Id. at 7.

Team, which includes Campus Pastors, Central Ministry Leaders, and Operations Directors. Within Central Ministry are “6 primary areas: Connections, Weekends (Worship and Production), Kids, Students, Adults (includes Groups and Care), and Outreach and Mission.”⁶

Menlo Kids serves children from 3 months to the 5th grade, and Menlo Students serves children from the 6th grade through high school. These ministries are heavily dependent on volunteers. One of these ministries, known as “Life Groups,” places student and adult volunteers in leadership roles over younger children. These children’s ministries, particularly the Life Groups and the role of volunteer leaders, is a central component of this Report. Another central component is a Menlo ministry called “Mexicali”—an annual trip of staff, volunteers, and youth to Mexico to serve and otherwise interact with children and adults in various villages.

In describing its beliefs, the Menlo Church Staff Handbook states the “church affirms the historic Christian faith as revealed in the Bible, and as expressed in a variety of confessional statements adopted over the centuries, including the Nicene Creed, the Apostle’s Creed, Westminster Confession, and other Reformed confessions. [It] also affirm[s] the five ‘solas’ of the Protestant Reformation: *sola scriptura*, *sola fide*, *sola gratia*, *solus Christos*, *sole Deo Gloria* (Scripture alone, Faith alone, Grace alone, Christ alone, glory of God Alone).”⁷ In writing our Report and offering our recommendations, we were conscious of this belief system and thus incorporate theological language and scriptural interpretations we believe are consistent with Menlo teachings about and understanding of God.

C. Relevant History

In 2003, Menlo Church hired John Ortberg to serve as its teaching pastor. (He later became senior pastor.) At this time, Pastor Ortberg was already a national figure in evangelical circles and received the 2002 Christianity Today Award for the Best Book on Christian Living for his work *If You Want to Walk on Water, You’ve Got to Get Out of the Boat*.⁸ He continued to write and publish during his time at Menlo and, in 2008, the Evangelical Christian Publishers Association presented him with the Christian Book Award on Christian Life for his work *When the Game Is Over, It All Goes Back in the Box*.⁹

⁶ Id. at 7.

⁷ Id. at 5.

⁸ Christianity Today Book Awards, April 22, 2002, available online at: www.christianitytoday.com/ct/2002/april22/2.34.html (last visited September 2, 2021).

⁹ 2008 Christian Book Award® Winners, available online at: <https://christianbookexpo.com/christianbookawards/cba2008.php> (last visited September 15, 2021).

In 2018, one of Pastor Ortberg's children, referred to in this Report as Individual A,¹⁰ informed Pastor Ortberg of what Menlo would later describe as "an unwanted thought pattern of attraction to minors."¹¹ Pastor Ortberg did not report this to the authorities, nor did he inform any other staff or any of the Elders. Individual A had served as a volunteer and part-time employee in various Menlo activities involving youth since 2008 and was volunteering at Menlo Park campus at the time of the conversation with Pastor Ortberg. From the date of the conversation until the information was reported to church leaders in November of 2019, Individual A volunteered for Menlo Students at the Menlo Park campus worship services and programs approximately 10 times and participated in Menlo's Mexicali trip from February 14–19, 2019.

On Friday, November 15, 2019, Individual A informed his brother, Daniel Lavery, of his attraction to children. Six days later, on November 21, 2019, Mr. Lavery sent an email to Menlo church leaders informing them of this conversation and explicitly alerting them that Individual A expressed a sexual attraction to "boys between the age[s] of 8 and 13." The following day, Pastor Ortberg was placed on paid, personal leave. Subsequently, an investigation was conducted by Fred Alvarez of Coblentz, Patch, Duffy & Bass.

The investigation did not find anyone with knowledge of misconduct by Individual A. Eventually, the Elders permitted Pastor Ortberg to return as teaching pastor. The congregation was informed in general terms about a conversation between Pastor Ortberg and a volunteer, and that Pastor Ortberg did not inform leadership or remove the person from his volunteer role. The congregation was not told that the volunteer was Individual A, Pastor Ortberg's son.

Although many in the Menlo community supported the return of Pastor Ortberg, some congregants expressed deep concerns about his conduct and the limited scope of the investigation. Mr. Lavery had similar concerns and, on June 28, 2020, publicly named his brother as the volunteer in question. This revelation intensified the concerns within the congregation and led Menlo to accept Pastor Ortberg's resignation, which he had previously offered. On December 28, 2020, Menlo contracted with Zero Abuse Project to conduct a supplemental investigation (hereinafter referred to as the "Assessment").

¹⁰ As stated in Footnote 3, we acknowledge that this person has been publicly identified in multiple forums. However, since our Assessment did not find evidence of sexual misconduct, we are not naming him in this Report. We identify Pastor John Ortberg and Daniel Lavery only because they both are public figures of their own choosing.

¹¹ January 21, 2020, statement from the Board of Elders to the Menlo community.

D. Intent of Report

In this Report, we summarize the initial investigation and highlight some of its findings. We discuss the key facts that led to the need for Zero Abuse Project's Assessment, our scope of work, and the process we used to conduct the Assessment.

This Report also summarizes our key findings. The witnesses we interviewed denied experiencing or witnessing sexual misconduct by Individual A. However, the witnesses we spoke to and the documents we reviewed did reveal risks and weaknesses in Menlo's child protection policies and approach to child protection.¹² Accordingly, we propose numerous recommendations to improve these policies, and we strongly urge the hiring of a full-time Child Protection Director to oversee these reforms. We also call on Menlo to engage with this subject theologically in sermons, Bible studies, and a proactive ministry to survivors of abuse.

We are mindful that this case involves an unusual circumstance in which a congregant informs a pastor of an unwanted attraction to minors but denies acting on these thoughts. The question of how a pastor (and the church as a whole) should respond poses complex issues of law, theology, mental health, and most importantly, child safety. Unfortunately, there is a paucity of research on this issue, and the research that exists has flaws that impair the application of the studies to actual cases.

Nonetheless, this is a critical issue to be addressed by not only Menlo, but the entire Christian church. As Menlo discovered, churches that are not prepared to respond to this issue may set in motion a chain of events that hurts a great many people. Accordingly, approximately 18 pages of this Report are dedicated to responding to someone with a sexual or otherwise unhealthy attraction to children. We review the literature on this subject and offer numerous recommendations.

Lastly, and most importantly, deep wounds were inflicted as a result of this case. In the course of this Assessment, many congregants shared with us their feelings of broken trust, even betrayal, and how

¹² This is not unique to Menlo. Many churches do not have any policies, and those that do often have policies with myriad flaws. A recently published study of religious communities in the United Kingdom concluded that, "despite an abundance of available guidance, there is significant variation in levels of compliance [in implementing policies] among religious organizations and settings. Some settings, despite serving large congregations, do not have even basic child protection procedures in place. Even where such policies are in place, some victim and survivor organizations have referred to 'disguised compliance' whereby organizations are primarily concerned to give the impression of having in place effective child protection procedures whilst the reality is one of half-hearted or non-existent implementation." ALEXIS JAY, SIR MALCOLM EVANS, IVOR FRANK, & DRUSILLA SHARPLING, CHILD PROTECTION IN RELIGIOUS ORGANIZATIONS AND SETTINGS, INVESTIGATION REPORT 38 (September 2021). A recently published analysis of the written child protection policies of the 32 archdioceses in the United States found the "average score for all 32 archdioceses in the general area of prevention was 40.7 out of 102 possible points or 40%. There is much variation between archdioceses with few policies conforming to basic best practices that would be expected of a youth-serving organization." Stephanie J. Dallam, Marci A. Hamilton, Sabine Glocker & Andrew J. Ortiz, *Analysis of the Written Policies of the 32 U.S. Archdioceses on the Prevention of Child Sexual Abuse*, JOURNAL OF CHILD SEXUAL ABUSE (published online September 1, 2021).

the decisions of Pastor Ortberg and the Elders impacted themselves and their families. As a result, some congregants have left the church, and some told us that they are choosing to stay in the hope that this Report, and the church's response to it, will move Menlo to a place of healing. Healing, though, does not mean forgetting. If Menlo is to mend its relationship with the congregation and better protect children, it must not forget these events but instead process them with humility and learn from them.

In that hope, we offer this Report.

II. Statement of Facts¹³

On Thursday, November 21, 2019, Daniel Lavery sent an email to the Chair of the Menlo Board of Elders¹⁴ (also known as the Session), as well as other church leaders. In the email, Mr. Lavery stated his younger brother, Individual A, was sexually attracted to “boys between the ages of 8-13.”

In the same email, Mr. Lavery informed Menlo church leaders that his brother had “disclosed this to [their] parents” and that this disclosure was “nearly 18 months ago in July 2018.” He said he “confirmed” this fact with his father, Pastor Ortberg, in a phone conversation but that his father had allowed Individual A to continue working with children in multiple capacities. Mr. Lavery said his father spoke in a “panicked” and “furious” tone in defending this decision.

Although Mr. Lavery said he loved his brother and thought it was possible he had not physically harmed any children, he worried that Individual A's work with children was “entirely unaccountable and unsupervised” and represented an “intolerable gamble.” He also expressed concern about the circumstances surrounding a missing laptop belonging to Individual A and Individual A's fears of what may be discovered by the police. Additionally, Mr. Lavery expressed concern about Individual A's interactions with a boy in Mexico who Individual A met years before on a mission trip and with whom he continued to interact.

In response to this email, there were phone calls and other communications among the recipients of the correspondence, and other senior leaders were informed that night. At 7 a.m. the following morning, several church leaders met and decided to place Pastor Ortberg on immediate paid, personal leave and to let Mr. Lavery know the email was being taken seriously and would be investigated. The staff who received the email were also informed the matter was being taken

¹³ This Statement of Facts is based on our interviews of witnesses and review of documents.

¹⁴ The email to the Board chair was inadvertently sent to a non-existent email account, but the Board chair was informed that same night.

seriously and legal counsel would be consulted. On Friday, November 22, the Elders authorized two Elders to engage an independent investigator.

The next morning, Saturday, November 23, steps were taken to keep Individual A from resuming his position as a volunteer. On Monday, November 25, Menlo followed up on Individual A's membership, prepared summaries of his volunteer work, and forwarded this information to internal legal counsel. A meeting with internal legal counsel and the Elders was held at 6 p.m. that evening.

On Tuesday, November 26, it was determined that Menlo no longer had Individual A's original volunteer application and that his name was on a list of volunteers who were due to update their background checks for the early 2019 mission trip to Mexico. The background check was not updated, and Individual A attended the Mexicali trip in February of 2019. A previous background check in 2014, completed by Protect My Ministry, a service offering background checks and volunteer screenings for churches, showed no criminal history.¹⁵

On Wednesday, November 27, the Menlo Elders agreed to close Pastor Ortberg's Menlo email account. On December 3, 2019, the Elders requested information on mandated reporter training for staff, and it was determined that Pastor Ortberg had not completed this training. (He was required to do so later as part of a restoration process.)

On December 4, 2019, five senior leaders at Menlo learned that an employee, apparently unaware of the investigation, was planning to ask Individual A to participate in the next Mexicali trip. The senior leaders decided to give Individual A an opportunity to decline the invitation and, if he did not, senior leaders stated that "[they] will need to talk" with Individual A "to ask him to withdraw" from the trip.

In a December 10, 2019, meeting of four church leaders, notes we reviewed state an Elder had confirmed with Pastor Ortberg that he had informed Individual A "he cannot volunteer." During the same meeting there was a discussion about what it would take for Pastor Ortberg to return. Notes from the December 10th meeting state Pastor Ortberg would need to "demonstrate recognition and acknowledgement of his poor judgment" and the risk his decision presented. The same document also references the high accountability Pastor Ortberg expected of others and the need to hold him similarly accountable.

On December 11, 2019, Menlo sent out a communication to its "newsletter lists" that included this statement: "Our senior pastor, John Ortberg, is on personal leave. He is not ill, and we ask that you

¹⁵ We are aware of no evidence that Individual A has a criminal history. We reference these facts, though, because they highlight areas for improvement in Menlo's child protection policies. Retaining volunteer applications will, at the very least, allow a youth-serving organization to subsequently review an application and note any warnings of a potential problem. Periodic updating of a background check can aid in detecting new information that may warrant removing an employee or volunteer from youth ministry.

join us in praying for him and our church family. While John is out, the work of the church continues under the leadership of our Session and Central Leadership Team.”

On December 12, 2019, the Coblentz law firm issued an “Interim Final Report” of the investigation, which appears to us to be a PDF version of a PowerPoint presentation.

On Saturday, December 14, 2019, two Menlo church attorneys met with Pastor Ortberg. In this meeting, a series of questions were posed to help Pastor Ortberg understand the anguish caused by his decision not to share with the church or others the conversation he had with Individual A. We reviewed a document containing the questions apparently posed in that meeting. One of the questions read:

Church staff and Session members have family members who have either been abused, or have been groomed by pedophiles. Collectively church staff and Session members have described this decision to allow [Individual A] to serve using terms like entitlement, hubris. Can you understand how they could have used those terms? Can you understand how this looks like prioritizing the well being of your child over the well being of the flock?

Another question centered around a sermon Pastor Ortberg gave on “fully transparent accountability” and the need to demonstrate “courageous authenticity.” Citing this language, Pastor Ortberg was asked if he could understand why some church members were angry at his decision to keep the revelation of his son a secret. We asked to interview the two attorneys involved in this meeting to learn more about the conversation (as well as anything else they knew which might be pertinent to our Assessment), but they declined on the grounds of “attorney-client privilege.”

On December 19, 2019, the Coblentz law firm issued a written report to the Menlo Church Board of Elders entitled “Internal Investigation—Final Report.” This investigation is discussed below in the section entitled “Initial Investigation.”

At some point after the completion of the initial investigation, the Elders decided to bring Pastor Ortberg back to the church but to restructure his position as a teaching pastor. He was also to complete a restoration process that included meeting with staff impacted by his decision, visiting all of the campuses, and meeting individually with each of the Elders. At that point, only senior staff and the Elders knew that the volunteer Pastor Ortberg spoke to was his son, Individual A. Witnesses we spoke to said that the staff was largely supportive of Pastor Ortberg returning, but that there was some objection from those involved with Menlo Students—the group most impacted by his conduct.

On January 21, 2020, the Board of Elders released the following statement concerning Pastor Ortberg:

Dear Menlo Church Community,

We wanted to provide an update as it relates to [Pastor] Ortberg.

As you might be aware, John has been on personal leave since November 22. John's personal leave was suggested by the Elder Board (Session), and followed the Board's need to investigate concerns raised by a third party. In July of 2018, a person serving in the Menlo Church community came to John and shared in confidence an unwanted thought pattern of attraction to minors. The person assured to John's satisfaction, that the person had not acted on the attraction and sought John's support. John believed the person and provided prayers and referrals for counseling. However, John failed to take the required steps to prevent the person from volunteering with minors at the Menlo Park campus and did not consult anyone else at Menlo Church about the situation.

The Board takes these concerns very seriously and believes the bond of trust around our children's safety is among our highest callings as a Menlo Church community. As soon as these concerns were brought to the Board's attention, the Board acted immediately and consistent with Menlo Church policy, informed our denomination (ECO) and retained an independent investigator to look into the matter. Based on that investigation, interviews with supervising staff across Student's and Children's ministries, and a review of detailed volunteer records, the Board has not found any misconduct in the Menlo church community, and the investigation did not reveal any allegations of misconduct. Nevertheless, the investigation showed John exhibited poor judgment that was inconsistent with his responsibilities as Senior Pastor.

John fully understands the Board's concerns regarding his handling of this situation. John is saddened by the potential risk he now realizes he brought on the Menlo community and wholly agrees that he did not handle this matter consistent with his responsibilities to Menlo Church and the Board's expectations of him. He deeply apologizes for this action and decisions, and is committed to the safety and integrity of our community and to ensuring that such a situation does not happen again.

The safety and integrity of our community is of paramount importance at Menlo Church, and we hold all members of our community, especially Menlo Church staff, to the highest ethical standards. The Board's role includes setting expectations for Menlo's pastors and staff, and in holding them, including John,

accountable. This includes ensuring that their actions and decisions are consistent with Menlo Church policies, as well as those of our denomination, ECO. The Board is ultimately accountable to ensure that the right safeguards are in place and that the operational policies and actions of Menlo Church staff are consistently followed. We believe we took timely action consistent with our policies and will continue to demonstrate great care and governing oversight.

Should any reports of abuse or misconduct surface at a later date, we are prepared to take immediate action with law enforcement and are fully aware of our obligations as mandatory reporters. We are also reviewing our protective measures for children. We have significant protective measures already in place, including the two-adult policy¹⁶ and background checks for all regular volunteers...

Our shared beliefs are among what binds us together at Menlo Church. Among our core beliefs is God's Redemptive Plan—that we believe God does not intend for sin and suffering to get the last word, but is at work to redeem and reconcile what He has made, with the affirmation that "everybody's welcome, nobody's perfect, and with God anything is possible." To that end, and based on the Board's investigation and careful deliberation, the Board has adopted a specific restoration plan setting John's return from personal leave on Friday, January 24th. John will only be working internally with staff and the Board during this interim period, focusing on his restoration plan and seeking to rebuild trust. We hope for his return to the pulpit in the near future, if approved by the Board after closely monitoring John's progress. John will share a brief word on these matters with the congregation this weekend. In the midst of this matter, our commitment to our vision remains firm; to help people find and follow Jesus. We invite you to join us in continuing to pray.

On March 1 and 8, 2020, Town Hall meetings were held on the Mountain View Campus and the Menlo Park Campus, respectively, in which questions about the church's response to this case were addressed. In these meetings, there were expressions of support for Pastor Ortberg as well as concern. For instance, at the March 1 Town Hall, one questioner stated they would grade the Elders an "A+" for how they handled "child safety" but a "C-" for the "harsh" treatment of Pastor Ortberg. At the March 8th Town Hall, a member of the Menlo community shared an experience of previously

¹⁶ As will be discussed later in the report, Menlo did encourage one-on-one interactions between adults and youth participating in Life Groups.

leaving a church when the leadership failed to explain a priest's removal for misconduct with a child and added "I feel like the communication in this matter is similar, and I feel let down."

Pastor Ortberg spoke at both of these Town Halls. At the March 8th Town Hall, Pastor Ortberg addressed why he did not make a report to the authorities:

I am what's called a mandated reporter and that means that I am obligated to report a person to appropriate authorities if there is a reasonable suspicion of damage. In other words, that the person might have done harm or might do harm. I can say, having asked the volunteer when we had that initial conversation very stringent questions around this, I am absolutely certain that that person did not harm anybody and would not and will not harm anybody. Immediately, after that conversation, I consulted with two clinical experts and both of them confirmed that this was a situation in which reporting was not mandatory and would not have been appropriate.

At the March 8th Town Hall, Pastor Ortberg also stated he made the following mistakes:

- "When I first had that conversation, I did not seek wisdom and counsel from our Elders on how to deal with this. Not just from a pastoral counseling point of view, but in my leadership position as the Senior Pastor of the church. I should have sought counsel on how to deal with that as well as the leader of an organization."
- "I did not use all of the pastoral influence that I could have used to seek to make sure that this individual would never be involved volunteering in an activity of Menlo Church where minors could be present. I wish so much that I had done that, and I'm so sorry that I did not seek to exert that full pastoral influence. Not because I think this person is a danger, again to be clear, I very strongly believe that the person would not be a danger, but because I did not take into account the very understandable concerns and sensitivities of parents in our congregation if they would find that such a volunteer is working here."

On June 28, 2020, Mr. Lavery, via Twitter, stated he "had hoped Menlo would conduct a robust, thorough inquiry" but that "in the absence of institutional accountability," he was publicly posting his original report to Menlo as well as the name of Individual A. He added, "I hope that my brother is safe, healthy, in treatment, and never alone with another child. I hope his previous work with children, at Menlo Church and everywhere else he pursued such work is thoroughly scrutinized."

As a result of Mr. Lavery's public disclosure, a number of Menlo staff and parishioners expressed feelings of betrayal by the church leadership. In a July 8, 2020, email to the Elders, one senior leader writes:

As we process this together, I believe the most important response for us is to have a posture of humility and show care for our church. Over the past few days, I've been on the phone with congregants, staff and non-Menlo folks, and almost unanimous sentiment is that we are arrogant, dismissive, and protecting Menlo and [Pastor Ortberg's] image/reputation. The pain many are feeling is that we have neglected our responsibility to care for and protect the flock. I think it would go a long way to admit that we've made some mistakes along the way in our process, and express our commitment to fully and completely investigating the claims [Mr. Lavery] brought to our attention.

On July 11, 2020, the Menlo Board of Elders announced a supplemental investigation, stating, in part:

After carefully listening to our community these last several days about the investigation into a former church volunteer, we want to first acknowledge the Board's ownership in what we have done to contribute to the pain and distrust many of you are feeling right now. Fundamentally, we did not provide the transparency that our community deserves and as a result have eroded the trust some of you place in our leadership. We are writing you today to show how we're moving forward as a community.

While many of you know that the Board took immediate action (see previous updates) upon learning of these concerns, we understand our initial investigation could have gone further and included specific expertise in child safety and sex abuse issues, and it could have been informed by conversations with a wider group of people. Based on the feedback we've received, we are initiating a supplemental independent investigation into concerns raised about the volunteer.

The Board will also form a new committee, comprised of representatives from Elders, staff, parents and volunteers, to provide transparent oversight of the new investigation and ensure all impacted perspectives are represented.

We also have directed staff to conduct a full audit of policies, practices and training related to child and youth safety, to be led by an independent outside organization with expertise in this area and are committed to conducting regular audits on an ongoing basis. Our staff and volunteers run incredible ministries for children and youth. Our community deserves to have full confidence in their work and that the systems safeguarding our children and volunteers are best-in-class.

On July 29, 2020, the Elders informed the Menlo community “the Board unanimously concluded that John [Ortberg] should resign as Senior Pastor of our church. He agreed and tendered his resignation last week.” The decision was based, in part, on “John’s poor judgment” resulting “in pain and broken trust among many parents, youth, volunteers and staff.” On the same date, Pastor Ortberg issued a statement expressing his “regret for not having served our church with better judgment.” While he asserted there was “no evidence of risk of harm” and that there was “consistently positive” feedback about his son (Individual A), “I did not balance my responsibilities as a father with my responsibilities as a leader.”

The Supplemental Investigation Advisory Committee (SIAC) formed by Menlo recommended that Zero Abuse Project be hired to conduct the supplemental investigation (Assessment) and to review child protection policies and practices, and on December 28, 2020, Menlo and Zero Abuse Project signed a contract. The contract makes clear Zero Abuse Project is not in an attorney-client relationship with Menlo, nor are we an agent of the church. Instead, the contract states Zero Abuse “is operating with complete independence and autonomy” in conducting this Assessment.

III. Initial Investigation Conducted by the Coblentz Law Firm

On November 25, 2019, Menlo retained the law firm of Coblentz, Patch, Duffy & Bass to conduct an investigation. The investigation involved a review of Pastor Ortberg’s email accounts, reviewing approximately 3,000 emails sent between January 1, 2018, and December 4, 2019. These emails were searched using a number of search terms. The emails confirmed Pastor Ortberg encouraged Individual A to get therapy and provided him with a list of potential therapists in July of 2018.

Additional documents reviewed by the law firm included a spreadsheet of Menlo’s records of Individual A’s volunteer activities and interviews with 8 individuals. One of these witnesses was a Menlo staff member who, in turn, spoke with 9 additional Menlo staff, utilizing a script in which staff were asked if, during their time with Menlo:¹⁷

- “You ever became aware of any reports involving inappropriate touching of students by any staff member or volunteer.”
- “Reports of any relationships between staff members or volunteers and any student.”

¹⁷ Emphasis included in the original document reviewed.

- “Any other reports of misconduct involving sexual touching, inappropriate contact with students or relationships with students.”
- “If so, do you recall any details, including how the matter came to your attention?”
- “While you were leader of the department, was there a particular point person that you would expect to receive such reports other than yourself?”
- “Is there somebody else that you think we would want to check with that had leadership responsibility?”
- “Would you expect such matters to have been brought to your attention?”

Five of the nine staff interviewed using this script had no knowledge of any incidents or relationships, three referenced a prior staff member fired for inappropriate communications and other behaviors with a student. One person spoke of an “accusation of grooming from a volunteer” that was previously addressed.¹⁸ None of the nine staff identified any concerns about Individual A; however, Individual A’s name was not specifically referenced in the conversations.

On December 12, 2019, the Coblenz law firm presented an interim report, and on December 19, 2019, the Elders received the final report concerning the initial investigation. We reviewed both of these documents. There were no recordings or other documentation of the interviews conducted.

IV. Zero Abuse Project Assessment

A. Introduction and Methods

Zero Abuse Project’s Assessment was led by Victor Vieth, Chief Program Officer for Education and Research. Shannon May, Chief Program Officer for Victim Assistance, served as the program manager. The work of the primary investigators was supported by a team that included former child

¹⁸ In the course of our Assessment, we also heard about these past incidents from several witnesses. Although assessing these incidents was beyond the scope of our review, they did influence certain recommendations in our report. During our Assessment, Menlo also received correspondence from a man who says that while he was a teenager (he was not sure if he was an adult or not), a man had repeatedly solicited him to send a nude photograph of himself. Although this happened at a different church, the victim wanted Menlo to know this individual was now at Menlo. We advised and assisted Menlo in reporting this case to the authorities and also advised Menlo to terminate the employment of this individual. Menlo did terminate this individual’s employment and communicated this case to its community and the public. *See, e.g.,* Leonardo Blair, *Menlo Church Reveals Fired Worship Director Solicited Nude Photos from Teenager*, THE CHRISTIAN POST, April 26, 2021. This case also influenced some of the recommendations in this report.

abuse prosecutors, victim assistance specialists, and a child forensic interviewer. We also contracted with Sacred Spaces, an organization that works to respond to sexual abuse and other abuses of power within the Jewish community.¹⁹ We also subcontracted with an expert on digital forensic evidence analysis, a former child abuse detective, a sex offender treatment provider, and an expert on sex offender management. To assist in speaking with witnesses from Mexico, we subcontracted with an immigration attorney fluent in Spanish who worked with one of our former child abuse prosecutors in making contact with and interviewing witnesses whose primary language is Spanish.

Throughout the Assessment, we worked with Menlo's SIAC to obtain documents and other relevant information. Our Assessment began with a review of documents related to Menlo's structure and leadership, timelines related to Individual A's tenure and his volunteer and part-time employee roles, Mexicali mission trips, employee handbooks and volunteer documents, and policies for Menlo Kids and Menlo Students. This initial review included more than 130 documents.

B. Witness Interviews

In February, we received an initial list of individuals (the "Initial Contact List") believed to have had meaningful contact with Individual A. We used this information to create an AirTable database to track correspondence and responses. In mid-February 2021, we emailed the 260 individuals on the Initial Contact List to inform them of the Assessment and offer them an opportunity to be interviewed. The Initial Contact List included the students, parents, fellow volunteers, staff, and Michoacan Village-assigned Mexicali mission trip participants who Menlo believed were most likely to have had significant interaction with Individual A. These individuals were asked to complete a two-question survey to indicate their willingness for and interest in interviewing. As individuals indicated interest, we provided a list of possible dates and times for interviews. When the individual chose an interview time, we sent a confirmation email with a Zoom meeting link and a calendar invitation.

In March 2021, Menlo staff and SIAC members provided us with the correspondence that a number of church members sent to Menlo staff and/or Elders in response to the allegations about the volunteer becoming public. Before providing us with this correspondence, a member of the SIAC, without reading the correspondence, contacted the individuals to confirm that they were willing to have that correspondence shared with us. If consent was given, SIAC then asked the Clerk of Session to share the correspondence directly with Zero Abuse. We subsequently contacted 24 individuals who gave that consent to invite them to interview.

¹⁹ For additional information about Sacred Spaces, see www.jewishsacredspaces.org.

Between March and June, we reached out multiple times to the individuals on the Initial Contact List with more personalized invitations to interview. Ultimately, 43 people from the Initial Contact List were interviewed by Zero Abuse or Sacred Spaces between February 23, 2021–July 22, 2021. The remaining individuals either declined to be interviewed, did not respond to the emails, or responded with their written thoughts.

As we were contacting individuals from the Initial Contact List, a parent contacted us to express concern that many individuals she had spoken with had not been contacted by us. Given that Menlo’s Initial Contact List included only individuals Menlo believed were most likely to have had significant interactions with Individual A, and the fact that some of the contact information provided was likely no longer valid, we understood that the Initial Contact List was limited. We informed Menlo staff about this concern, and Menlo staff explained that they were already building an “Expanded Contact List” of individuals who were involved with Menlo High School ministries and Mexicali trips during Individual A’s tenure.

In early April 2021, we received the Expanded Contact List which—once all duplicates were removed and all data was added to AirTable—included approximately 1,715 additional, unique contacts. In mid-April 2021, we reached out to the new contacts from the Expanded Contact List to inform them of the Assessment and invite them to interview. Also in April, we sent personalized emails to eight individuals who Menlo shared were instrumental in planning and leading Menlo’s Mexicali mission trips.

Between May 6, 2021, and June 21, 2021, we interviewed 45 individuals from the Expanded Contact List, bringing the total number of people interviewed to 95. Finally, we reached out to select church Elders and key stakeholders and held interviews with 9 additional people between June 21, 2021, and September 16, 2021.

In all, Zero Abuse and Sacred Spaces interviewed 104 individuals. The interviews represented 5,611 minutes (93.5 hours) of interview time and 1,954 transcribed pages. (We additionally spoke with two sex offender subject matter experts as well as other consultants as the circumstances warranted; these discussions were not recorded or transcribed.) The breakdown of interviews is documented in the chart below.

Interviewee Category	No. of Individuals Interviewed
Students/Former Students	29
Parents of Students/Former Students	20
Fellow Volunteers or Former Menlo Volunteers ²⁰	10
Mexicali Leaders ²¹	22
Staff/Former Staff	10
Menlo Leadership/Elders	3
Key Stakeholders ²²	10
Total	104

Throughout the interviews, we remained cognizant that most abused children delay disclosing abuse,²³ with one study finding that 58% of sexually abused children delayed disclosure until they were adults²⁴ and another suggesting boys delay a sexual abuse disclosure longer than girls.²⁵ On March 8, 2021, we held a virtual workshop for Menlo families, Elders, and staff presented by Alison Feigh, the director of our Jacob Wetterling Resource Center, called “Connecting Conversations: Empowering Parents and Caregivers to Talk with Children and Teens About Body Safety,” aimed to assist Menlo adults in their conversations with children about personal safety. We hoped this education might empower any children who may have been abused to make a disclosure.

In our interviews with witnesses, we not only asked if they experienced or witnessed abuse by Individual A, we asked about evidence of grooming or other behaviors that can be precursors or red

²⁰ Fellow Volunteers are individuals who served at the same time as Individual A, whereas Former Menlo Volunteers refers to individuals who served as volunteers at Menlo but did not work with or at the same time as Individual A.

²¹ Numerous interviewees fell into more than one category. For purposes of this chart, if a volunteer was a High School Ministries student while serving, but also participated in Mexicali trips, they are listed here in the student category. Similarly, if a fellow volunteer served as a Mexicali trip village leader, they are listed here in the fellow volunteer category. The only individuals listed here as Mexicali Leaders are those who did not also fall into another category. As such, while only 22 people are listed as Mexicali Leaders, far more interviewees than this attended, led, or supported Mexicali trips.

²² Key Stakeholders are defined as individuals with direct knowledge of the situation being assessed and/or as individuals not formally associated with Menlo. One key stakeholder declined our request for a formal interview but when we followed up with written questions, the stakeholder asked to speak with us over the phone. We did receive a phone call and spoke briefly with this individual. Several weeks later, the stakeholder also sent us an email with additional thoughts.

²³ Chris Newlin et al., *Child Forensic Interviewing: Best Practices*, U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION 4 (2015).

²⁴ Ramona Alaggia, *Many Ways of Telling: Expanding Conceptualizations of Child Sexual Abuse Disclosure*, 28 CHILD ABUSE & NEGLECT 1213, 1218 (2004).

²⁵ Sylvie Parent & Joelle Bannon, *Sexual Abuse in Sport: What About Boys?*, 34 CHILD ABUSE & NEGLECT 354 (2012).

flags of possible sexual abuse. We questioned witnesses if they had seen, heard, or otherwise had evidence of the following:

- **Touching** – specifically hugs, kisses, or other touches from Individual A.
- **Gifts** – specifically if any gifts may have been given from Individual A to a child or a child's family.
- **Sexual comments** – specifically if Individual A had ever made a sexual comment to them or in the presence of a child.
- **Opportunity** – specifically if they had been alone with Individual A or knew of other children who had been alone with him.
- **Social media** – specifically if there was ever a sexual or otherwise concerning post by Individual A that they had seen on social media.
- **Clothing** – specifically if Individual A had worn a sexually suggestive T-shirt or other item in the presence of children.
- **Temperament** – specifically about if Individual A lost his temper, particularly around children.
- **Texts or other messaging** – specifically if witnesses received or knew of concerning texts, emails, or other correspondence with Individual A.
- **Behaviors with children of different genders** – specifically about differences in how Individual A would treat children of different genders.
- **Rule violations** – specifically if witnesses who were familiar with Menlo child protection policies were aware of Individual A violating any rules.
- **Missing laptop** – specifically if witnesses had seen Individual A with a laptop or if they had ever been on the laptop. We also looked for evidence of Individual A ever showing the laptop to children.

Additionally, we questioned witnesses about the following:

- **Conversations with children about abuse** – Parents who agreed to an interview were routinely asked if they had spoken to their children about this case and whether their children indicated abuse or otherwise expressed concerns about Individual A.
- **Mission trips** – We explored this issue with witnesses, given the concern in the original report about Individual A's interactions with a boy in Mexico.

- **The risks of celebrity status** – We followed-up on several instances in which witnesses spoke about how the “fame” of Pastor Ortberg resulted in greater privileges or less oversight for Individual A while he engaged in volunteer or other activities.

C. Review of Documentation and Emails

In approximately 20% of the interviews, witnesses provided us additional documents, suggestions of additional persons to speak with, or other information we catalogued as a potential lead. Whenever possible, we followed up on these leads. As one example, when we learned from a witness that Individual A or his family may have given a gift to a particular child, we pursued this information with other witnesses who may have had knowledge of the occurrence.

We contracted with a criminal justice professional to conduct a digital forensic assessment of Pastor Ortberg’s public, official Menlo email account and his internal Menlo email account. Although an analysis of Pastor Ortberg’s email accounts was done in the initial investigation, that effort was limited to a 23-month period (January 2018 to December 4, 2019) and to a review of approximately 3,000 emails sent or received. Given that Individual A was involved with various youth or other ministries from 2008 to 2019, we did an expanded assessment of the two email accounts. We also added additional search terms as we learned more information. For instance, when some witnesses spoke of a potential gift of a piano or keyboard to a family in Mexico (discussed later in this Report), we began to search using these terms. In all, approximately 570,000 documents were analyzed.

V. Findings of the Assessment

A. There is no disclosure or other direct evidence of child sexual abuse by Individual A.

In the course of our 104 interviews, no witness disclosed that they were sexually abused or assaulted by Individual A. Additionally, no witness disclosed being aware of sexual misconduct by Individual A.

Some of the witnesses we spoke with acknowledged being alone with Individual A under circumstances where he had the opportunity to harm them but did not. As one example, a witness told us that, as a boy, he had a number of interactions with Individual A, including an instance when he was in a car alone with Individual A. In the words of this witness:

I figured that during an hour-long car ride alone or something, that would be the perfect time for someone who may have expressed those desires to make a move or act upon it. But during the whole car ride, we just chatted a little bit...I never had a strange or sexual encounter or [had] him touch me in the time that I knew him and when I was around him.

Throughout the Assessment, we paid attention to evidence of children who may have been particularly vulnerable at the time of their interactions with Individual A, as offenders often find children with these challenges to be easy targets for abuse.²⁶ This included children struggling with their mental health, chemical dependency, or displaying signs of trauma. We spoke to several individuals with these challenges, and those who agreed to speak with us also revealed no sexual misconduct by Individual A. One of the individuals who declined to speak with us sent an email concerning the Life Group that Individual A led, which reads in part:

I know the nature of the situation you guys are exploring. I think most of the guys who were in that small group do by now. I just wanted to put my word in that I never had any situations with [Individual A] that would be considered romantically or sexually inappropriate. The friends in our small group were incredibly close, many are still my best friends. While I can't speak to the actuality of anyone else's situation, I do know that no one ever confided in me about having any inappropriate experiences of that nature with [Individual A].

Now [Individual A] did become overbearing about the church aspect of meeting as a small group as we got older. However, it's important to understand that the group of kids he was responsible for were not your average church kids. Practically everyone in our group partied every weekend in high school. Some were using substances everyday by freshman/sophomore year. [Individual A] definitely was not supportive of this behavior as he should not have been...We were more of a friend group that, as we got to sophomore and junior year, used youth group as an excuse to hang out on Sunday nights from our parents. This did result in some hard feelings between some members of the group and [Individual A] for a little while as [Individual A] very much wanted us to be passionate about religion or at least show some more interest in it. To me, this always seemed to come from a place of caring and compassion. Despite this,

²⁶ "It is not unusual for a sexual abuser to devote a great deal of time and attention to a needy child for the purpose of eventual exploitation." AMERICAN PROSECUTORS RESEARCH INSTITUTE, INVESTIGATION AND PROSECUTION OF CHILD ABUSE, 14 (3rd ed. 2004). "[P]reexisting symptoms of emotional problems that may have been signs of difficulty with emotional and behavioral regulation" in children contributed to their risk of victimization. David Finkelhor et al., *Pathways to Poly-Victimization*, 14 CHILD MALTREATMENT 316, 325 (2010).

some of the best times of my life were spent in that group and I wish we had taken it more seriously.

We interviewed a witness who said that, as a girl, she was close to the boys in [Individual A's] Life Group. From her observations, the relationship between [Individual A] and the Life Group he led “seemed like they were all just bros” and not a “real adult child relationship.” This same witness said that boys who were closest to [Individual A] would “stand up for him” but the boys who felt “on the outside of the group” were “not really huge fans.” Although this is potentially concerning information, and influenced us to include in our recommendations that Menlo periodically check in with students about their Life Group Leaders, this witness also said she wanted to “emphasize that I don’t know of any sort of abuse” and that she “never heard of anything that would qualify as physical abuse by any means.” Another member of the Life Group who described [Individual A] as a “good friend” also stated “I just remember him being really good and intentional about boundaries and space and that stuff.”

Our review of documents also did not uncover evidence of anyone disclosing a sexual assault at the hands of Individual A. Given the large number of emails we sent out, and the high-profile nature of this case, it is reasonable to conclude hundreds of people were aware of the opportunity to share information in a confidential setting. This larger sweep, though, did not produce any direct evidence of sexual misconduct.

We also examined photographs and video footage of “the Bank,” a recreational area²⁷ where worship band and other activities took place in which Individual A was part. Although most of the Bank is open space with windows, we did look for areas where, even if multiple parties were present, a child could be abused undetected. We identified the kitchen, storage closets, and bathrooms as the most isolated places. The men’s bathroom was a single person restroom that is locked from the inside. We did not find any evidence of Individual A isolating a child in these areas.

B. There is no definitive evidence of grooming by Individual A.

Grooming is a process by which an offender may “seduce their victims with attention, affection, kindness, gifts and money until they have lowered the victim’s inhibitions and gained their cooperation and ‘consent.’”²⁸ Grooming can also involve inappropriate sexual comments or touches that may start as a seemingly safe hug or kiss but gravitate toward a more purposeful touch that the

²⁷ The Bank was not always a recreational area, and we examined images of this facility before and after the changes to make it a recreational space.

²⁸ Kenneth V. Lanning, *Acquaintance Child Molesters: A Behavioral Analysis*, in Sharon W. Cooper, et al., MEDICAL, LEGAL, & SOCIAL SCIENCE ASPECTS OF CHILD SEXUAL EXPLOITATION: A COMPREHENSIVE REVIEW OF PORNOGRAPHY, PROSTITUTION, AND INTERNET CRIMES 529, 560 (2005).

offender convinces the child was an accidental slip of the hand.²⁹ Adult pornography as well as sexually exploitive images of children can also be used in grooming.³⁰

Although approximately half of offenders who sexually abuse children employ grooming behaviors, “identifying grooming behaviors is more easily done retrospectively” because “many grooming behaviors appear to be innocent in nature and typical of adult child interactions.”³¹ Nonetheless, some behaviors—such as sexual comments to children, exposing them to pornography, or touches to the thighs or buttocks—would clearly be problematic and, even if there was no evidence of abuse, would justify removal from a youth ministry.

- **Touching.** We received no testimony or evidence of touches that, by themselves, would raise a red flag for sexual misconduct. No one we interviewed recalled Individual A giving anyone a kiss. There was some evidence of hugs from Individual A, but nothing that was concerning. One witness who intersected with Individual A in a variety of contexts told us that Individual A is not a “touchy, feely person. Maybe as we got closer or something, you hug people, but he’s awkward with that stuff.” Since touching “is an especially common grooming strategy” in which an offender determines if a child is receptive to touch and begins to “desensitize” the victim to physical contact with the offender,³² evidence that Individual A was not a “touchy, feely person” suggests he was not engaging in this sort of behavior.
- **Sexual comments.** We found no evidence that Individual A made sexually explicit comments to children or otherwise opened the door to conversations that could lead to sexual abuse. Indeed, one witness recalled one of the Mexicali trips where he and other boys were in a room with Individual A and one of the boys raised the subject of masturbation. Individual A replied “it’s never a good thing to do.” Putting aside the question of what is or is not appropriate sexual activity, Individual A’s response is the opposite of what many sex offenders would say. Instead, a sex offender could easily take this opportunity to explore what children might or might not be willing to do sexually and gauge their level of comfort with the subject.
- **Social media, texts, or other messaging.** We found no evidence Individual A made sexually explicit or suggestive comments or was sending suggestive photographs or similar

²⁹ NATIONAL CENTER FOR PROSECUTION OF CHILD ABUSE, INVESTIGATION AND PROSECUTION OF CHILD ABUSE 14 (3rd ed. 2004).

³⁰ Det. Sgt. Joseph S. Bova Conti & Lt. William D. Carson, *An Investigation of Victim and Offender Dynamics in Prostitutes and Incarcerated Pedophiles*, in Sharon W. Cooper, et al, MEDICAL, LEGAL, & SOCIAL SCIENCE ASPECTS OF CHILD SEXUAL EXPLOITATION: A COMPREHENSIVE REVIEW OF PORNOGRAPHY, PROSTITUTION, AND INTERNET CRIMES 715, 728 (2005).

³¹ Georgia M. Winters & Elizabeth L. Jeglic, *Stages of Sexual Grooming: Recognizing Potentially Predatory Behaviors in Child Molesters*, 38(6) DEVIANT BEHAVIOR 724, 725 (2017).

³² Susan Raine & Stephen Kent, *The Grooming of Children for Sexual Abuse in Religious Settings: Unique Characteristics and Select Case Studies*, 48 AGGRESSION AND VIOLENT BEHAVIOR 180, 182 (2019).

materials to children or others. We found no witness who said they had seen Individual A with any form of pornography, much less showed it to a child for grooming or other nefarious purposes. One witness recalled a sermon on pornography and said this issue came up in their youth group, but he recalled that Individual A's thoughts "align[ed] with what Christians tend to believe on pornography or masturbation or these things. They're temptations and people struggle with them. But they're not good things." We do not, in these comments, see evidence of Individual A pushing the envelope—which many offenders would do.

- **Clothing.** Witnesses spoke of Individual A typically wearing shorts, a t-shirt and either no shoes or sandals. No witness, though, said he ever wore a sexually suggestive t-shirt or other apparel that was concerning.³³
- **Temperament.** Most witnesses described Individual A as laid back or even shy. At the same time, witnesses said he was capable of asserting strong opinions with one witness close to Individual A telling us "he can be very polarizing and I think he can be difficult to get along with sometimes." Although this information also informed some of our policy recommendations, it is not evidence of grooming or sexual abuse.
- **Behaviors with children of different genders.** There was a clear consensus Individual A spent more time with boys than girls, which was in part because he was working with boys. Some witnesses, though, told us he was more reserved around girls and two witnesses informed us he had discouraged a boy in his group from dating a particular girl. Although there was speculation this may have been the result of his feelings for boys, we could not find any direct evidence to support this conclusion.
- **Missing laptop.** There is an outstanding issue of what was on the laptop (see further discussion of this below), but we found no evidence that Individual A was ever showing inappropriate material on the laptop to any party.

C. There were opportunities to commit sexual abuse, but we found no evidence Individual A acted to harm a child.

There is no doubt Individual A had many opportunities to sexually abuse³⁴ a child. He interacted with children in at least two countries, and there were times he was alone with small groups of

³³ Individual A enjoyed surfing and several witnesses described him as being dressed like a surfer.

³⁴ Although we did not limit the evidence received from witnesses, our primary focus was on the possibility of sexual abuse. California Penal Code § 11165.1 defines a sexual assault as including but not limited to all of the following:

(1) Penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.

(2) Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.

(3) Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose, except that, it does not include acts performed for a valid medical purpose.

children or even one-on-one in cars, rooms, or other confined or private settings. However, we spoke to a number of people who were with Individual A in these situations, and those we interviewed denied abuse.

Moreover, it does not appear this level of involvement with children is a violation of Menlo policies in the years in which Individual A served. As one senior leader at Menlo explained to us, the church has had a long-standing philosophy of instilling in children a “sticky faith” and this is accomplished, in part, by having several adults from the church involved in a child’s life. As a result of this philosophy, Menlo has encouraged Life Group Leaders and other youth leaders to be proactive in communicating with youth in their groups and in attending events in the child’s life. Although there have been strict limits on interactions with children of the opposite sex, contact with youth of the same gender as the Leader has been strongly supported at Menlo. As one volunteer told us:

Yes, [Individual A] definitely gave rides to students. I gave rides to students. I think that was a pretty common practice...I think that was really something that we never thought of. We would never do that with the opposite gender. That was really clear, but I think that it was pretty explicit approval that we had that it was okay for adult leaders to give a ride to a kid in their group to [a] program or just take kids to get Chick-Fil-A and that kind of thing.

(4) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.

(5) The intentional masturbation of the perpetrator’s genitals in the presence of a child.

(c) “Sexual exploitation” refers to any of the following:

(1) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).

(2) A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a person responsible for a child’s welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this section, “person responsible for a child’s welfare” means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.

(3) A person who depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in subdivisions (c) and (e) of Section 311.3.

(d) “Commercial sexual exploitation” refers to either of the following:

(1) The sexual trafficking of a child, as described in subdivision (c) of Section 236.1.

(2) The provision of food, shelter, or payment to a child in exchange for the performance of any sexual act described in this section or subdivision (c) of Section 236.1.

This same witness told us:

Often parents even reinforce that because it really helps them out and it's much more convenient for them to not have to get their kids around before they can drive. So, I think that that was really a common practice right up until all of this stuff happened and we really started thinking "Wait, just because we trust people doesn't mean that we should be getting in these situations that are vulnerable."

In and of itself, strong connections with an adult mentor are not improper, and we certainly encountered members of the Menlo community who benefited from these relationships. The problem, of course, is this environment creates openings for anyone seeking to harm a child. Menlo has recently tightened these policies, and we propose certain additional checks in our review of policies.

D. The evidence we reviewed does not support a finding Individual A abused a child in Mexico.

In his original email to Menlo leaders, Daniel Lavery expressed concerns about Individual A's relationship with a boy he met on a church mission trip to Mexico. Specifically, he stated, "My brother sought out a close relationship with an eight-year-old boy" and "has returned to Mexico almost every year since to stay with the boy and his family." He then shared a 2017 Instagram post from Individual A which included two pictures with the child.³⁵ Mr. Lavery also expressed this concern during the initial investigation. In our review of the initial investigation report, we see no evidence that anyone at Menlo reached out to this family in Mexico or otherwise followed up on these concerns.

In our Assessment, we identified the name of this boy (who is now an adult), as well as the family members who live with him. For purposes of this Report, we will refer to this individual as Person 1. Although we reached out to Person 1 several times, we did not receive a response. However, we spoke with a pastor in Person 1's village as well as Person 1's sister. Person 1's pastor and his sister both informed us they had directly discussed this issue with Person 1, and he denied any abuse. The sister, though, did confirm that Person 1 and Individual A had "a very long friendship," but when asked if

³⁵ The two pictures show the boy at a younger and an older age and, in each picture, Individual A has his right hand over the boy's right shoulder and is standing outside. In addition to these photographs, we reviewed an earlier photograph in which the child was being carried on Individual A's back/neck with his legs over Individual A's shoulders. These photographs corroborate a relationship between Individual A and the child but do not depict conduct that, standing alone, is improper. In each of the photographs, for example, the boy and Individual A are fully clothed, and we presume a third party is taking the photograph. Moreover, in two of the photos, there is a third party in the pictures.

she ever noticed anything more than a friendship, she replied “no, no, no.” Person 1’s sister and pastor both confirmed there were visits from Individual A outside of organized Menlo activities, with one of the visits being to assist after an earthquake. Although Individual A stayed in Person 1’s house with his family, Person 1’s sister said all were in separate beds, the children were “never alone” with Individual A, and he “never did anything to [them].”

In an email to us, Individual A wrote “there were times when I was invited by [Person 1’s] family as a whole to come and spend time with the family as a whole. I enjoyed travelling, I enjoyed getting to see them, I enjoyed the area and especially the food, I felt I could be a positive influence on their relationship with God, that’s all there is to it. I was and am very grateful for their hospitality. They’re great family friends to me.”

Early on in our Assessment, we learned of a gift of a piano (later determined to be a keyboard) from the Ortberg family to Person 1 in Mexico. We interviewed a witness who was present when the keyboard was given to Person 1’s family. Both Individual A and Pastor Ortberg were present, and the keyboard was presented as a gift from Individual A’s mother. In an email exchange, we confirmed this fact with Individual A’s mother, who valued the keyboard at \$150–\$200. Individual A told us that Person 1 had a broken keyboard, and that he and others knew about this. Individual A’s mother wished to replace the broken keyboard by gifting a new one. Individual A said he was involved in selecting the keyboard because of his knowledge of instruments.

As noted previously, gifts to only one child, particularly expensive gifts, can be signs of grooming. However, when Person 1 and his family deny abuse,³⁶ then we cannot call the gift a sign of grooming, since the eyewitness evidence is that no abuse followed. Regardless, singling out one child for a gift is not modeling safe behaviors for the child or others watching. Gifts should not be prohibited but should instead come from the church, and a process should guard against favoritism or an otherwise improper purpose for a gift. In our recommendations, we address this topic more fully.

E. There is evidence of gifts to children or families with which Individual A intersected that warrants policy changes but is insufficient to support a finding of abuse.

In addition to the previously explained keyboard, we also learned of a gift of a guitar and a family car to a different family. Individual A confirmed the gift of a guitar to a male teenager in the United States, but said the car was several years old, had been driven by himself and other siblings, and was from his family to the teenager’s family because their two families were particularly close. Again, we

³⁶ Again, Person 1 did not respond to our requests to be interviewed. Accordingly, when we say this individual denied abuse, we are assuming the statements he made to others are being accurately communicated to us.

pursued this lead, as gifts of this nature can be a red flag for grooming. Pastor Ortberg confirmed to us the car was a family gift and, most importantly, the teenager in question (who is now an adult) specifically denied any abuse. These gifts, like the keyboard, led us to make certain recommendations in our review of Menlo policies.

F. There is evidence Individual A may have violated rules on Mexicali mission trips, but this by itself does not support a finding that abuse occurred.

As noted previously, Menlo encouraged Life Group Leaders to develop relationships with the students in their groups and, other than limiting their interactions with students of the opposite sex, there are very few interactions that would clearly violate their policies. Again, these policies have recently been tightened, and we have included additional thoughts on further refinements. However, the state of policies in the years Individual A was serving means that interactions that might constitute policy violations in other youth-serving organizations, such as driving alone with a child or attending their sporting events, would not have necessarily been considered suspect.

However, we did speak with some witnesses who said Individual A did not follow all rules on Mexicali trips. One volunteer said when Individual A was driving, he would not always stay in the vehicle caravan because he thought he could get back to the hotel quicker with a different route. This was problematic because the caravan was in place for everyone's safety (e.g., if a van broke down). This witness "chalked it up to pastor's kid exceptionalism." A Menlo employee also spoke of Individual A breaking a rule in Mexicali by "taking a van and going for tacos at night." At the same time, this witness expressed no concerns and only confidence in Individual A's interactions with youth on the trip and in other contexts.

Although not directly related to the Mexicali trips, another Menlo employee said there was a "small subset" of youth who treated Individual A "like a celebrity" and "gravitated" toward him because of his intellect and dry humor. Another employee told us of an incident in which he found Individual A with a group of young people in a recreation area at Menlo that was not supposed to be in use. He asked them to leave. In response, some of the boys told the employee that they did not have to leave because of who they were with.

None of these reports prove abuse, but they do illuminate potential weak spots and the need for Menlo going forward to make sure rules are equally enforced and there are no exceptions based on the actual or perceived status of a volunteer. This concept influenced certain recommendations we have made in this Report.

G. There is inconclusive evidence on whether or not there were family rules governing Individual A's interactions with a child.

We reviewed an unredacted version of an email that has been posted online in which there appears to be an Ortberg family rule to restrict Individual A's one-on-one access to a young nephew. We spoke to both the recipient and sender of this email. Simply stated, there is more than one interpretation for this email, and we were clearly told by the sender of the email that no such rule exists. Accordingly, we are not able to definitively resolve this question.

In the initial investigation, the investigator identified a witness who claimed to have personal knowledge of this rule. This witness, who originally agreed to an interview with us, had to cancel due to a family situation, and then did not respond to multiple emails and a voicemail message from us to reschedule, and so we were unable to confirm this account. However, we spoke with a member of the Ortberg family who recounted a conversation in which "out of an abundance of deep vulnerability and pain," Individual A said, "If you want to think about what this means for me being around [my nephew] you can think about that." According to this witness, Individual A's offer was never accepted. The conversation, though, was shared outside the Ortberg family, which may have contributed to some misunderstandings on this topic.

H. There is clear evidence Individual A had an attraction to children that was troubling him, but the precise nature of the attraction is less clear.

Consistent with the email Mr. Lavery sent to Menlo leaders and which has been made public, he informed us that Individual A told Mr. Lavery he "was sexually attracted to boys between the age[s] of 8 and 13" and that he had known about this "since he had been a child himself." According to Mr. Lavery, Individual A "said that sometimes the only way he could remind himself that it was really wrong because it felt so right was to imagine a person who was attracted to 8- to 13-year-old girls. And he said that when he imagined such a person, he felt really disgusted. And that helped him to remember what a healthy response to pedophilia³⁷ would look like."

Mr. Lavery said Individual A informed him that he had been "reading about it," had been in contact with others online who shared a similar attraction, and had learned about the group "Virtuous

³⁷ The diagnostic criteria of pedophilia is threefold. First, the individual "has had arousing fantasies about, urges for, or behaviors with a prepubescent child or children." Second, the "individual has acted out these sexual desires, or is experiencing significant distress or difficulty as a result of these desires." Third, the "individual is 16 years of age, and at least five years older than the child or children noted" in the first criterion. AMERICAN PSYCHIATRIC ASSOCIATION, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, SEC. 302.2 (5th ed. 2013). In this case, we have no evidence that Individual A has ever been diagnosed as a pedophile and, in the absence of this clinical determination, we do not apply this term to him.

Pedophiles.” Mr. Lavery said that the conversation lasted about 30 minutes and that Individual A “was just really worried about growing old and being alone.”

In addition to Mr. Lavery, we interviewed Pastor Ortberg and four other individuals who have spoken directly with Individual A about his disclosure of an attraction to children. Although Pastor Ortberg and other members of the family were unwilling to discuss the specifics of Individual A’s attraction, some information was provided relevant to this Assessment. We were also able to have a brief telephone conversation with Individual A and, several weeks after this conversation, Individual A also sent us an email with additional thoughts.

Each person we spoke to said that Individual A denied sexually abusing a child. One family member told us the claim Individual A was “sexually obsessed” with children “does not represent what [Individual A] has shared and what I believe are significant nuances to this conversation.” However, this witness declined to discuss with us what these nuances may be. Individual A told us he never had “urges” to sexually abuse a child, and this statement is consistent with what he told at least two other people.

One witness recalls Individual A saying that while he had thoughts about “pre-pubescent students,” they were not sexual desires so much as a desire to help children, using the analogy of saving a child from getting hit by a car. This witness recalls Individual A saying he had these feelings “since he was 15 or when he was young, but I don’t think he was able to put a name on exactly what it was until later on in life.”

Another witness recalls Individual A expressing a reluctance to discuss the topic, saying, “Part of me doesn’t want to share anything because I feel like it just gets annihilated no matter what”—a sentiment similar to what Individual A shared with us. This same witness said Individual A lamented the lack of resources for someone struggling with this issue.³⁸

Another witness corresponded with Individual A and also had a telephone conversation with him. The witness shared with us this correspondence as well as the witness’ notes about the conversation. In one of the email exchanges, Individual A states:

I won't go into details about my private conversations, but I am not and have never been a risk to children. Child sexual abuse is probably the most damaging crime you can commit next to murder, and I agree that if there was any indication that that was even a slight temptation of mine I should've been removed from

³⁸ There is, indeed, a paucity of research and very few resources for anyone struggling with an attraction to minors. See notes 113 through 224 and accompanying text.

volunteering immediately (and [Pastor] John [Ortberg] from leadership if he didn't). It never has been nor will be a temptation.

In the same email, Individual A states that “in picking between [Mr. Lavery]’s side and [Pastor Ortberg’s] side of the story, *even [Pastor Ortberg]’s side* makes the situation sound worse than the truth” (emphasis in the original).³⁹ However, when the witness who received this email spoke with Individual A, he declined to give his own recollections of the conversation with his father, saying the “conversation I had with my dad is private, but what you’ve heard about it is wrong.”

In our own conversation with Individual A, he expressed a similar view—that his father’s public statements may have made the situation sound worse than it was. (Again, he did not share his own recollections of the conversation.) In a subsequent email, he said he wanted “to make a few things very clear.” First, he said, “I’m not/never have been/never will be a risk to children” and to “claim otherwise is to do so without evidence.” Second, he wrote, “My motivation in all my work has been to be a positive influence, good role model, and help people in their relationships with God. I’m grateful for the opportunities I had and proud of the work I’ve done.” He said he would “defend to the grave” these statements to “anyone in real life,” which he distinguished from the “online crowd” (referring to people who have read about this case online) who “has already made up their mind.” However, again he did not explain what his disclosure to his father and other family members may have been.

We also received a letter dated September 7, 2021, from a psychiatrist, stating:

I am writing regarding my patient [Individual A] who I have been seeing since Nov. 2019. My assessment is that he does not need to be placed under any special restrictions in the context of volunteering or working with minors.

The psychiatrist does not specify what, if anything, Individual A told him about attractions to children, nor delineate what, if any, testing he did to assess risk for acting on these attractions. He attaches a page entitled “Background” in which he states his work is in “general psychiatry” with a “sub-specialty” in “treating the most severe cases of depression.” In his clinical work, he asserts that he makes “risk-assessments for [his] patients who are often very suicidal.” However, at no point does this provider indicate any expertise in assessing risk for acting out sexually or in diagnosing or providing care for someone with sexual behavior problems, pedophilia, or other relevant fields. Instead, the psychiatrist states that as a result of his work in neuroscience, “[he] no longer take[s] the process of diagnosis as seriously, even with ‘core’ diagnoses like Major Depressive Disorder, choosing instead to emphasize patient individual factors in predicting risk or making an assessment.”⁴⁰ We

³⁹ Emphasis in the original email.

⁴⁰ This same psychiatrist wrote a letter to the Elders on January 30, 2020, expressing “my profound disappointment in your spiritual leadership related to the practice of confession and its sanctity at [Menlo] church...If [Pastor

asked the provider if we could interview him in the hope we could better evaluate his credentials and what, if any, assessment he may have done that is relevant to this case, but he declined to be interviewed.

Whatever the precise nature of Individual A's attraction to children, it was serious enough for Pastor Ortberg to consult with two clinicians on whether to make a mandated child abuse report and to recommend mental health care for his son. The attraction was also concerning enough that Mr. Lavery promptly reported the disclosure to the leaders at Menlo who, in turn, promptly acted to place Pastor Ortberg on leave and to investigate the possibility of abuse. Apparently, the attraction was also serious enough that his therapist assessed whether Individual A needed "special restrictions" when working with children.

I. The evidence supports a conclusion that Individual A's laptop had a search history related to his attraction to children.

The witness who corresponded with Individual A also discussed with him the issue of the missing laptop. This witness recalls that Individual A told his parents about his missing laptop not because he was concerned there was anything illegal on the laptop, but because he had anxiety that they would learn of his search history.

Three witnesses, two of whom were also interviewed in the initial investigation, confirmed in our interviews that the "anxiety" centered around Individual A's search history. The initial investigation report included this sentence: "According to both [Mr. Lavery] and [Pastor Ortberg], [Individual A] had some anxiety about the police uncovering that he had visited websites related to non-offending pedophiles and that his attraction would be made public." When we read this statement to Pastor Ortberg, he said he "would stand by that conversation" but wanted to "make clear there was no concern on [Individual A's] part about there being anything wrong or illegal or immoral on the computer." A third family member also informed us the anxiety was centered around someone seeing this search history and jumping to conclusions that were not accurate. This same witness told us of frank conversations with Individual A as to whether or not Individual A had viewed sexually

Ortberg] cannot be trusted to hold a confession privately, then who can? What sorts of sins warrant investigations?" The Elder who responded to this email correctly noted this case does not involve violating the confessional but rather that Pastor Ortberg "knew that [Individual A] had unwanted thoughts of sexual attraction to minors and also knew and allowed [him] to continue volunteering with minors at Menlo Church for 18 months." The Elder added that Pastor Ortberg "fully understands the Board's concerns regarding his handling of this situation and agrees with the Board." For an analysis of whether or not a pastor can violate the confidence of a parishioner when there is a concern about child abuse, see Victor I. Vieth, *Child Abuse and the Lutheran Confessional: A Call to Elevate Christ's Teachings on Children Above Church Traditions*, 46(3) CURRENTS IN THEOLOGY AND MISSION 50 (2019). In an analysis of 700 court decisions, one legal scholar found that clergy often break confidences in cases such as child abuse and that courts generally uphold the breaking of these confidences. Christine P. Bartholomew, *Exorcising the Clergy Privilege*, 103 VIRGINIA LAW REVIEW 1015 (2017).

exploitive materials involving children, and the witness was convinced he had not. In our conversation with him, Individual A also denied doing anything illegal with the laptop. However, he did decline our offer to examine the laptop.⁴¹

J. Pastor Ortberg's decision not to share Individual A's revelation with other leaders at Menlo and the Elders' decision not to be fully transparent once they learned of the situation caused significant damage to the Menlo community.

When Pastor Ortberg returned to his work at Menlo, the Elders communicated to the congregation and the wider public simply that a volunteer had confessed an unwanted attraction to minors, and Pastor Ortberg had failed to respond appropriately. When we asked a senior leader at Menlo to describe the reaction of staff and the congregation to this announcement, the leader said:

For the congregation, generally, I remember one particular reaction was that the Session had gone overboard, with the way they had...treated [Pastor] John [Ortberg] and handled the situation. At the same time, I think mixed with that, there was just a lot of relief that he was coming back...I think it was mixed with the staff. I think many of the Student and Kids Ministry staff felt that John had compromised the integrity of their ministries and their work...But I would say that [there was] probably a very similar set of reactions with the staff, as well, that it seemed excessive, that there hadn't been any particular scandal or harm of that nature. With the information that people had, I think, it was part of a relief.

At the same time, this witness acknowledged:

[T]here were definitely some who were very disappointed in John [but] with the information at that time that people had...it wasn't as deep cutting, but there was "Oh, how could he have not had the awareness of what that could have potentially led to, or what it could have potentially covered up?" Again, there was a general disappointment, but not the type of disappointment that was to erupt later that year, when there were more details that were made public.

After Mr. Lavery revealed the name of Individual A, this senior leader noted the following changes in the staff and congregation of Menlo:

⁴¹ Individual A also confirmed he still possessed the laptop.

[T]he reaction in June was pretty significant when [Individual A's] identity was revealed. I think at that point, the congregation, many of the folks that I had spoken with, they felt very betrayed, but this time, not only by [Pastor] John [Ortberg] but also the Elders on the Board. They felt that the Elders were protecting John Ortberg over and above their own families and children. So there was a lot of disappointment. And outrage, I think, is the right word for that. There were people in the community that were very upset, and felt like the church again,⁴² it was just a cover up, and we were protecting the reputation and status of the church and John Ortberg.

This summary from one Menlo leader is consistent with the themes we heard throughout our interviews, including with those who were empathetic to Pastor Ortberg and the Elders. One witness told us that while the response of Menlo to this situation had not impacted her faith in God, her faith in the church had been harmed. Noting the many child abuse scandals within the Christian church, she said “there was kind of this hope that like, ‘Well but Menlo’s okay.’”

A Menlo volunteer told us “I’m sad for me and the community and I already feel like I have a lot of religious trauma. And so that was traumatizing to feel like ‘Again, here’s another person who I trust and admire who has let me down in a really egregious way.’”

A parent told us simply “I entrusted them with my kids...the most important thing...and it was not handled well and damaged my trust” in Menlo. Echoing these sentiments, another parent said “Just the idea that someone who is...supposed to be taking care of the congregation would put our children potentially in harm’s way was just...I just couldn’t wrap my head around it...And I was also really disappointed with the way that the Elder Board handled the situation as well. I felt like they did a pretty bad job of communicating.”

One young person at Menlo told us “There’ve been many times where I’ve just been like, ‘alright, I’m done. I want to walk out, I want to be done. This is just insane.’”

Witnesses also told us of their frustration with the initial investigation. One parent said “I think there was a lot of conversation about, well, there was no proof that this volunteer did anything wrong, but I had issues with that because it seemed like the investigation was pretty shallow.” One witness expressed the importance of a thorough assessment with these words:

Just dig. I don’t mean anything specific by that, but just leave no stone unturned because if we’re going to do this...We’ve got to go as far as we could possibly go

⁴² This was a reference to the Christian church as a whole and the sexual abuse scandals in both Catholic and Protestant communities.

and see whatever one of these interviews may unturn something. I briefly talked to my wife about this and she said, “But you didn’t know him. You wouldn’t have interacted.” I said, “But they need to ask the questions to everybody. Because you wouldn’t have known if I had said ‘No, I don’t want to be interviewed.’”

Several witnesses expressed alarm that neither Pastor Ortberg nor other leaders reported this case to the authorities. One witness said, “I feel as a mandated reporter [Pastor Ortberg] should have reported it because all it takes for mandated reporting laws is a reasonable suspicion that abuse could have occurred.”⁴³ This same witness told us “I will say I do not have any information that would indicate that a child has been abused because, honestly I would have already called CPS [Child Protective Services]. But I do believe that the culture of the church was we need to protect the reputation of the church more than we have to find out what happened and I would say I still believe that...It took me a while to make the decision to stay in the church as a volunteer...” Two other witnesses felt strongly enough that they themselves reported this case to area criminal justice professionals.

We also spoke with several survivors of child abuse who told us the decisions made by Pastor Ortberg and/or Elders triggered painful memories. As one witness said, the attitude of the church was “We had to do this, we are really sorry, we love [Pastor Ortberg]—all that is an incredible disservice to anyone who has ever been sexually abused and is a total breach of trust.”

Although some witnesses wanted the Elders to step down, most simply wanted them to acknowledge the deep wounds that were inflicted and to demonstrate their faith through actions. One staff member told us “I think we learned a lot of painful lessons, that’s my primary perspective on it.”

⁴³ There are scholars who argue that a mere expression of attraction to minors does not trigger mandated reporting obligations. These scholars worry that if mandated reporting laws are interpreted too broadly, persons attracted to children will never seek the help they may need to avoid acting on their thoughts. ALLYN WALKER, *A LONG, DARK SHADOW* 133-135 (2021). Although there may be cases in which this is true, this case involved an email from Mr. Lavery in which he stated his brother was “sexually obsessed” with boys from the ages of 8 to 13. Moreover, it was not a secret that Individual A, for more than a decade, had significant contact with minors of the gender and in the age range he was reportedly attracted to. Given the structure of Menlo’s Life Groups, there was every reason to believe there were multiple times Individual A was alone with these children, some of whom may have been particularly vulnerable. Indeed, Mr. Lavery specifically identified a boy with whom his brother had a longstanding relationship. There were also issues surrounding the search history on Individual A’s laptop. When combined, many mandated reporters would justifiably conclude a report should have been made. Indeed, the fact that Menlo responded to Mr. Lavery’s email by immediately commencing an investigation strongly suggests they had a reasonable suspicion of the possibility of abuse. In California, the law states a reasonable suspicion exists when it is “objectively reasonable for a person to entertain a suspicion, based upon the facts that could cause a reasonable person in a like position, drawing, when appropriate, on the person’s training and experience, to suspect child abuse or neglect. Reasonable suspicion does not require certainty that child abuse or neglect has occurred, nor does it require a specific medical indication of child abuse or neglect; any ‘reasonable suspicion’ is sufficient.” California Penal Code § 11166(a)(1) (emphasis added).

From these painful lessons, there were also expressions of hope for a better future, and many of the witnesses we spoke to offered suggestions for improvement, many of which have been included in this Report. A service of lament, personal safety training for children and adults, expanded mandatory reporter training, and tightening policies of interactions with youth outside of church were some of the recommendations we heard from witnesses and are detailed in this Report. There was an expression of the need to ensure that child protection is more deeply ingrained in the mindset of the church. As one member told us:

I think [Menlo] could more fiercely protect students... I don't think it was just the wild, wild west and anyone can be a volunteer and it's all unsafe for these kids. I think just the nature of this kind of work, requires fierce, fierce attention to these things. And I can see that now as an adult.

We also asked many witnesses how a church should respond to someone who confesses an attraction to minors but may have not acted on these thoughts. Although there was a clear consensus that anyone with these thoughts should not work with children, there was also a great deal of compassion and desire to help anyone with this struggle and, while very few had concrete recommendations on this topic, there was a clear desire that our final Report address this issue squarely and offer not only Menlo but the entire Christian community (what one witness called the “capital C church”) guidance on this issue.

Inspired by the wisdom and heart of the more than 100 parties we interviewed, we offer the following recommendations.

VI. Recommendations

A. Hire a Full-Time Child Protection Director

We recommend Menlo hire a full-time Child Protection Director to oversee and maintain the recommendations contained in this Report. Although many of these recommendations can be accomplished fairly quickly, others may take months or even years to fully implement. All of the recommendations require a long-term commitment to sustain, grow, and enforce these reforms. We believe this can only be done if Menlo does what very few (if any) congregations have done: hire a full-time employee to oversee child protection policies and training and be a resource for the church on all issues related to maltreatment.

We believe the Child Protection Director should be a former child protection professional such as a detective, prosecutor, forensic interviewer, social worker, or medical or mental health professional with significant experience and knowledge in working with victims and/or offenders and, ideally, who served as part of a multi-disciplinary team (MDT) response to cases of maltreatment. If the professional served as part of an MDT, they would have been exposed to the full gamut of professional responses to child abuse.⁴⁴ Knowledge of the diverse professions and resources that may be necessary to sufficiently address child abuse is crucial if a church wishes to respond with excellence.⁴⁵

It is also critical that the Child Protection Director be fluent in child abuse literature on preventing abuse within institutions and specifically faith communities or, at the very least, be willing to acquire such fluency as quickly as possible. Given the prevalence with which offenders utilize religion in cases of abuse,⁴⁶ it would also be helpful if the individual hired has a master's degree or higher in theology. This academic background would be a critical reminder to the congregation that child protection policies and other reforms are consistent with and even required by the Bible.

Although the perfect candidate for the Child Protection Director position would have all of these credentials, the most important element is that the candidate possesses child abuse experience and knowledge. The theological credentials of a candidate could be strengthened through resources such as Menlo's tuition reimbursement program.

The duties of this employee may include the following tasks, on which we elaborate in the remainder of this Report:

General Tasks

- Develop a standing Child Protection Committee at Menlo that will assist in this work.
- Work with interested researchers to assess the effectiveness of these initiatives with the aim of continuous improvement and sharing data and policies with other interested churches or ministries.

⁴⁴ For a discussion of the importance of a multi-disciplinary response to child abuse, see AMERICAN PROSECUTORS RESEARCH INSTITUTE, INVESTIGATION AND PROSECUTION OF CHILD ABUSE xxix-xliv (3rd ed. 2004).

⁴⁵ Given the significant role of children's advocacy centers (CACs) in addressing child abuse in the United States, a working knowledge and experience with CACs would also be extremely valuable. For a history of the CAC movement, see Nancy Chandler, *Children's Advocacy Centers: Making a Difference One Child at a Time*, 28 HAMLINE JOURNAL OF PUBLIC LAW & POLICY 315 (2006).

⁴⁶ The Royal Commission investigation of sexual abuse within religious institutions in Australia found: "[S]urvivors of child sexual abuse in religious institutions...were blamed for the abuse or told that they deserved it. Survivors also told us that perpetrators used threats with religious overtones, including the threat of eternal damnation. In a religious context, the use of threats and blame in the name of God had a powerful effect on children. They served to instill fear, which both enabled sexual abuse and helped to ensure that children would not disclose it." ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE, VOLUME 16: BOOK 1, p. 469 (2017).

Policies

- Make sure all child protection policies at Menlo reflect best practices and (if possible) are rooted in research.
- Develop mechanisms to ensure child protection policies are followed.
- Implement and enforce policies for 1) managing convicted sex offenders attending Menlo services or seeking membership in the congregation and 2) individuals not convicted of a sexual offense but for whom there is strong evidence of risk. (This is discussed more fully later in this Report.)
- Review all new youth ministries to ensure there is an adequate safety plan for children.
- Review and (if needed) update all policies annually.

Training

- Implement a training program for all volunteers, employees, and ministers working with youth on recognizing and responding to any form of child abuse or neglect. Any pastor or other staff providing spiritual care should also receive training on child maltreatment.
- Educate Menlo parents about child protection policies and engage them in ensuring adherence to policies. Parents should also receive education on how to speak with their children about this subject.
- Implement personal safety training for all Menlo youth participating in youth activities.

Child Abuse Ministries and Community Engagement

- Develop a proactive ministry for Menlo survivors of abuse as well as survivors in the community. This may include annual participation in events such as Blue Sunday or Children's Sabbath (discussed later in this Report), periodic Bible studies and other ministries on child maltreatment, support groups for survivors and their families, and strong connections with community resources for survivors.
- Develop community collaborations with social services, law enforcement agencies, children's advocacy centers, mental health services, and other professionals and agencies responding to child abuse. Work with these agencies in addressing the needs of maltreated children.
- Develop a fund that can be used to assist any survivor of abuse with medical and mental health care or other services they may need.
- Stay abreast of the latest research on addressing the physical, emotional, and spiritual needs of victims of child abuse and share this information with the Menlo community. This can be done, in part, by attending state and national conferences on child abuse and in developing

collaborations with GRACE⁴⁷ (an organization seeking to empower Christian communities to recognize, prevent, and respond to abuse) and other ministries seeking to address this issue.

In its July 11, 2020, letter to the Menlo community, the Elders stated not only would they have Menlo's policies audited by an outside organization with expertise in this area, but they were "committed to conducting regular audits on an ongoing basis" because the congregation "deserves to have full confidence" that "the systems safeguarding our children are best-in-class." We believe a full-time Child Protection Director is a significant step toward honoring this pledge.

B. Establish and Maintain a Standing Child Protection Committee

We recommend Menlo develop a standing Child Protection Committee which will support and advise the Child Protection Director. We recommend the committee divide the work into "front work," which includes developing policies and educating staff about policies, and "ongoing work," which may include short- and long-term development, evaluation and maintenance of policies, answering questions about policies, and responding to policy violations.⁴⁸ The committee can also take a leadership role in implementing child abuse prevention initiatives and otherwise keeping concerns for the protection of children in the forefront.

Menlo has a very large community and, in the course of this Assessment, we encountered members who have expertise in addressing child abuse. We suspect there are others similarly positioned who could be recruited for this committee.

C. Develop a Proactive Child Abuse Ministry

The Bible is not silent about the issue of child abuse and the impact of trauma. Jesus, in particular, was proactive in discussing the need to protect children, and his earliest followers appear to have understood this.⁴⁹ Commenting on the child sexual abuse scandal in the Southern Baptist Convention, the nation's largest Protestant denomination, Russell Moore takes issue with those who responded to this crisis as "an irrational sweep into a secular #MeToo moment" or who "suggested that the church should not concern itself with questions of 'justice.'"⁵⁰ Instead, Moore writes:

⁴⁷ Find more information at www.netgrace.org.

⁴⁸ BASYLE TCHIVIDJIAN & SHIRA M. BERKOVITS, *THE CHILD SAFEGUARDING POLICY GUIDE FOR CHURCHES AND MINISTRIES* 217-218 (2017).

⁴⁹ VICTOR I. VIETH, *ON THIS ROCK: A CALL TO CENTER THE CHRISTIAN RESPONSE TO CHILD ABUSE ON THE LIFE AND WORDS OF JESUS* (2018).

⁵⁰ Russell Moore, *Jesus Will Have the Last Word*, 6(2) *LIGHT* 3 (WINTER 2020).

What we must learn from all of this is that the issue of predators in the church is not a secondary one. Churches must not simply brush up their policies or pay fleeting attention to the issue because of the cultural moment. This is a primary issue, one that Jesus himself warned us about from the very beginning.⁵¹

In our Assessment, we did not find any evidence of sermons, Bible studies, or any sort of proactive ministry at Menlo to address the sin of child maltreatment. This is not unique to Menlo,⁵² but the church needs to fully grasp the scope of child abuse and realize its impact on every aspect of ministry.⁵³ Unless and until the Christian community acts to respond appropriately to the sins of child abuse and neglect, congregations will never truly thrive or even be relevant to large segments of the population. There are five reasons for this.

First, many parishioners have left or contemplated leaving the Christian community over the failure to protect children from abuse or to respond appropriately when it cannot be prevented. In the Protestant community, 5% of congregants have left a church because of the failure to respond appropriately to sexual misconduct, and 10% of adults below the age of 35 have left a congregation for the same reason.⁵⁴ Commenting on the departure of so many survivors of abuse from the Christian church, Mary DeMuth writes “we are experiencing a shameful exodus of the very people who could offer the world the kind of authentic, raw hope the next generation craves and needs...The abused are our tutors, but we’ve expelled them.”⁵⁵

In contrast, many perpetrators of child sexual abuse choose to *stay* in congregations that have weak child protection policies and that never address this issue publicly.⁵⁶ As one convicted sex offender states:

⁵¹ Id. (Emphasis added.)

⁵² One study of Protestant churches found that although child protection policies increased the chance for engaging in child protection practices, only 41% of these churches addressed child abuse in worship services. Jeanette Harder & Kristina Haynie, *Child Protection Practices in Mennonite Church USA Congregations*, 38 JOURNAL OF SOCIAL SCIENCE RESEARCH 248, 256 (2012).

⁵³ In a study commissioned by the Southern Baptist Convention, the nation’s largest Protestant community, the authors of the report concluded that “[s]exual abuse in the SBC is an epidemic powered by a culture of our own making. The work of the Study Group will not stop this epidemic right away. It takes years of purposeful work to change the culture of indifference and develop a cure for such a poison.” CARING WELL: A REPORT FROM THE SBC SEXUAL ABUSE ADVISORY GROUP 5 (2019).

⁵⁴ Kate Shellnut, *1 in 10 Protestants Have a Left a Church Over Abuse*, CHRISTIANITY TODAY, May 21, 2019, available online at www.christianitytoday.com/news/2019/may/lifeway-protestant-abuse-survey-young-christians-leave-chur.html (last accessed September 27, 2021).

⁵⁵ MARY DEMUTH, WE TOO: HOW THE CHURCH CAN RESPOND REDEMPTIVELY TO THE SEXUAL ABUSE CRISIS 22 (2019).

⁵⁶ Philip Firestone, Heather M. Moulden, & Audrey F. Wexler, *Clerics Who Commit Sexual Offenses: Offender, Offense and Victim Characteristics*, 18 JOURNAL OF CHILD SEXUAL ABUSE 442 (2009); See also Victor I. Vieth, *Ministering to Adult Sex Offenders: Ten Lessons from Henry Gerecke*, 112(3) WISCONSIN LUTHERAN QUARTERLY 208 (2015).

I consider church people easy to fool...they have a trust that comes from being Christians...They tend to be better folks all around. And they seem to want to believe in the good that exists in all people...And because of that, you can easily convince them, with or without convincing words.⁵⁷

Second, many parishioners attend church sporadically because they do not perceive the Church to be sensitive to the needs of abused children or other survivors of maltreatment. The study referenced above also found that 14% of youth ages 18–34 have attended worship services less frequently because of sexual misconduct at church.⁵⁸

Third, even if those impacted by abuse stay within the church, the spiritual damage of maltreatment often negatively impacts their understanding and trust of God. In an American Psychological Association review of 34 peer-reviewed studies involving more than 19,000 victims of child abuse, scholars noted that most of these studies found that child abuse impacted the faith of the victims, often by damaging the victims' view of and relationship with God.⁵⁹

Fourth, the majority of parishioners have encountered child abuse or other adverse childhood experiences that may impair their ability to thrive throughout life. The Centers for Disease Control and Prevention and Kaiser Permanente have conducted massive research on the U.S. population in a study on adverse childhood experiences (ACE).⁶⁰ According to this research, 28% of women and 16% of men were sexually abused as children, 28% of adults were beaten as children to the point of receiving injuries, 13% witnessed their mother being violently

⁵⁷ ANNA SALTER, PREDATORS, PEDOPHILES, RAPISTS AND OTHER SEX OFFENDERS 29 (Basic Books: New York, NY 2003).

⁵⁸ John D. Schuetze, *Retaining the Youth and Dealing with Sexual Abuse: An Interesting Connection*, 117(2) WISCONSIN LUTHERAN QUARTERLY 153-154 (2020).

⁵⁹ Donald F. Walker et al., *Changes in Personal Religion/Spirituality During and After Childhood Abuse: A Review and Synthesis*, 1 PSYCHOLOGY & TRAUMA: THEORY, PRACTICE & POLICY 130 (2009); See also Amy Russell, *The Spiritual Impact of Child Abuse & Exploitation: What the Research Tells Us*, 45 CURRENTS IN THEOLOGY & MISSION 14 (2018); Victor I. Vieth, *Wounded Souls: The Need for Child Protection Professionals and Faith Leaders to Recognize and Respond to the Spiritual Impact of Child Abuse*, 45(4) MITCHELL HAMLINE LAW REVIEW 1213-1234 (2019).

⁶⁰ For additional information, see the CDC website at <https://www.cdc.gov/violenceprevention/childabuseandneglect/acestudy/index.html> (last visited September 14, 2021).

treated,⁶¹ 11% were emotionally abused, and 10% were physically neglected.⁶² All totaled, more than 60% of adults have been subjected to at least one ACE.⁶³

Children or adults who have endured adverse experiences are more likely to suffer from depression, anxiety, or alcohol or drug abuse; to have difficulty controlling their anger; or to engage in risky sexual behavior and to become pregnant before leaving high school.⁶⁴ A high ACE score also increases the risk of myriad diseases, such as cancer, because childhood trauma increases the risk of smoking or other behaviors that may result in disease and because the victim's immune system is weakened, thus impairing the ability to fight disease.⁶⁵

When pastors and other faith leaders counsel parishioners struggling with depression, anger, alcohol abuse, and a host of other social ills, they are often dealing with a congregant who has endured abuse. Unless and until the church acknowledges this truth, it will be treating the effects while ignoring the underlying causes that are destroying so many of the lives entrusted to it.

Fifth, the faith community can offer much to survivors of abuse and their families if it chooses to do so. A significant and growing body of research finds that spirituality is one of the most important sources of resilience for victims of child abuse.⁶⁶ Two scholars summarize the research:

The research around religious and spiritual coping shows strong and convincing relationships between psychological adjustment and physical health following trauma. Spirituality provides a belief system and sense of divine connectedness

⁶¹ We know from research that domestic abuse “victims in religious communities are less likely to leave the abusive relationship, more likely to believe the abuser’s promise to change his violent ways, more reluctant to seek community-based resources or shelters, and more commonly express guilt that they have failed their families and God in not being able to make the marriage work or to stop the abuse.” Michal Gilad, *In God’s Shadow: Unveiling the Hidden World of Victims of Domestic Violence in Observant Religious Communities*, 11(3) RUTGERS JOURNAL OF LAW & PUBLIC POLICY 471, 478 (2014).

⁶² Vincent J. Felitti & Robert F. Anda, *The Relationship of Adverse Childhood Experiences to Adult Medical Disease, Psychiatric Disorders, and Sexual Behavior: Implications for Healthcare*, IMPACT OF EARLY LIFE TRAUMA ON HEALTH AND DISEASE: THE HIDDEN EPIDEMIC 77-87 (RUTH A. LANIUS et al., eds., Cambridge: Cambridge University Press 2010).

⁶³ Id.

⁶⁴ Id.

⁶⁵ Id.

⁶⁶ See Thema Bryant Davis et al., *Religiosity, Spirituality, and Trauma Recovery in the Lives of Children and Adolescents*, 43 PROF. PSYCH. RES. & REV. 306 (2012); Terry Lynn Gall, *Spirituality and Coping with Life Stress Among Adult Survivors of Childhood Sexual Abuse*, 30 CHILD ABUSE & NEGLECT 829 (2006); Jungmeen Kim, *The Protective Effects of Religiosity on Maladjustment Among Maltreated and Nonmaltreated Children*, 32 CHILD ABUSE & NEGLECT 711 (2008); Katie G. Reinhert et al., *The Role of Religious Involvement in the Relationship Between Early Trauma and Health Outcomes Among Adult Survivors*, 9 J. CHILD & ADOLESCENT TRAUMA 231 (2016); Ernest N. Jouriles et al., *Divine Spiritual Struggles and Psychological Adjustment Among Adolescents Who Have Been Sexually Abused*, 10(3) PSYCHOLOGY OF VIOLENCE 334 (2019); Tricia Gower, *Caregiver and Divine Support: Associations with Resilience Among Adolescents Following Disclosure of Sexual Abuse*, 109 CHILD ABUSE & NEGLECT (November 2020).

that helps give meaning to the traumatic experience and has been shown over and over to aid in the recovery process.⁶⁷

The following are concrete recommendations to assist Menlo in developing a proactive child abuse ministry.

1. Offer Bible studies related to child maltreatment

The Bible is replete with accounts of physical and sexual violence and the effects of trauma. It illustrates that even faithful leaders are prone to commit or look away from this sin. Although the Bible describes Lot as a “righteous” man (Peter 2:7), he nonetheless offered his own daughter to be sexually assaulted (Genesis 19:7-8). On two occasions, Abraham protected himself by exposing his wife to the possibility of sexual abuse, and his son Isaac fell prey to the same sin (Genesis 12:10-20; 20:1-18; 26:1-11). David sexually exploited Bathsheba and murdered her husband (2 Samuel 11). David’s son Amnon raped Tamar and then “hated her with intense hatred” (2 Samuel 13:14-15). As a result, Tamar was left “weeping aloud” and forced to live as a “desolate woman” (2 Samuel 13:19-20). All of this made King David “furious,” but he took no action and the wickedness in his family expanded (2 Samuel 13:23-38).

Each of these accounts, and so many others, offer rich texts to discuss the sins of violence and sexual assault. Even so, the potentially powerful lessons in these accounts are often distorted to make the victims responsible for the offenses committed against them. Seminary professor John Schuetze analyzed 25 Bible commentaries on the sexual exploitation of Bathsheba and found only five described Bathsheba as a victim.⁶⁸ Other Bible commentaries describe Bathsheba as an “unprotesting partner,” an “equally guilty woman,” and that she submitted to the King’s exploitation “without any hesitation and offered no resistance.”⁶⁹ One commentary even contends that if Bathsheba had been “mindful of her matrimonial fidelity,” perhaps the King would not have sexually exploited her.⁷⁰ None of this is supported in the text itself, which Professor Schuetze notes:

The account places all of the blame on David and none on Bathsheba. He sees her, he lusts after her, he inquires about her, he sends people to get her, he sleeps with her. When he is done, he sends her home—used and abused. Nine months later when Nathan confronts David with his sin, he lays the blame solely on David, not on David and Bathsheba.

⁶⁷ CASEY GWINN & CHAD HELLMAN, *HOPE RISING* 180 (2019).

⁶⁸ John D. Schuetze, *Bathsheba and the Nature of David’s Sin*, 116(4) *WISCONSIN LUTHERAN QUARTERLY* 243 (2019).

⁶⁹ *Id.*

⁷⁰ *Id.* at 244.

As this one example demonstrates, the text accurately conveys the brutality that those with power can inflict on those without. The Bible commentaries cited by Schuetze illustrate how frequently teachers in the church re-write scripture to cast blame on the victimized. This, and so many other lessons, are waiting to be mined and we urge Menlo to be proactive in doing so.⁷¹

2. Deliver periodic sermons on child abuse

Since not every survivor or congregant will participate in Bible studies, it is also critical to address the subject of abuse from the pulpit in sermons or other messaging. A trauma-informed pastor can draw out many critical lessons from sacred texts that can be of benefit to those who have been maltreated and to those who care for the suffering. Describing the church's failure to preach on the many accounts of abuse in the Bible, and the impact of her own discovery of these texts, one survivor writes:

It is not as if sexual abuse is new to Christianity. Indeed, the Bible includes many texts in which rape and sexual abuse are explicit, and other texts where such behavior is implied. Yet such texts rarely find themselves included in lectionaries, or when they are, the abuse tends to be overlooked by preachers by placing the focus elsewhere. As a result, for people of faith these texts told stories with which they might resonate, but they are texts which are unfamiliar. Discovering these biblical texts for myself was in some ways a #MeToo moment, in that I saw myself not on the periphery of the faithful but as one whose experiences were shared with the women and men of faith recorded in Scripture.⁷²

Professor Beth Crisp contends the “church needs theologians to actively engage with the theological questions of those who sit in the pews and may have no formal theological education.”⁷³ To this end, she quotes former Anglican bishop Alison Taylor who said, “Ordinary non-academic Christians need to hear how they can place the tragedy of institutional child sexual abuse in churches into the story of God and his people and their ways in the world.”⁷⁴

Bishop Taylor's comments about fitting experiences of child abuse “into the story of God” is an astute observation that has support in research. We know from research that trauma impacts the body and the brain at multiple levels. As a result of abuse, memories of trauma may not be encoded like other memories but are “frozen and wordless.”⁷⁵ When survivors of trauma were asked to describe their

⁷¹ As an example of the potential power of a sermon series on child maltreatment, see Jenna Barnett, *Let There Be Light*, July 2019, SOJOURNERS.

⁷² Beth A. Crisp, *Jesus: A Critical Companion in the Journey to Moving on from Sexual Abuse*, in JAYME R. REAVES, DAVID TOMBS, & ROCIO FIGUEROA, WHEN DID WE SEE YOU NAKED? JESUS AS A VICTIM OF SEXUAL ABUSE 249, 250 (2021).

⁷³ *Id.* at 253.

⁷⁴ *Id.*

⁷⁵ JUDITH HERMAN, TRAUMA & RECOVERY 37 (2015).

experiences while receiving an MRI, researchers found the speech areas of the brain were impacted, thus impairing the ability to “put thoughts and feelings into words.”⁷⁶ Since it is “difficult for survivors to make meaning of their trauma because of the non-narrative, plot-less form their memories take,”⁷⁷ it is possible that sermons about “the story of Jesus, his death and resurrection” can provide a framework for processing experiences of abuse and to aid in healing or otherwise coping with trauma.⁷⁸

Professor Beth Crisp writes:

One of the powerful moments in dealing with my own experiences of sexual abuse came as I listened to the passion narrative on Palm Sunday more than 20 years ago...The abuse suffered by Jesus was not the same as what I had endured, but at the time I could see in him an ally who understood some of the consequences of sexual abuse. In particular, Jesus was someone who had experienced repeated rejection and denial of his humanity, rather than being treated with the respect which one might contend is a human right.⁷⁹

If, though, the “stories of God” are to be helpful and not triggering to survivors, pastors will need to grow their knowledge of trauma research and incorporate these studies into how they speak of abuse. This may include providing congregants with a warning when a sermon may include graphic content and to be ready to provide support when delivering a sermon that addresses child abuse or other difficult subjects.⁸⁰

In our Assessment, more than one Menlo congregant expressed a desire for theological depth from the pulpit and a willingness to address challenging subjects such as child maltreatment. Although she said that “Menlo obviously does a lot of things really well,” one young parent also commented:

The problem for me is because the focus is so much on reaching people who are very new to their faith, they don't go into anything deep or complicated or touchy. So every year in January, because everyone's making New Year's resolutions, right? They'll have some kind of sermon series that's super, super non-Christian friendly. And every time they start a series, you're like, “Wow, this is a really interesting topic.” But then they never get very deep into it. And the idea, the way

⁷⁶ BESSEL VAN DER KOLK, *THE BODY KEEPS THE SCORE: BRAIN, MIND, AND BODY IN THE HEALING OF TRAUMA* 43 (2014).

⁷⁷ Timothy C. Bourman, *Trauma Sensitivity as a Heuristic for the Lutheran Preacher*, 118(3) WISCONSIN LUTHERAN QUARTERLY 199, 208 (2021).

⁷⁸ Id.

⁷⁹ Beth A. Crisp, *Jesus: A Critical Companion in the Journey to Moving on from Sexual Abuse*, in JAYME R. REAVES, DAVID TOMBS, & ROCIO FIGUEROA, *WHEN DID WE SEE YOU NAKED? JESUS AS A VICTIM OF SEXUAL ABUSE* 249, 251 (2021).

⁸⁰ Timothy C. Bourman, *Trauma Sensitivity as a Heuristic for the Lutheran Preacher*, 118(3) WISCONSIN LUTHERAN QUARTERLY 199, 218 (2021).

that I understand it, the idea is that the depth is supposed to be in the small groups. But I don't think that happens.

Comments such as this suggest there are members of the Menlo community who will be receptive and perhaps eager for its pastors and teachers to delve into the challenging subject of child maltreatment and to address forthrightly what the Bible teaches.

3. Participate in Blue Sunday or Children's Sabbath

Every year, thousands of churches or other communities of faith participate in Children's Sabbath, a program initiated by the Children's Defense Fund (CDF), to raise awareness of the needs of children. Some churches have a Children's Sabbath in their own place of worship and others make it a community wide, multi-faith event. The CDF has a number of free resources to assist in planning a Children's Sabbath.⁸¹

Other churches celebrate "Blue Sunday" and set aside a Sunday each April during National Child Abuse Prevention month to pray for maltreated children and to otherwise engage in activities to raise awareness of the suffering of children and to promote prevention. The Blue Sunday website also has resources to assist churches in planning for this event and otherwise becoming proactive in responding to child abuse and neglect.⁸² Although participation in these annual events is critical, the church should regularly include maltreated children in its communal prayers as a reminder of their suffering and the urgency to care for the "least of these."

4. Hold a service of lament

In our interviews with members of the Menlo community, we solicited suggestions for aiding the community in healing. In the course of these conversations, a service of lament was suggested with one witness telling us: "That's a beautiful idea. Yeah. And I think there would be lots of tears, for sure."

A service of lament has a long tradition in the Christian church. In the 11th and 12th centuries, the Service of the Virgin's Lament was performed on Good Friday as the Virgin Mary "mourns her son hanging upon the cross and then stretched out before her in death."⁸³

⁸¹ For more information on the CDF, visit www.childrensdefense.org/childrens-sabbath-celebration/#what

⁸² For more information on Blue Sunday, visit www.bluesunday.org

⁸³ Nancy P. Sevcenko, *The Service of the Virgin's Lament Revisited*, *THE CULT OF THE MOTHER OF GOD IN BYZANTIUM* 247 (Leslie Brubaker & Mary B. Cunningham, eds. 2016).

“If we allow it to,” writes Professor Crisp, “Scripture can provide a framework in which the Church can express lamentation in response to abuse.”⁸⁴ According to another scholar:

The voice of lament is as primal as a child's need to cry. It is a way of bearing the unbearable. It is in essence supremely human, for it refuses to accept things the way they are. The voice of lament is not an end in itself, but it is undergirded by the hope that God will act with mercy and compassion. It acknowledges that healing is required by all and for all.⁸⁵

Our interviews depicted a Menlo community that is hurting. Accordingly, the pastoral care team may wish to hold a service of lament to reflect that pain and seek God's mercy. Perhaps the service could address the long-term shortcomings of the Christian community in responding to issues of abuse and neglect and the wounds this failure has inflicted. In the end, the type and scope of a service of lament will be up to both leaders and laity. The concept of lament may also be a worthy inclusion with Blue Sunday or Children's Sabbath events, should the church wish to take part in these activities.

5. Develop one or more community collaborations to address child maltreatment

In one of his books, Pastor Ortberg discusses the “unforgettable walk” of Peter as he got out of the boat and walked on water. According to Pastor Ortberg, there is “a consistent pattern in Scripture of what happens in a life that God wants to use and improve” and this pattern always includes fear because “God has an inextinguishable habit of asking people to do things that are scary to them.”⁸⁶ Using this analogy here, we believe it is time for Menlo to get out of the boat and develop one or more ministries to address child maltreatment by seeking connections in its surrounding communities.⁸⁷ To assist with this initiative, we suggest two possibilities for consideration.

First, the Office of Victims of Crime of the United States Department of Justice has recognized a program called HALOS as a promising practice.⁸⁸ Although the program has unfolded in different

⁸⁴ Beth A. Crisp, *Jesus: A Critical Companion in the Journey to Moving on from Sexual Abuse*, JAYME R. REAVES, DAVID TOMBS, & ROCIO FIGUEROA, WHEN DID WE SEE YOU NAKED? JESUS AS A VICTIM OF SEXUAL ABUSE 249, 255 (2021).

⁸⁵ Id. citing Gil Goulding, CREATIVE PERSEVERANCE: SUSTAINING LIFE-GIVING MINISTRY IN TODAY'S CHURCH 138-139 (2003).

⁸⁶ JOHN ORTBERG, IF YOU WANT TO WALK ON WATER, YOU'VE GOT TO GET OUT OF THE BOAT 9 (2001).

⁸⁷ As noted in one study, “If churches are to uphold their duty to nurture and protect children, then they must initiate efforts in the context of their larger community...Churches need training, consultation, and support from service providers, and service providers could benefit from the referrals, sponsorship, and materials and social resources churches provide to members.” Erin Olson O'Neill, Jodi Gabel, & Stephanie Huckins, *Prevention of Child Abuse and Neglect Through Church and Social Service Collaboration*, 37(4) SOCIAL WORK & CHRISTIANITY 381, 398, 399-400 (2010).

⁸⁸ HALOS stands for Helping and Lending Outreach Support. For additional information: https://ovc.ojp.gov/sites/g/files/xyckuh226/files/halos/what_is_halos.html (last visited August 22, 2021).

states under different names,⁸⁹ the concept is the same: develop working relationships with local child protection agencies so that the church can help maltreated children who have a need the government cannot or will not provide.⁹⁰

In one case, for example, a child was sexually assaulted in her bedroom and, as a result, wanted a different bed and a new apartment that did not trigger memories of the rape. In that case, faith leaders provided a new bed and helped the family break its current apartment lease and find new housing. As illustrated by this example, HALOS is a simple concept that meets the needs of maltreated children, educates faith communities about those who are hurting, and demonstrates Christian faith through service to children.

Second, a number of national child abuse experts have argued for the need to develop specially trained chaplains who can work with local medical and mental health professionals in addressing the spiritual needs of maltreated children.⁹¹ In a 2017 study, researchers documented how often abused children raise spiritual or religious questions during forensic or investigative interviews.⁹² Questions may include:

- “Am I still a virgin in God’s eyes?”
- “I prayed and prayed for the abuse to stop but it never did. What does that say about God or me or both?”
- “I have a lot of hatred. I want to get even with the people who have hurt me. Is it sinful to inflict pain on the people have been so cruel to me? What does God have to say about anger?”⁹³

The researchers noted the potential value of faith communities collaborating with other child protection professionals in addressing questions such as these. This collaboration would require one or more pastors to undergo training and find a willingness and fearlessness to engage with difficult subjects and situations, and to otherwise step out of the boat.

⁸⁹ In Minnesota, for example, the program is called Care in Action: www.careinactionmn.org (last visited August 22, 2021).

⁹⁰ Victor I. Vieth & Pete Singer, *Wounded Souls: The Need for Child Protection Professionals and Faith Leaders to Recognize and Respond to the Spiritual Impact of Child Abuse*, 45(4) MITCHELL HAMLINE LAW REVIEW 1213, 1230-1233 (2019).

⁹¹ Victor I. Vieth, Mark D. Everson, Viola Vaughan-Eden, Suzanna Tiapula, Shauna Galloway-Williams, & Rev. Carrie Nettles, *Keeping Faith: The Potential Role of a Chaplain to Address the Spiritual Needs of Maltreated Children and Advise Child Abuse Multi-Disciplinary Teams*, 14(2) LIB. L. REV. 351 (2020).

⁹² Amy C. Tishelman & Lisa A. Fontes, *Religion in Child Sexual Abuse Forensic Interviews*, 63 CHILD ABUSE & NEGLECT 120 (2017).

⁹³ Victor I. Vieth & Pete Singer, *Wounded Souls: The Need for Child Protection Professionals and Faith Leaders to Recognize and Respond to the Spiritual Impact of Child Abuse*, 45(4) MITCHELL HAMLINE LAW REVIEW 1213, 1214 (2019).

6. Create a safe environment for Menlo's LGBTQIA+ community

A 2019 American Values Atlas survey found broad support for LGBTQIA+ rights in the United States,⁹⁴ but the divide is greater in the evangelical community. Although only 34% of white evangelicals over 50 support same sex marriage, it is supported by a majority of evangelicals between the ages of 18–49.⁹⁵ This divide has resulted in some young evangelicals leaving the church.⁹⁶

In our Assessment, we saw a divide on this topic between older and younger members of the Menlo community.⁹⁷ We also were able to speak with some members of Menlo's LGBTQIA+ community. One of the challenges mentioned is that although Menlo describes itself as a welcoming community, it is not an affirming community. Reflecting the confusion of this position, one member of Menlo's LGBTQIA+ community told us:

It's just hard. Being in this community is tricky because I really do think that there's an opportunity for [Menlo] to grow, and for them to be more inclusive and be more welcoming. And I think the student staff wants nothing more than to do that. There have been times where we've had like our series on love and relationships, and it's like, maybe they'll do a panel and look at a question about it. And then they'll give you the PR response, which is "Our denomination does not support that world."

We reviewed a Menlo document for conversations with students in which the leaders are to "encourage a culture of LISTENING"⁹⁸ and to acknowledge the Church has not always loved LGBTQIA+ individuals as Jesus commanded. If a student identifies as LGBTQIA+, leaders are instructed to "lean in to let them know that Jesus loves them and that [Menlo] love[s] them," to "invite them to share their stories and experience," and to commit to journeying with them. If students ask about the church's teachings, student pastors are encouraged to say:

- "We believe that [LGBTQIA+ individuals] are loved deeply by God, and we want to love them as well."
- "We believe that thoughtful Christians have disagreed on this topic for a long time."

⁹⁴ For more information, visit www.prii.org/research/broad-support-for-lgbt-rights (last accessed August 22, 2021).

⁹⁵ Id.

⁹⁶ Yonat Shimron, *Young Evangelicals Are Leaving Church. LGBTQ Bias May be Driving Them Away*, Religion News Service, August 6, 2021.

⁹⁷ At the March 8, 2020, Town Hall, Pastor Ortberg was asked "How can we say we welcome all while still holding our best understanding of scripture?" Pastor Ortberg noted that Menlo is part of a larger denomination, ECO, that believes marriage is to be between a man and a woman. However, Pastor Ortberg also said "There are many, many people in our church who love Jesus, who take the authority of the scripture very seriously, and have differing opinions on that question. That would be true for our Elders as well, and that's an issue and a conversation that is not going away."

⁹⁸ Emphasis in the original document.

- “We believe that the best course of action is to enter into a dialogue with people over areas of tension, and we want to be a people who can disagree but still be friends, and family members in Christ.”
- “It’s our best understanding at this time that sexual intimacy finds its God given expression between male and female in the context of marriage.”
- “We believe a Christian’s main identifier is Christ, not sexual orientation.”⁹⁹

The Menlo Church Staff Handbook instructs its employees to “strive for inclusivity regardless of age, gender, marital status, race, ethnicity, sexual orientation, socio-economic status, or education,” and states the following: “Our challenge is to develop cultural competencies in each of these demographic areas. We are committed to being a place where everyone is welcome.”¹⁰⁰

Consistent with the staff handbook, we encourage Menlo to continue to grow in its sensitivity to working with members of the LGBTQIA+ community and to invite conversation from those who disagree with the church’s present stance. This is also critical as a matter of child protection.

Biases against members of the LGBTQIA+ community contribute to risks of abuse. A 2010 study found that lesbian, gay, and bisexual students¹⁰¹ were at increased risks for violence.¹⁰² A 2015 study found that 34% of gay, lesbian, and bisexual youth were bullied at school, 28% were bullied electronically, 18% had experienced physical dating violence, and 18% had been forced to have sexual intercourse at some point in their lives.¹⁰³ These factors contribute to increased risks for depression, suicide, and substance abuse.¹⁰⁴ We also know that children from historically marginalized communities experience unique barriers to disclosing sexual abuse.¹⁰⁵

As Menlo continues to grow in sensitivity and understanding toward members of the LGBTQIA+ community, a concern for an increased risk of maltreatment needs to be part of the discussion.

⁹⁹ Menlo document entitled “Guiding Doc for LGBTQ Conversation.”

¹⁰⁰ Menlo Church Staff Handbook, p. 10

¹⁰¹ Older studies typically did not include questions about transgender and questioning/queer youth.

¹⁰² Tumaini R. Coker et al., *The Health and Health Care of Lesbian, Gay and Bisexual Adolescents*, 31 ANNUAL REV. OF PUBLIC HEALTH 457-477 (2010).

¹⁰³ Laura Kann et al., *Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9-12—United States and Selected Sites*, 65(9) MMWR SURVEILL. SUMM. 1-2-2 (2016).

¹⁰⁴ Id.

¹⁰⁵ Kathleen Colbourn Faller, *Disclosure Failures: Statistics, Characteristics, and Strategies to Address Them*, FORENSIC INTERVIEWS REGARDING CHILD SEXUAL ABUSE (William O’Donohue & Matthew Fanetti eds., 2016).

D. Provide Personal Safety Education for Parents/Caregivers Who Have Children or Youth in a Menlo Ministry

Research shows that parents know very little about child sexual abuse, and that they subscribe to a number of myths about abuse. Additionally, few parents discuss sexual abuse prevention with their children, and those who do often give inaccurate information, for example, suggesting that perpetrators are often social misfits or strangers.¹⁰⁶

This could be addressed through online or in-person training of parents such as the training conducted for Menlo during the course of this Assessment by Jacob Wetterling Resource Center Director Alison Feigh. This training can also be done through written materials, such as the Boy Scouts of America's method of requiring parents to read and discuss personal safety information with their children.

E. Provide Personal Safety Education for Children and Youth Participating in Menlo Kids or Student Ministries

In general, young children “report minimal knowledge of sexual abuse and self-protection skills.”¹⁰⁷ Many young children believe abuse is their fault and that they should not report secret touching. In many cases, children do not know how to report abuse.¹⁰⁸ However, researchers have found that, “when provided with teaching materials,” parents and others can empower children to recognize and report abuse.¹⁰⁹ Although it is always the responsibility of adults to protect children, personal safety training can aid a child in communicating their need for protection to a trusted adult. There are a number of personal safety programs¹¹⁰ and resources that can aid in this instruction.¹¹¹

¹⁰⁶ Sandy K. Wuterle & Maureen C. Kenny, *Primary Prevention of Child Sexual Abuse: Child and Parent Focused Approaches*, in KEITH L. KAUFMAN, *THE PREVENTION OF SEXUAL VIOLENCE: A PRACTITIONER'S SOURCEBOOK* 107, 112 (2010).

¹⁰⁷ Sandy K. Wuterle & Maureen C. Kenny, *Primary Prevention of Child Sexual Abuse: Child and Parent Focused Approaches*, in KEITH L. KAUFMAN, *THE PREVENTION OF SEXUAL VIOLENCE: A PRACTITIONER'S SOURCEBOOK* 107, 109 (2010) citing David Finkelhor, *Prevention of Sexual Abuse Through Educational Programs Directed Toward Children*, 120 *PEDIATRICS* 640, 644 (2007).

¹⁰⁸ Sandy K. Wuterle & Maureen C. Kenny, *Primary Prevention of Child Sexual Abuse: Child and Parent Focused Approaches*, in KEITH L. KAUFMAN, *THE PREVENTION OF SEXUAL VIOLENCE: A PRACTITIONER'S SOURCEBOOK* 107, 109 (2010).

¹⁰⁹ *Id.* at 113.

¹¹⁰ For instance, the Jacob Wetterling Resource Center has a program called “Empower Me!” (<https://www.zeroabuseproject.org/?s=empower+me>)

¹¹¹ See, e.g., JUSTIN S. HOLCOMB & LINDSEY A. HOLCOMB, *GOD MADE ALL OF ME: A BOOK TO HELP CHILDREN PROTECT THEIR BODIES* (2015).

In assessing child sexual abuse within religious institutions in Australia, the Royal Commission highlighted the need for faith communities to teach child safety. Specifically, the Royal Commission concluded:

Many of our case studies revealed that religious institutions did not listen to children or engage with them about their safety. Many survivors told us about their difficulty in disclosing child sexual abuse within a religious institution.

Improving children's participation and empowerment in religious institutions is essential to addressing some of the barriers to disclosure of abuse that we identified. We recommend that religious institutions provide children in their care with age-appropriate guidance on practical and effective ways to protect themselves, and information about where and how they can complain if they feel unsafe. Prevention education provided by religious institutions should specifically address the role of people in religious ministry, and highlight for children that no one, including a person in religious ministry, has a right to invade their privacy or make them feel unsafe.¹¹²

F. Develop a Policy for Working with a Congregant Sexually Attracted to Minors

If the church is to be an effective tool in preventing child sexual abuse, it must learn strategies for assisting individuals sexually attracted to children from acting on these thoughts. In order to do this, it is critical to examine research relevant to this topic. In this section, we have provided a brief literature review with citations to enable readers to explore this issue deeper.

The reader should keep in mind that this is simply a general overview of the literature, and the studies referenced may or may not be applicable in working with a particular congregant who is sexually attracted to children. Moreover, research on persons sexually attracted to minors who do not act on these thoughts is still “in its infancy.”¹¹³

Nonetheless, an overview of the literature may empower a pastor or other spiritual care provider to ask pertinent questions relevant to ministering to a person attracted to minors, as well as make mental health and other referrals. This is critical because, according to one study, 19% of adults

¹¹² The report of the Royal Commission is available online at:

<https://www.childabuseroyalcommission.gov.au/religious-institutions> (last visited September 27, 2021).

¹¹³ Melissa D. Grady & Jill S. Levenson, *Prevalence Rates of Adverse Childhood Experiences in a Sample of Minor-Attracted Persons: A Comparison Study*, 27(2) TRAUMATOLOGY 227 (2021).

sexually attracted to children reached out to a pastor or other faith leader for help.¹¹⁴ To aid clergy and other ministry leaders, the literature review is followed by 15 recommendations for keeping children safe while tending to the physical, emotional, and spiritual needs of adults who are sexually attracted to minors.



Awareness of Sexual Attraction to Children Begins in Adolescence and Is a Lifelong Condition

It is during adolescence that individuals typically become aware of a sexual attraction to prepubescent children,¹¹⁵ although this is often “a slow process of awareness, starting with early indications that the objects of their attractions were different from their peers.”¹¹⁶ One individual with a sexual attraction to children describes the realization this way:

I didn't really think that there was anything wrong with it when I was like 12 and 13...Like it was all just in my head, so it didn't really matter. But when I got to, I guess, 14 and 15 and I started realizing that no one else was like me in that regard...I guess I questioned a lot, myself, why I was different. Then by the time I hit 16, I knew it was very, very much not a good thing. It would really be upsetting for me because your sexual drive is something that's always engaged and it's one of the strongest drives that we have as human beings...There's no situation where I could ever realize or act on that urge without hurting someone, and so that for me was really confusing to want to do something, but to know that it was associated with being really, really terrible for someone else.¹¹⁷

As reflected in this person's comments, a sexual attraction to children is a not a temporary phase but rather a lifelong thought pattern.¹¹⁸

¹¹⁴ Jill S. Levenson & Melissa D. Grady, *Preventing Sexual Abuse: Perspectives of Minor-Attracted Persons About Seeking Help*, 31(8) *SEXUAL ABUSE* 991, 999 (2018).

¹¹⁵ Ryan T. Shields et al., *Help Wanted: Lessons on Prevention from Young Adults with a Sexual Interest in Prepubescent Children*, 105 *CHILD ABUSE & NEGLECT* 1 (2020) citing S.D. GOODE, *UNDERSTANDING AND ADDRESSING ADULT SEXUAL ATTRACTION TO CHILDREN: A STUDY OF PEDOPHILES IN CONTEMPORARY SOCIETY* (2010); J.A. Houtepen et al., *Being Sexually Attracted to Minors: Sexual Development, Coping with Forbidden Feelings, and Relieving Sexual Arousal in Self-Identified Pedophiles*, 42(1) *JOURNAL OF SEX & MARITAL THERAPY* 48-69 (2016).

¹¹⁶ Ryan T. Shields et al., *Help Wanted: Lessons on Prevention from Young Adults with a Sexual Interest in Prepubescent Children*, 105 *CHILD ABUSE & NEGLECT* 1 (2020).

¹¹⁷ *Id.* at 6.

¹¹⁸ ALLYN WALKER, A LONG, DARK SHADOW 7 (2021); Klaus M. Beier, Ulmut C. Oezdemir, Eliza Schlinizig, Anna Groll, Elena Hupp, & Tobias Hellenschmidt, “Just Dreaming of Them:” *The Berlin Project for Primary Prevention of Child Sexual Abuse by Juveniles (PPJ)*, *CHILD ABUSE & NEGLECT* 1, 2 (2016) (“It can be assumed that sexual preference manifests during adolescence and remains stable through the lifespan.”) According to the American Psychiatric Association “Pedophilia per se appears to be a lifelong condition.” *AMERICAN PSYCHIATRIC ASSOCIATION, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS* 699 (5th ed. 2013).



The Percentage of Adults Sexually Attracted to Children

It is difficult to determine the percentage of men and women sexually attracted to children.

According to the American Psychiatric Association, the “highest possible prevalence for pedophilic disorder in the male population is approximately 3–5%” and for females “it is likely a small fraction of the prevalence of males.”¹¹⁹ However, not every person with sexual thoughts about children meets the diagnostic criteria of pedophilia.¹²⁰ In one study, 9.8% of men and 4.2% of women “reported some sexual interest in children.”¹²¹ In breaking these numbers down, 3% of women expressed some interest in viewing sexual abuse images of children, 2% were sexually attracted to children and had some interest in “sexual activity” with children, and 1% had fantasized about children and had masturbated to these fantasies.¹²² Among men, 9% had some interest in viewing sexual abuse images of children, 6% had some interest in sexual activity with a child, and 4% were sexually attracted to “little children,” fantasized about sex with children and had masturbated to these fantasies.¹²³

In a study of 8,718 German men, researcher Beate Dombert and colleagues found that 5.5% had some sexual interest in children, with 4.1% reporting sexual fantasies of prepubescent children.¹²⁴ Of those who fantasized about children, Dombert found that 64% reported fantasies about girls, 13.1% were fantasizing about boys, and 18.4% fantasized about both boys and girls.¹²⁵ Although the percentage of those fantasizing about boys is lower than those fantasizing about girls, men who sexually abuse boys “show higher pedophilic sexual interest or arousal levels than sexual offenders who exclusively victimize girls.”¹²⁶ Those who gravitated toward sexual fantasies involving children “showed significantly higher odds” to engage in sexual behaviors involving children.¹²⁷

Although those who sexually fantasize about children are at “higher odds” to commit a crime against a child, not everyone who is sexually attracted to children engages in sexual misconduct with a minor. In the Dombert study, 3.2% of the population studied committed sexual offenses against

¹¹⁹ AMERICAN PSYCHIATRIC ASSOCIATION, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS 698 (5th ed. 2013).

¹²⁰ See Footnote 37 for an overview of the diagnostic criteria for pedophilia.

¹²¹ Sandy K. Wuterle, Dominique A. Simons, & Tasha Moreno, *Sexual Interest in Children Among an Online Sample of Men and Women: Prevalence and Correlates*, 26(6) SEXUAL ABUSE: A JOURNAL OF RESEARCH AND TREATMENT, 546, 555 (2014).

¹²² Id.

¹²³ Id.

¹²⁴ Beate Dombert, Alexander F. Schmidt, Rainer Banse, Peer Briken, Jurgen Hoyer, Janina Neutze, and Michael Osterheider, *How Common is Males’ Self-Reported Sexual Interest in Prepubescent Children?* 53(2) JOURNAL OF SEX RESEARCH 214-223 (2016).

¹²⁵ Id.

¹²⁶ Id. A.F. Schmidt et al., *Direct and Indirect Measures of Sexual Maturity Preferences Differentiate Subtypes of Child Sexual Abusers*, 26 SEXUAL ABUSE: A JOURNAL OF RESEARCH & TREATMENT 107-128 (2014).

¹²⁷ Beate Dombert, Alexander F. Schmidt, Rainer Banse, Peer Briken, Jurgen Hoyer, Janina Neutze, and Michael Osterheider, *How Common is Males’ Self-Reported Sexual Interest in Prepubescent Children?* 53(2) JOURNAL OF SEX RESEARCH 214-223 (2016).

children, which was slightly less than those reporting sexual fantasies about children (4.2%) or having some level of sexual interest in children (5.5%).¹²⁸

In a different study of 997 men, 15.3% reported being sexually attracted to a child below the age of 15, 7.9% had fantasized about sexual contact with a child, and 2.9% reported actual sexual contact with “someone younger than the age of consent.”¹²⁹

In a study of self-identified pedophiles¹³⁰ or hebephiles,¹³¹ approximately half acknowledged sexually abusing a child at least once in their lifetime and 74.5% had engaged in some level of child sexual exploitation such as viewing abusive images of children.¹³² Moreover, because “it is more likely that a participant would deny sexual contacts with children that actually occurred rather than admit to sexual contacts that had not occurred, a tendency to minimize sexual offense history would be expected.”¹³³

Commenting on the currently existing research, one scholar concludes, “Although there are no currently agreed-upon estimates of the percentage of pedophiles who have committed sexual offenses against a child...we do know that not all pedophiles commit sexual offenses.”¹³⁴ As a further complicating factor, we also know that not everyone who sexually abuses a child would meet the diagnostic criteria of a pedophile.¹³⁵



The Percentage of Adolescents and Teenagers Sexually Attracted to Prepubescent Children

Although an awareness of sexual attraction to young children typically begins in adolescence, we do not have any concrete data as to how many adolescents and teenagers are sexually attracted to

¹²⁸ Id.

¹²⁹ Caoilte O Ciarcha, Gaye Ildeniz, & Nilda Karoglu, *The Prevalence of Sexual Interest in Children and Sexually Harmful Behavior Self-Reported by Men Recruited Through an Online Crowdsourcing Platform*, SEXUAL ABUSE 1-20 (2021).

¹³⁰ In this study, pedophilia was diagnosed “if, over a period of at least 6 months, the respondent reported recurrent and intense sexual thoughts, fantasies, or urges involving prepubescent children as well as clinically significant distress or impairment as a result of their sexual interest in children.” M. Beier et al., *Encouraging Self-Identified Pedophiles and Hebephiles to Seek Professional Help: First Results of the Prevention Project Dunkenfled (PPD)*, 33 CHILD ABUSE & NEGLECT 545-549 (2009).

¹³¹ Hebephilia was diagnosed “if the interviewee reported that pubescent children rather than prepubescent children were the focus of sexual thoughts, fantasies, or urges, in addition to clinically significant distress or impairment as a result.” M. Beier et al., *Encouraging Self-Identified Pedophiles and Hebephiles to Seek Professional Help: First Results of the Prevention Project Dunkenfled (PPD)*, 33 CHILD ABUSE & NEGLECT 545-549 (2009).

¹³² Id.

¹³³ Id.

¹³⁴ ALLYN WALKER, A LONG, DARK SHADOW 4 (2021).

¹³⁵ See generally Kenneth V. Lanning, *Acquaintance Child Molesters: A Behavioral Analysis*, in SHARON W. COOPER, RICHARD J. ESTES, ANGELO P. GIARDINO, NANCY D. KELLOGG, & VICTOR I. VIETH, MEDICAL, LEGAL, & SOCIAL SCIENCE ASPECTS OF CHILD SEXUAL EXPLOITATION: A COMPREHENSIVE REVIEW OF PORNOGRAPHY, PROSTITUTION, AND INTERNET CRIMES 279 (2005).

prepubescent children.¹³⁶ If it is true that awareness of these attractions begins during adolescence, then the studies done on adults may give insight as to the prevalence of these attractions among older children.



Differences Between Those Who Act and Do Not Act on Sexual Attractions to Children

A study by researcher Lisa Cohen compared “minor attracted persons” (MAPs) who reported not acting on their sexual attractions to those who had acted on these thoughts.¹³⁷ Those who acted on their sexual thoughts reported more difficulty in controlling their urges, had a greater history of sexual abuse in their own childhoods, and had “higher levels of antisocial personality traits and nonsexual criminal offenses.”¹³⁸

Cohen also noted that those who acted on their sexual thoughts toward children were older than those who did not, and thus leaves open the possibility that “younger MAP non-actors may become actors over time.”¹³⁹ Accordingly, “any possibility of young non-actors eventually acting on their pedophilic attractions underscores the urgent need for improved access to mental health care for the MAP population.”¹⁴⁰ Unfortunately, those who had not yet acted on their thoughts “were less likely to seek out mental health care” and this was “of significant concern.”¹⁴¹



Mental Health Care for Individuals Sexually Attracted to Children

In a qualitative study of 28 adults, ages 18 to 30, with a sexual attraction to children, nearly half said that negative feelings about their attraction resulted in mental health conditions including anxiety and depression.¹⁴² In some cases, this led to feelings of suicide. One participant in the study said, “Actually the first time I was really going to tell my mother I was about to buy a handgun...I was ready to basically die at that point if she didn’t take it well. I had a total mental breakdown.”¹⁴³

Although mental health professionals can assist with feelings of anxiety, isolation, depression, and suicidal thoughts, there is no “cure” that will remove a sexual orientation toward children.¹⁴⁴ Simply

¹³⁶ Ryan T. Shields et al., *Help Wanted: Lessons on Prevention from Young Adults with a Sexual Interest in Prepubescent Children*, 105 CHILD ABUSE & NEGLECT 1, 2 (2020) (“To our knowledge, there are no estimates of the proportion of adolescents with a sexual interest in prepubescent children.”)

¹³⁷ Lisa Cohen et al., *Comparison of Self-Identified Minor-Attracted Persons Who Have and Have Not Successfully Refrained from Sexual Activity with Children*, 44(3) JOURNAL OF SEX & MARITAL THERAPY 217 (2018).

¹³⁸ Id. at 226.

¹³⁹ Id. at 226.

¹⁴⁰ Id. at 226.

¹⁴¹ Id. at 226.

¹⁴² Ryan T. Shields et al., *Help Wanted: Lessons on Prevention from Young Adults with a Sexual Interest in Prepubescent Children*, 105 CHILD ABUSE & NEGLECT 1 (2020).

¹⁴³ Id. at 7.

¹⁴⁴ Klaus M. Beier, Ulmut C. Oezdemir, Eliza Schlinizig, Anna Groll, Elena Hupp, & Tobias Hellenschmidt, “Just Dreaming of Them:” *The Berlin Project for Primary Prevention of Child Sexual Abuse by Juveniles (PPJ)*, 52 CHILD ABUSE & NEGLECT 1, 9 (2016).

stated, removing sexual impulses toward children “has proven to be impossible according to current scientific knowledge.”¹⁴⁵ As a result, the goal of treatment providers is to “provide assistance in mastering and controlling one’s sexual impulses toward children.”¹⁴⁶ Since these impulses pose “an increased risk of sexual victimization of children,” detecting and addressing these impulses “at the earliest possible time” is extremely important.¹⁴⁷

Management of Sexual Attractions to Children

Since management is perhaps the best option to prevent acting on sexual attractions toward children, it is critical to know what may prevent someone from acting on these desires.

In a qualitative study, 31% of adults sexually attracted to children said they refrained from acting on these thoughts by focusing on their desire not to hurt anyone, and another 24% said “the consequences of acting on their sexual attraction served as a proper deterrent.”¹⁴⁸ As one participant noted, “the main motivation for me was knowing that the aftermath would be just completely unpleasant for everybody involved. If there was some way to impart that knowledge to other people before they acted that would be great.”¹⁴⁹ Participants in this study also cited three factors that would *increase* the risk of sexually acting out:

- Secrecy surrounding sexual interest in children
- Lack of support for those needing help
- Lack of maturity or understanding about the inability of children to consent¹⁵⁰

In a study of the potential effectiveness of a helpline for those with sexual attractions to children, researchers found that effective strategies for managing these attractions included identifying one or two people who could support the individual.¹⁵¹ Since “denial and minimization” of the sexual thoughts was a barrier to seeking help, having others hold the individual accountable can aid in prevention.¹⁵²

¹⁴⁵ Id. at 9.

¹⁴⁶ Id.

¹⁴⁷ Id.

¹⁴⁸ Ryan T. Shields et al., *Help Wanted: Lessons on Prevention from Young Adults with a Sexual Interest in Prepubescent Children*, 105 CHILD ABUSE & NEGLECT 1, 8 (2020).

¹⁴⁹ Id at 8.

¹⁵⁰ Id at 8.

¹⁵¹ Joan Van Horn et al., *Stop it Now! A Pilot Study into the Limits and Benefits of a Free Helpline Preventing Child Sexual Abuse*, 24 JOURNAL OF CHILD SEXUAL ABUSE 853, 865 (2015).

¹⁵² Id. at 863.

Based on these and other studies, we recommend that Menlo—and other faith communities—codify and implement the following guidelines for working with persons with a sexual attraction to children.

- 1. Parishioners with a sexual attraction to children should not participate in youth ministry**

Although we do not know the precise percentage of pedophiles or others with a sexual attraction to children who act out on these impulses, it is sensible to conclude that someone with a sexual attraction to minors is more likely to sexually abuse a child than someone who does not have this desire. Since there is presently no cure for pedophilia and management appears to be the best recourse, the church should assist those parishioners struggling with these thoughts by removing them from youth ministry.

Removing a parishioner from youth ministry should not be seen as a punishment but as an action by the church to keep children as safe as possible and to assist the parishioner in distancing themselves from temptations. Many persons committed to not acting out on their sexual thoughts about children self-regulate themselves in this way. In a qualitative study of 42 adults who reported never acting out on their sexual thoughts about children, 15 said they avoided being alone with children and some “avoided public places where minors in the age range for which they held attractions were likely to go, including malls, parks, public pools, or playgrounds.”¹⁵³

Although some may consider removal from youth ministry unfair to pedophiles who have never acted and may never act on their thoughts, this policy may aid the parishioner’s conflicting, confusing emotions. As one adult sexually attracted to children noted, “I specifically try to avoid boys because of the conflict they cause inside, and it sucks because I really wish I could help these boys somehow!”¹⁵⁴

Even if a parishioner attracted to minors is at low risk of physically harming a child, the attraction may result in favoring some children over others by giving them extra attention or gifts or otherwise elevating their needs. In one study, 71.6% of adult participants sexually attracted to children “reported having fallen in love with a child who was 14 or younger when the participants themselves were 18 and older.”¹⁵⁵ Although this “does not mean romantic attraction to a child necessarily increases risk of sexual offending,”¹⁵⁶ it is an unhealthy dynamic in which the child is meeting the emotional needs of the adult.

¹⁵³ ALLYN WALKER, A LONG, *DARK SHADOW* 115 (2021).

¹⁵⁴ *Id.* at 117.

¹⁵⁵ Frederica M. Martijn, Kelly M. Babschishin, Lesleigh E. Pullman, and Michael C. Seto, *Sexual Attraction and Falling in Love in Persons with Pedohebephilia*, 49 *ARCHIVES OF SEXUAL BEHAVIOR* 1305, 1310 (2020).

¹⁵⁶ *Id.* at 1306.

Lastly, children and their parents may feel uncomfortable around a parishioner who may be attracted to one or more children. This may occur particularly if a child or their parents have experienced abuse by another person in another setting. Sensitivity toward child victims and adult survivors of childhood sexual abuse is also a legitimate basis for prohibiting an adult who is sexually attracted to children from participating in youth ministries.

2. Adolescents and teenagers with a sexual attraction to prepubescent children should not serve in a supervisory role with young children

Assisting adolescents and teens with unwanted sexual thoughts is more challenging. These youth need peers and, in nearly all instances, should remain as participants in youth ministries. Isolation may increase the likelihood of a child acting out inappropriately.¹⁵⁷ Still, these youth should not be in supervisory positions over prepubescent children. Beyond this, the church should work with the youth, his or her parents, and appropriate professionals in developing a safety plan that serves the interests of all parties.¹⁵⁸ If a youth discloses a struggle with sexual attractions, this may be very difficult to discuss with the youth's parents¹⁵⁹ and a pastor can help navigate this challenging path.

Churches can also help adolescents and teenagers struggling with a sexual attraction to young children by creating space where they can seek help. In one study, an adult sexually attracted to children said if “information about where I could talk with someone about this or where I could find help” had been provided in a high school sex education class “I would perhaps have reached out earlier than I did.”¹⁶⁰

3. Assist parishioners with a sexual attraction to children in finding appropriate mental health care

Although there is no cure for those sexually attracted to children, mental health care can aid in coping with feelings of isolation, depression, anxiety, and other conditions associated with this attraction. In addition to these challenges, one study found that men sexually attracted to children often experienced multiple forms of childhood trauma or other adverse childhood experiences (ACEs). Specifically, the researchers found that 52% of men sexually attracted to minors had an ACE score of 4 or higher whereas only 9% of the general population has an ACE score this high.¹⁶¹ When

¹⁵⁷ Elizabeth J. Letourneau et al., *The Influence of Sex Offender Registration on Juvenile Sexual Recidivism*, 20(2) CRIMINAL JUSTICE POLICY REV. 136 (2009).

¹⁵⁸ Victor I. Vieth, *Recognizing and Responding to Developmentally Appropriate and Inappropriate Sexual Behaviors of Children: A Primer for Parents, Youth Serving Organizations, Schools, Child Protection Professionals, and Courts*, in R. GEFFNER, J. WHITE, L.K. HAMBERGER, A. ROSENBAUM, V. VAUGHAN-EDEN, & V. VIETH, *HANDBOOK OF INTERPERSONAL VIOLENCE ACROSS THE LIFESPAN* (SPRINGER 2021).

¹⁵⁹ While many MAPs are able to find support, one-third of the MAPs in Walker's study faced rejection with some “being cast out of homes and families.” ALLYN WALKER, A LONG, DARK SHADOW 76 (2021).

¹⁶⁰ Jill S. Levenson & Melissa D. Grady, *Preventing Sexual Abuse: Perspectives of Minor-Attracted Persons About Seeking Help*, 31(8) SEXUAL ABUSE 991, 1000 (2018).

¹⁶¹ Melissa D. Grady & Jill S. Levenson, *Prevalence Rates of Adverse Childhood Experiences in a Sample of Minor-Attracted Persons: A Comparison Study*, 27(2) TRAUMATOLOGY 227, 231 (2021).

this is the case, one focus of therapy “should be on their trauma histories and related psychosocial needs rather than exclusive emphasis on the minor-attraction.”¹⁶²

Despite the need, it can be challenging to find appropriate mental health care for someone attracted to minors.¹⁶³ In one study, 75% of adults sexually attracted to children had sought “some sort of mental health” care but only 49% found it “helpful or very helpful.”¹⁶⁴

Research indicates that many mental health professionals are poorly trained to respond to issues of child abuse even when working with survivors,¹⁶⁵ and thus likely have even less training on working with a specialized topic such as sexual attraction to minors.¹⁶⁶ Accordingly, the church can aid in finding someone comfortable with and able to work with this population. The Association of the Treatment of Sexual Abusers, among other resources,¹⁶⁷ may aid in finding a properly qualified clinician. Given the potential importance of mental health to someone struggling with an attraction to children, the church should explore whether or not it can help in funding this care.¹⁶⁸

4. Coordinate spiritual care with mental health care

Very few pastors have likely received any training on working with a parishioner struggling with a sexual attraction to children. Accordingly, it is important for the pastor to request (or require) the parishioner to sign a release permitting the pastor to speak to the parishioner’s mental health professional, so the pastor can coordinate spiritual care with mental health care.¹⁶⁹ In this way, the pastor will not unwittingly undermine the work being done in a mental health setting and the mental health provider will gain a deeper appreciation of the spiritual care being provided to the parishioner.

¹⁶² Id. at 231.

¹⁶³ Jill S. Levenson & Melissa D. Grady, *Preventing Sexual Abuse: Perspectives of Minor-attracted Persons About Seeking Help*, 31(8) SEXUAL ABUSE 991 (2019).

¹⁶⁴ Id. at 999.

¹⁶⁵ Kelly M. Champion et al., *Child Maltreatment Training in Doctoral Programs in Clinical, Counseling, and School Psychology: Where Do We Go from Here?*, 8 CHILD MALTREATMENT 211 (2003).

¹⁶⁶ ALLYN WALKER, A LONG, DARK SHADOW 132-133 (2021).

¹⁶⁷ Additional resources include the Safer Society Foundation (<https://safersocietypress.org/treatment-referrals>), the California Coalition Against Sexual Offending (<https://ccoso.org>), and the Blue Rock Institute (www.bluerock.info).

¹⁶⁸ In one study, many persons attracted to minors said that “therapy was financially out of reach.” Jill S. Levenson & Melissa D. Grady, *Preventing Sexual Abuse: Perspectives of Minor-Attracted Persons About Seeking Help*, 31(8) SEXUAL ABUSE 991, 1002 (2019).

¹⁶⁹ Cory Jewell Jensen, *Understanding and Working with Adult Sex Offenders in the Church*, 45(3) CURRENTS IN THEOLOGY & MISSION 36, 37 (2018); Kevin F. Mutter, *Confronting Abuse: Fostering a Sense of Healthy Responsibility in the Abuser*, THE LONG JOURNEY HOME: UNDERSTANDING AND MINISTERING TO THE SEXUALLY ABUSED 262, 266 (Andrew J. Schmutzer, ed., 2011).

5. Affirm the Bible's instructions for protecting children

In Allyn Walker's interviews with adults sexually attracted to children, some individuals contended that "religious convictions were a key motivation" for "not offending."¹⁷⁰ One individual noted that acting on his sexual attraction to children would be an "act against God."¹⁷¹ Although this is anecdotal, it provides some evidence that a belief God and the Bible prohibit child sexual abuse may keep some from acting out on their thoughts. If so, these teachings should be nourished.

In Christian terms, these interviewees are articulating doctrines buttressed by the life and words of Jesus. According to the Bible, Jesus was the descendant of at least three sexually exploited women and narrowly survived infanticide. He grew to be a prominent defender of children who strongly condemned anyone who hurt a child (Matthew 18:6-9; Luke 17:1-2; Mark 9:42). Indeed, Jesus went so far as to say children are messengers¹⁷² of the Lord and that the treatment of children reflects what a person really believes about God (Mark 9:36-37).¹⁷³

In working with someone struggling with a sexual attraction to children, these words of Jesus should not be used only as a reminder God views harshly those who harm children, but also a reminder of God's delight in those who refrain from causing harm. Accordingly, every time the parishioner flees a thought of sexually touching a child, he or she serves "the least of these" and thus is also serving Jesus (Matthew 25:40). Through prayer and encouragement, these victories can be celebrated during pastoral care—as the church teaches they will be celebrated in heaven (e.g., Matthew 25:21).

6. Remind the parishioner of God's willingness and ability to help

Some adults sexually attracted to children report finding comfort in the belief that God was willing to help them. According to one such person, "I'm religious so I felt like God was like 'It's okay, you can do this, I'll take care of you'....So I feel like that's the only thing that pulled me through."¹⁷⁴ While this again is only anecdotal evidence, it suggests some potential value in reminding a recipient of pastoral care of God's many promises to help them overcome their temptations and to comfort them in their struggles (e.g., Hebrews 2:14-18; Philippians 4:13).

¹⁷⁰ ALLYN WALKER, A LONG, DARK SHADOW 112 (2021).

¹⁷¹ Id. at 112.

¹⁷² In this text from Mark's Gospel, Jesus is referencing ancient Jewish customs involving messengers. Given the distances over which communications had to be brought, the bearers of news were to be treated with great respect—a respect equal to that accorded the person sending the message. Through this analogy, then, some scholars conclude Jesus is saying we should receive a child as God's "chosen representatives" and that our treatment of children reflects what our hearts truly believe about God. W.A. STRANGE, CHILDREN IN THE EARLY CHURCH 54 (2004).

¹⁷³ See generally VICTOR I. VIETH, ON THIS ROCK: A CALL TO CENTER THE CHRISTIAN RESPONSE TO CHILD ABUSE ON THE LIFE AND WORDS OF JESUS (2018).

¹⁷⁴ ALLYN WALKER, A LONG, DARK SHADOW 96 (2021).

7. Extend meaningful—not cheap—grace

According to the apostle Paul, all have sinned and fallen short of the glory of God (Romans 3:23). In Walker's study, some of those interviewed noted that since Christians believe everyone is sinful, they are welcoming of a person struggling with sexual thoughts about children.¹⁷⁵ One person in the study noted that while his Christianity made him feel guilty about his sexual attraction to children, this guilt "also made him feel connected to others in the church."¹⁷⁶

In addition to believing that all have sinned and thus everyone is in that way equal, Paul also believed that God's grace covered everyone and called himself "the worst of sinners" (1 Timothy 1:5). Although these twin doctrines of universal sin and grace can be comforting to those feeling guilt over their sins, this concept cannot be used as a license to sin (Romans 6:1-4).

In the history of the Christian church, clergy and congregants have extended what Dietrich Bonhoeffer termed "cheap grace"¹⁷⁷ to those who harmed children. Without demanding repentance, Christians have allowed offenders to continue abusing children without any real accountability.¹⁷⁸ As a result, the church has crushed victims, emboldened offenders to continue their crimes, and caused many to flee the church.¹⁷⁹

In working with a parishioner sexually attracted to children, the church must be clear that if the parishioner sexually abused a child or possessed images of children being sexually abused, they must turn themselves into the police and otherwise accept responsibility for their crimes.¹⁸⁰ The pastor can assist the parishioner in making the call to the authorities but, if the parishioner is unwilling to do this, the pastor must contact the authorities and otherwise comply with mandated reporting laws (Romans 13:1-2). A pastor may wish to remind the parishioner that there were two thieves crucified alongside Jesus, and the one who accepted earthly consequences for his offenses is the one who received the mercy of God (Luke 23:43).

¹⁷⁵ Id. at 97

¹⁷⁶ Id. at 97.

¹⁷⁷ "Cheap grace is the preaching of forgiveness without repentance, baptism without church discipline, Communion without confession, absolution without personal confession. Cheap grace is grace without discipleship, grace without the cross, grace without Jesus Christ, living and incarnate." DIETRICH BONHOEFFER, *THE COST OF DISCIPLESHIP* 44-45 (1959).

¹⁷⁸ For a discussion of proper application of law and gospel to offenders, see Victor I. Vieth, *What Would Walther Do? Applying Law & Gospel to Victims and Perpetrators of Child Sexual Abuse*, 40(4) JOURNAL OF PSYCHOLOGY & THEOLOGY 257 (2012).

¹⁷⁹ Kate Shellnut, "1 in 10 Protestants Have Left a Church Over Abuse," CHRISTIANITY TODAY, May 21, 2019, available online at: www.christianitytoday.com/news/2019/may/lifeway-protestant-abuse-survey-young-christians-leave-chur.html (last visited August 26, 2021).

¹⁸⁰ Victor I. Vieth, *What Would Walther Do? Applying Law & Gospel to Victims and Perpetrators of Child Sexual Abuse*, 40(4) JOURNAL OF PSYCHOLOGY & THEOLOGY 257, 270-273 (2012).

Strong messaging that a church will not tolerate crimes against children may aid some who are sexually attracted to children from acting on these desires. In one study, more than one-third of the participants sexually attracted to children said that a fear of arrest or prison “was substantial enough that it prevented them from sexual offending.”¹⁸¹

8. Confront any cognitive distortion that children can consent to sex with an adult

In one study, adults sexually attracted to minors¹⁸² fit into two groups, with one group labeled “anti-contact” and the other “pro-choice.” The anti-contact group believe that “sexual contact between adults and minors would cause harm in and of itself.”¹⁸³ However, the pro-choice group “believed some minors have the emotional capacity to consent to sex with adults, lacking only the legal capacity to do so as a result of the current social climate.”¹⁸⁴ The pro-choice individuals “provided multiple explanations for their reasoning, often based in academic discourse” such as referencing “points in world history when sexual activity between adults and children was tolerated, accepted, or regarded as mutually beneficial.”¹⁸⁵

The belief that children can consent to sexual activity with an adult is not new. At one point, a “scholarly” journal existed called “Paidika: The Journal of Paedophilia” which published works asserting sexual activity with children is not necessarily harmful.¹⁸⁶ In a 1993 issue of the Journal, Dr. Ralph Underwager, who received a Ph.D. from the University of Minnesota and a Master of Divinity from Concordia Seminary in St. Louis, gave an interview in which he said:

Paedophiles can boldly and courageously affirm what they choose. They can say that what they want is to find the best way to love. I am also a theologian and as a theologian I believe it is God's will that there be closeness and intimacy, unity of the flesh, between people. A Paedophile can say “This closeness is possible for me within the choices that I've made.”¹⁸⁷

Thinking such as this is dangerous in that it reduces the barriers to acting out sexually with a child. If a person sexually attracted to children entertains the notion that “some” children could consent if only the culture would allow it, then there is a risk the person will find the child and culture he

¹⁸¹ ALLYN WALKER, A LONG DARK SHADOW 110 (2021).

¹⁸² The terminology widely accepted by the community in question is “minor attracted persons.”

¹⁸³ ALLYN WALKER, A LONG DARK SHADOW 106 (2021).

¹⁸⁴ *Id.* at 106

¹⁸⁵ *Id.*

¹⁸⁶ The journal was “dedicated to the study of pedophilia from a favorable and normalization point of view.” Wikipedia entry at: https://eo.wikipedia.org/wiki/Paidika:_The_Journal_of_Paedophilia (last visited August 25, 2021).

¹⁸⁷ Interview: Holida Wakefield and Ralph Underwager, 3(1) PAIDIKA: JOURNAL OF PAEDOPHILIA 4 (1993).

believes fits into his or her cognitive distortion. When this happens, the risk of sexual assault is very real.

When the Christian church encounters thinking of this kind, pastors and other leaders may wish to point out that Jesus was born into a world in which many believed that the sexual exploitation of children was not harmful or, if it was, the low status of children caused no concern.¹⁸⁸ “Contrary to the ethos of his time,” writes one scholar, “Jesus didn’t view children as objects; he believed that anyone who was human couldn’t be alien to God, that all were part of God’s kingdom.”¹⁸⁹

In each of the Synoptic Gospels, Jesus issues a harsh warning against anyone who harms a child (Matthew 18:6-9; Luke 17:1-2; Mark 9:42). Specifically, he says “If any of you put a stumbling block before one of these little ones who believe in me, it would be better for you if a great millstone were hung around your neck and you were thrown into the sea” (Mark 9:42). According to some scholars, Jesus may specifically be condemning the sin of sexual abuse.¹⁹⁰ However, even scholars with a broader interpretation of the passage still read it as an unequivocal condemnation of child maltreatment. Professor John Schuetze writes:

Child abuse causes children to stumble in the faith in many ways. Later in life it can trigger sinful behavior to cope with the painful memories. It often confuses the person spiritually and theologically: ‘If there is a God, why didn’t [God] help me? If God promises to answer our prayers, then why didn’t [God] stop my abuser? I prayed about it many times.’¹⁹¹

From this Schuetze concludes, “Jesus recognized children were valuable and vulnerable” and that for this very reason he issues the “strong warning” contained in the Synoptic Gospels.¹⁹²

If it is true that Jesus rejected the widespread sexual abuse of the era in which he lived, then this history should be used in helping persons who are sexually attracted to children reject the cognitive distortion of the value in returning to the culture of the past.

¹⁸⁸ VICTOR I. VIETH, *ON THIS ROCK: A CALL TO CENTER THE CHRISTIAN RESPONSE TO CHILD ABUSE ON THE LIFE AND WORDS OF JESUS 12-16* (2018); O.M. BAKKE, *WHEN CHILDREN BECAME PEOPLE: THE BIRTH OF CHILDHOOD IN EARLY CHRISTIANITY* 34 (2005).

¹⁸⁹ PAUL OFFIT, *BAD FAITH* 126 (2015).

¹⁹⁰ See Horsley’s commentary on Mark in the *New Annotated Oxford Bible*, 1809n. This conclusion is based on this verse combined with subsequent verses pertaining to sins committed by various parts of the body and the Oxford Bible commentators’ review of “references in rabbinic literature.” *New Annotated Oxford Bible*, 1809n. See also WILLIAM LOADER, *SEXUALITY AND THE JESUS TRADITION* 20-24 (2005); ADELA YARBRO COLLINS, *MARK: A COMMENTARY* 450 (2007).

¹⁹¹ John D. Schuetze, *Pastoral Theology Brief: Matthew 18 Also Includes Verse 6*, 112 WISCONSIN LUTHERAN QUARTERLY 224, 228 (2012).

¹⁹² Id.

9. Encourage those who believe they are standing firm to be careful not to fall

In qualitative studies, some persons attracted to children are adamant they will never abuse a child. Walker's research, for example, references a person who describes himself as a "celibate pedophile" and who was "emphatic" that anyone who sexually abuses a child is "pure evil."¹⁹³ At the same time, some of the interviewees justified their fantasies about children with one individual saying "I have self-control and I will and I can have a private sexual fantasy [or] erotic attraction, and that doesn't mean I'm going to have a behavior, so, for me, it's very clear."¹⁹⁴

Although it is commendable that there are persons sexually attracted to children who recognize the wrongfulness of acting on these desires, we question the utility of entertaining a fantasy about sexually abusing a child. It is doubtful that such fantasies involve violent rape, but rather thoughts of a child enjoying the sexual activity. If fantasies such as this are entertained, particularly if they are directed at a child in the care of the fantasizer, it may eventually lower the inhibitions or guard of those who contend they currently have clear boundaries. At the very least, this should be a conversation in pastoral care with the vigilant reminder that the notion a child could consent to or find pleasure in sexual abuse is nothing more than a fantasy. In the real world, child sexual abuse impacts a child physically, emotionally, and spiritually and these wounds can last a lifetime.¹⁹⁵

There is also a biblical admonition from the Apostle Paul that may be helpful for those who are certain they would never cross a line in real life, even though they may regularly cross this line in their fantasies. "So if you think you are standing firm," Paul warns, "be careful that you don't fall! No temptation has seized you yet except what is common to man. And God is faithful; he will not let you be tempted beyond what you can bear. But when you are tempted, he will also provide a way out so that you can stand up under it" (I Corinthians 10:12-13).

There are at least two lessons in Paul's words that may be helpful in pastoral care. First, people are at greatest danger of giving in to a temptation when they are certain they would never fall. In Christian theology, this is partly because they are relying on their own strength and not on God's. In secular terms, this means that people are vulnerable to falling when they have let their guard down.

Second, Paul's language about God giving people an out when temptations come may open up a conversation in pastoral care about the options available to a parishioner to resist unwelcome

¹⁹³ ALLYN WALKER, A LONG DARK SHADOW 104 (2021).

¹⁹⁴ Id. at 105.

¹⁹⁵ Vincent J. Felitti & Robert F. Anda, *The Relationship of Adverse Childhood Experiences to Adult Medical Disease, Psychiatric Disorders, and Sexual Behavior: Implications for Healthcare*, IMPACT OF EARLY LIFE TRAUMA ON HEALTH AND DISEASE: THE HIDDEN EPIDEMIC 77-87 (Ruth A. Lanius et al., eds., Cambridge: Cambridge University Press 2010); BESSEL VAN DER KOLK, THE BODY KEEPS THE SCORE: BRAIN, MIND, AND BODY IN THE HEALING OF TRAUMA (2014).

thoughts about sexually touching children. From these options can come a safety plan the church can work with the parishioner in implementing.

10. Prevent an unwanted sexual thought from becoming a wanted thought

In the literature, sexual thoughts about children are often described as “unwanted” with one study referring to them as an “unwanted affliction.”¹⁹⁶ Although this terminology may be accurate for many with sexual thoughts about children, it should not lead to the conclusion that all sexual thoughts are unwanted or that even an unwanted sexual thought could not turn into a wanted thought.

On the subject of temptation, Martin Luther offered these thoughts:

No one may be exempt from temptation. But we can certainly defend ourselves and relieve all temptations by praying for and imploring the help of God. In the book of the old fathers of the church we read that a young brother wanted to be rid of his evil thoughts. The old father said: Dear brother, you cannot prevent the birds from flying in the air over your head, but you can certainly prevent them from building a nest in your hair. Likewise, St. Augustine says, we cannot prevent offenses and temptations from coming upon us; but by prayer and the invocation of divine assistance we may certainly defend ourselves and keep them from overcoming us.¹⁹⁷

This may be a helpful construct in working with a pedophile or someone else with sexual thoughts about children. An unwanted thought may appear, but what a person does with that thought is their own decision. They can decide to nurse the thought in their mind and expand upon it. They can decide to fixate on a particular child when they see them in church or another public setting. They can decide to actively fantasize about a particular child and perhaps masturbate to this fantasy. They can decide to access sexual images of children and get aroused and try to convince themselves the children are not really being abused in the film. They can decide to tell themselves that computer-generated images of children being sexually assaulted will not in any way lower their inhibitions in acting on these desires. Or they can decide to do none of these things.

There is a point in time where every unwanted thought becomes wanted, and it would be appropriate to discuss this in pastoral care and to develop a safety plan tailored to each person that will assist them in, as Martin Luther states, preventing a bird from nesting in their hair.

¹⁹⁶ Ryan T. Shields et al., *Help Wanted: Lessons on Prevention from Young Adults with a Sexual Interest in Prepubescent Children*, 105 CHILD ABUSE & NEGLECT 1, 8 (2020).

¹⁹⁷ EWALD M. PLASS, WHAT LUTHER SAYS 1344 (1959).

11. Develop service opportunities that are as safe as possible

Although a parishioner with a sexual attraction to children should not serve in youth ministry, this does not mean there are no opportunities for service in the church. There may be various committees, Bible studies, or other activities that do not involve work with children that may provide great meaning and create a sense of community.

This may also expand the network the person attracted to children can draw upon to assist in coping with various struggles they may be having, including sexual thoughts about children. In one study, nearly one-fifth of persons attracted to minors said that support from persons not attracted to children “helped them abstain from offending” by simply being with them while in the presence of a child.¹⁹⁸

12. Help the parishioner avoid negative coping behaviors

Without a healthy outlet or mature support, a person attracted to children may turn to chemicals or viewing actual or computer-generated images of children being sexually abused. These unhealthy, even criminal coping behaviors are explored below.

Alcohol and Drugs

In a qualitative study of 42 persons sexually attracted to children, 11 said they were now using or in the past had used drugs or alcohol to cope.¹⁹⁹ In addition to the physical and emotional harm of chemicals, they can increase the risk of abuse. Alcohol, for instance, may lower inhibitions and be used to justify a sexual assault of a child.²⁰⁰ To reduce this risk, and to help the parishioner physically and emotionally, the church can aid in accessing quality chemical dependency treatment or other services, if relevant. If the parishioner is in need of these services and cannot afford these services, the church should consider helping financially.

Sexually Exploitive Images of Children

We know from research that a “self-reported interest in having sex with a child” has a “strong association with self-reported child pornography viewing.”²⁰¹ This is deeply troubling on several fronts.

First, films or other images of children being sexually abused depict criminal acts. Further, the possession of these images is itself a criminal act, which provides financial support for an industry

¹⁹⁸ ALLYN WALKER, A LONG, DARK SHADOW 119 (2021).

¹⁹⁹ Id. at 86-88.

²⁰⁰ Id. at 100.

²⁰¹ Michael C. Seto et al., *Viewing Child Pornography: Prevalence and Correlates in a Representative Community Sample of Young Swedish Men*, 44 ARCH. SEXUAL BEHAVIOR 67, 77 (2015).

that profits from the abuse of children. These films' victims continue to be exploited every time someone views the films for his or her own sexual arousal. As one federal court concluded:

The victimization of the children involved does not end when the pornographer's camera is put away... "The pornography's continued existence causes the child victims continuing harm by haunting those children in future years."²⁰²

Second, although not all users of sexually exploitive images of children commit hands-on sexual offenses against children,²⁰³ it is both a strong indicator of pedophilia²⁰⁴ and a risk factor for contact sexual offenses.²⁰⁵ In a 2000 analysis from the Federal Bureau of Prisons, "76% of offenders convicted of internet-related crimes against children admitted to contact sex crimes with children previously undetected by law enforcement and had an average of 30.5 child sex victims each."²⁰⁶

Third, sexually exploitive images of children are often used in the grooming of child victims "to lower the natural, innate resistance of children to performing sexual acts, thus functioning as a primer for child sexual abuse."²⁰⁷ In an analysis of 1,400 cases of child sexual abuse, more than half of the cases involved the use of sexually exploitive images of children.²⁰⁸

Fourth, even if a viewer of sexually exploitive images of children does not groom a child with these images or does not commit any sort of contact offense, the cognitive distortions of these offenders need to be addressed with them. Consider, for instance, this rationale provided by a consumer of this material:

²⁰² United States v. Norris, 159 F.3d 926 (5th Cir. 1998), quoting Osborne v. Ohio, 495 U.S. 103 (1990).

²⁰³ In a study of 201 men on the Canadian Sex Offender registry identified as child pornography offenders, 24% had a prior contact sexual offense and 15% had a prior offense involving child sexual abuse images. Within 2.5 years after their release, 4% of the population studied had committed a sexual contact offense, and these offenders were primarily concentrated among those with prior sexual assaults on their records. Although acknowledging a longer follow-up period might increase the percentage of child sexual assaults resulting in charges, the researchers said their findings "contradict the assumption that all child pornography offenders are at very high risk to commit contact sexual offenses involving children." Michael C. Seto & Angela W. Eke, *The Criminal Histories and Later Offending of Child Pornography Offenders*, SEXUAL ABUSE: A JOURNAL OF RESEARCH AND TREATMENT 201, 208 (2005).

²⁰⁴ Michael C. Seto et al., *Child Pornography Offenses are a Valid Diagnostic Indicator of Pedophilia*, 115(3) JOURNAL OF ABNORMAL PSYCHOLOGY 610 (2006).

²⁰⁵ Candice Kim, *From Fantasy to Reality: The Link Between Viewing Child Pornography and Molesting Children*, 1(3) CHILD SEXUAL EXPLOITATION UPDATE (2004).

²⁰⁶ Id., citing *Internet Child Pornography: Before the House Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary*, 107th Congress (2002) (statement of Michael J. Heimback, Crimes Against Children Unit, Criminal Investigative Division, FBI).

²⁰⁷ Bruce Watson & Shyla R. LeFever, *Understanding the Impact of Pornography on Adults and Children*, MEDICAL, LEGAL, & SOCIAL SCIENCE ASPECTS OF CHILD SEXUAL EXPLOITATION: A COMPREHENSIVE REVIEW OF PORNOGRAPHY, PROSTITUTION, AND INTERNET CRIMES, VOLUME ONE 193, 198 (Sharon W. Cooper et al., eds., 2005).

²⁰⁸ Candice Kim, *From Fantasy to Reality: The Link Between Viewing Child Pornography and Molesting Children*, 1(3) CHILD SEXUAL EXPLOITATION UPDATE (2004), citing the statement of John B. Rabun, Deputy Director of the National Center for Missing & Exploited Children, before the Senate Subcommittee on Juvenile Justice, 94th Congress (1984).

I would never have allowed myself to fantasize about a boy in real life, I would never fantasize about them because it feels too close to home. It feels too real, or too risky that I might act on it if I fantasize about it...I would never, like, see a boy at a park and then like fantasize about that boy. Like, never. I've always drawn that line where that wasn't allowed. So instead, I would look at pornography. And pornography, at least, I'll get that fix, so you know, that release. And, not feel the guilt. The guilt of wrecking someone in real life.²⁰⁹

Any professional working with this offender needs to assist him in realizing that the child in the film is a human being and that he is, in fact, “wrecking someone in real life.” Simply stated, this individual is lying to himself—and this lie is hurting both the child and the offender.

Given these and other risks, a pastoral care worker should explore with the parishioner any temptations to view images of children being sexually abused and encourage them to take all necessary precautions to avoid falling prey to this temptation. This may include confronting any cognitive distortions used to justify such behavior, regulating computer usage, and having an accountability partner periodically check the parishioner’s technology to ensure crimes are not being committed. If, at any point, it comes to the attention of a pastor or other member of the church that crimes are being committed, a report to the authorities should be immediately made.

Simulated Images of Children Being Sexually Abused

Some pedophiles or others sexually attracted to children use sexually exploitive images that are drawn, computer-generated, or that otherwise does not involve real children.²¹⁰ Although some scholars believe that legalizing these materials “would create a sexual outlet for people with no other nonharmful options,” we have three concerns with this suggestion.²¹¹

First, while these depictions may not involve real children, some offenders use them in the grooming of child abuse victims.²¹² As noted in one peer-reviewed analysis, since children cannot “distinguish between ‘real’ and ‘synthetic’ images, computer-generated images are just as effective as true pictures for luring children into sexual activities.”²¹³ Even if a user of these materials does not actively use them in the abuse of a child, the user is nonetheless supporting an industry profiting from materials that legitimize abuse and are used by some in the actual abuse of children.

²⁰⁹ ALLYN WALKER, A LONG, DARK SHADOW 125 (2021).

²¹⁰ *Id.* at 127-128.

²¹¹ *Id.* at 128.

²¹² Bruce Watson & Shyla R. LeFever, *Understanding the Impact of Pornography on Adults and Children*, MEDICAL, LEGAL, & SOCIAL SCIENCE ASPECTS OF CHILD SEXUAL EXPLOITATION: A COMPREHENSIVE REVIEW OF PORNOGRAPHY, PROSTITUTION, AND INTERNET CRIMES, VOLUME ONE 193, 199 (Sharon W. Cooper et al., eds., 2005).

²¹³ *Id.*

Second, it is speculative to assume that viewing simulated images of children being sexually abused will deter a pedophile from acting on these fantasies. Although there are pedophiles who contend these materials prevent them from abusing children, there are also pedophiles who “acknowledge that exposure to child abuse images fuels their fantasies and plays an important part in leading them to commit hands-on sexual offenses against children.”²¹⁴

Third, viewing simulated images of child sexual abuse runs counter to the teachings of Jesus and thus would not be a permissible option for working with a pedophile in the church. Jesus had strong warnings about the dangers of sinful thoughts, going so far as to say that harboring hateful thoughts is akin to murder (Matthew 5:21-22) and lusting after anyone who is not one’s spouse is the same as having committed the act of adultery (Matthew 5:27). Accordingly, it would be theologically problematic for any Christian to assert Jesus would allow lustful gazing at even a simulated image of a child being sexually violated. This is particularly so given Jesus’s strong admonition not to hurt children (Mark 9:42) and that Jesus himself was stripped of his clothing and publicly exposed—a form of sexual humiliation that was part of the torture he experienced.²¹⁵

It is important to note, though, that Jesus did not simply instruct his followers that sinful thoughts run counter to the commands of God; he instructed to take action when these feelings arise. To those filled with anger or hate, he said to go and “be reconciled to [their] brother” before giving a gift on the altar (Matthew 5:23-24). To those struggling with sinful sexual thoughts, he said to take extreme measures, if necessary, including gouging out an eye or cutting off a hand rather than using it in a sexual offense (Matthew 5:27-30). Applying this lesson to someone tempted to view simulated images of children being sexually abused, it may be necessary to remove a computer from the household or otherwise have restrictions on accessing media, and to have an accountability partner or a confessor who will help in refraining from this activity.

The Apostle Paul likewise proposed action in response to sinful thoughts, writing that Christians should set their minds “on things above” and put aside “whatever belongs to your earthly nature” (Colossians 3:2-5). Instead, Christians should think of “whatever is true, whatever is noble, whatever is right, whatever is pure, whatever is lovely, whatever is admirable—if anything is excellent or praiseworthy—think about such things” (Philippians 4:7). Although it is likely impossible to prevent a stray thought from entering the mind of someone sexually attracted to children, it may be possible

²¹⁴ John Carr, *Child Abuse, Child Pornography and the Internet: Executive Summary* (NCH 2004). ALLYN WALKER, A LONG, DARK SHADOW 127-128 (2021), noting one participant felt that simulated images “had an effect on his attractions, noting he thought they increased them.”

²¹⁵ “Crucifixion in the ancient world appears to have carried a strongly sexual element and should be understood as a form of sexual abuse that involved sexual humiliation and sometimes sexual assault. Crucifixion was intended to be more than the ending of life; prior to actual death it sought to reduce the victim to something less than human in the eyes of society. Victims were crucified naked in what amounted to a ritualized form of public sexual humiliation.” David Tombs, *Crucifixion and Sexual Abuse* in JAMES R. REAVES, DAVID TOMBS & ROCIO FIGUEROA, WHEN DID WE SEE YOU NAKED? JESUS AS A VICTIM OF SEXUAL ABUSE 15, 18 (2021).

to discipline themselves to recognize the thought as concerning and to choose not to welcome it. If need be, the parishioner can reach out to a trusted colleague to aid them in controlling troubling thoughts, and perhaps replace them with something praiseworthy.

13. If the parishioner is accessing online groups of adults sexually attracted to children, discuss the potential risks as well as the potential benefits of these communities

One study found that 47% of adults sexually attracted to children visited websites or internet forums where they dialogue with and seek support from others with similar attractions.²¹⁶ There are reputable institutions and nationally recognized child abuse experts who believe there is merit in helping minor attracted persons access online forums such as these.²¹⁷ There is also anecdotal evidence that these communities may assist some persons with these struggles. One person attracted to minors states:

And at the foundation of my theology is the need for humans to be a part of a greater body. And to be connected to something greater than themselves. And I think that part of why this transition to not being in denial has been a little bit easier than one would think is because of the VirPed [Virtuous Pedophile] community, because if I tried to be—I don't know—if I had decided to be honest with myself before I had joined that community, I think it would have been a lot harder.

At the same time, there is anecdotal evidence these sites are not welcoming, and may even be harmful for some with attractions to children. One qualitative study noted there were some persons attracted to minors who “didn’t find sites like VirPed and B4U-Act to be a welcoming space.”²¹⁸ For example, some minor attracted persons faced hostility from others in these sites if they disclosed an attraction to particularly young children.²¹⁹

In working with a parishioner visiting these sites, it is wise to ask why the person is visiting these sites and explore whether any benefits from these forums can be achieved in another, perhaps less risky setting. If, for instance, there is simply a desire for community, perhaps the pastor and others in the church can fulfill that need. It is also wise to explore in pastoral care what sorts of messages are being given to the parishioner and to discuss whether or not these messages are truly helpful. If,

²¹⁶ Jill S. Levenson and Melissa D. Grady, *Preventing Sexual Abuse: Perspectives of Minor-Attracted Persons About Seeking Help*, 31(8) *SEXUAL ABUSE* 991, 999 (2018).

²¹⁷ For instance, the John Hopkins Bloomberg School for Public Health lists Virtuous Pedophile and B4Uact as resources for those struggling with a sexual attraction to children. www.jhsph.edu/research/centers-and-institutes/moore-center-for-the-prevention-of-child-sexual-abuse/resources/covid-19-csa-prevention (last visited September 11, 2021).

²¹⁸ ALLYN WALKER, A LONG, *DARK SHADOW* 118 (2021).

²¹⁹ *Id.* at 119.

for instance, the parishioner is being told (or believes they are being told) it is appropriate to be with children the parishioner is attracted to, but there is every reason to believe this is not a safe option, the pastor needs to intervene and give a more appropriate message.

There is also a question of whether or not a particular forum conflicts with the religious beliefs of the parishioner. For example, Virtuous Pedophile “takes a solid stance about sexual activity between adults and children, stating it is fundamentally wrong.”²²⁰ However, B4U-Act “has declined to take a moral stance on the issue, instead choosing to focus on creating a dialogue between those with varying moral opinions.”²²¹ For most Christians, touching a child sexually is fundamentally and unequivocally at odds with the teachings of Jesus.²²² Accordingly, sending a parishioner to a forum that believes there is room to debate the morality of this conduct may not only be culturally insensitive, it may reduce or eliminate a critical barrier that keeps the parishioner from abusing a child.

14. Working with persons attracted to both children and adults

Studies find that approximately 42% of persons attracted to minors “report a primary attraction to prepubescent” children and that “individuals attracted to male minors endorsed less sexual interest in adult partners than those attracted to females.”²²³ Nonetheless, there are persons sexually attracted to children who are also attracted to adults.

When this occurs, there may be a healthy sexual outlet for the individual that the pastor and other professionals may be able to help the individual focus on. However, when a minor attracted person is dating or otherwise in a relationship with an adult who has children of their own, has nieces or nephews, or perhaps works with children, it is important to discuss potential risks and, if need be, develop an appropriate safety plan.

15. Confidentiality, child safety, and the duty to warn

Perhaps the greatest challenge in providing pastoral care to persons sexually attracted to children is creating an opening where a person attracted to minors feels safe in speaking with a minister. There is a significant stigma attached to this attraction and the person struggling with these thoughts is understandably afraid of seeking help. They may have fears that they will lose their friends or their job, be reported to the police, or be harassed or bullied.

²²⁰ Id. at 11.

²²¹ Id. at 11.

²²² See VICTOR I. VIETH, *ON THIS ROCK: A CALL TO CENTER THE CHRISTIAN RESPONSE TO CHILD ABUSE ON THE LIFE AND WORDS OF JESUS* (2018).

²²³ Jill S. Levenson & Melissa D. Grady, *Preventing Sexual Abuse: Perspectives of Minor-Attracted Persons About Seeking Help*, 31(8) *SEXUAL ABUSE* 991, 993 (2018); J. Michael Bailey, Kevin J. Hsu, and Paula A. Bernard, *An Internet Study of Men Sexually Attracted to Children: Sexual Attraction Patterns*, 125(7) *JOURNAL OF ABNORMAL PSYCHOLOGY* 976, 981 (2016) (noting the men in this large sample “strongly preferred children to adults.”)

Still, we do want those with a sexual attraction to children to seek help with their struggles and this can only happen if the church discusses this forthrightly and lets those who choose to seek help know what the church can and cannot do.

First, the church needs to inform a parishioner struggling with sexual thoughts about children that there are limits to confidentiality. If someone discloses sexually abusing a child or viewing images of children being abused, the church will comply with the law and make a report to the authorities. This is in accordance with both civil law and God's law.²²⁴ According to the prophet Ezekiel, God holds accountable those who fail to warn of pending danger (Ezekiel 33:6). Even if there is not a situation requiring a mandated report, or if a report is not investigated, the church may have to conduct an assessment if the parishioner has been working with youth in the congregation. Confidentiality is also not an option if the parishioner is at risk of harming themselves.

Second, the church needs to work with the parishioner in selecting an appropriate pastoral care worker. Not every clergy is gifted to work with someone sexually attracted to children. Accordingly, it is necessary to find clergy willing to grow their knowledge of the research in this area, to coordinate pastoral care with appropriate mental health care or other services, and to work with an individual for an extended period of time.

Third, the church should let the parishioner know that they are not alone. The church will demonstrate its love by doing all it can to help the parishioner manage their sexual attractions to children and to live a productive life. This may mean a safety plan and other mechanisms by which the church can assist the parishioner with any temptations.

Fourth, just as a church should educate the congregation of how it works with those convicted or accused of crimes against children, it should also educate the congregation as to how it ministers to those with sexual thoughts about children. In this way, the congregation will never be surprised by a church's ministry to those struggling with these thoughts. Moreover, an open dialogue may help congregants to access these resources should they or a family member require it.

G. Expand Mandated Reporter and Other Child Protection Training

Menlo requires its youth ministry staff to complete mandated reporter training. In the fall of 2019, this was expanded so that now all employees are required to take the training every two years. The

²²⁴ As one pastoral care textbook notes: "In some states, pastors are state-mandated reporters...But whether or not the law requires a pastor to intervene in such a situation should not be the deciding factor. It is God and his Word that ultimately give pastors the right and responsibility to break confidence and protect the welfare of the person involved." JOHN D. SCHUETZE, *DOCTOR OF SOULS: THE ART OF PASTORAL THEOLOGY* 272-273 (2017).

training utilized is an online course through the state of California²²⁵ which takes up to 4 hours to complete and includes an examination that provides some evidence a student has taken the course and acquired some knowledge in recognizing and responding to child abuse and neglect.

In viewing the course, we found the training to be very good. It includes solid background information on the history of child protection in the United States and debunked many myths mandated reporters have about the system—myths that sometimes keep mandated reporters from making a call. The course also includes a discussion of ACEs, a seminal body of research that everyone working with youth should have a working understanding of.

The course includes a detailed section on child physical abuse with a listing of the type and location of injuries that are suggestive of child physical abuse. The module includes graphics, photographs of abusive injuries, and other concrete information that would aid in recognizing markers for abuse. The module also discusses child development and what type of injuries may occur accidentally depending on the age of a child. An abusive head trauma module is also included.

Similarly, the training includes modules on child sexual abuse, neglect, and exploitation. In addition to including behaviors of children that may indicate maltreatment, the training also discusses behaviors of parents or other caregivers that may indicate abuse or neglect.

Prior to the fall of 2020, there was no formal mandated reporter training for Menlo volunteers, but volunteers were told to alert staff if they had any concerns. However, when the Menlo Students volunteers took the course last year, we were told their reaction to the course was largely favorable. After volunteers completed the training, there was a Zoom meeting in which volunteers could ask questions. These volunteers were given a two-page document entitled “Mandated Reporting + Crisis Response for Volunteers.” This document reiterates that while Menlo does not believe volunteers are mandated reporters under California law,²²⁶ they must report concerns of abuse to staff who are mandated reporters. The document appropriately encourages volunteers to “err on the side of over-communicating concerns” to church staff about potential abuse and does state volunteers should call 911 if there is an active emergency. The document also offers guidance in explaining to a child why some information cannot be kept confidential.

Recommendations for Expanding the Pool of Those Trained

Menlo currently requires mandated reporter training for all staff. We would expand this list to include every volunteer working with youth, which Menlo did in the Fall of 2020, and we strongly

²²⁵ To view this or other free mandated reporter trainings offered through the state of California, visit: <https://mandatedreporter.ca.com> (last visited July 27, 2021).

²²⁶ Although this may be true, Menlo could follow the lead of other organizations, such as the Boy Scouts of America, and require all volunteers to report a reasonable suspicion of abuse to the authorities as well as to staff or other appropriate parties within the organization.

encourage it to continue. Every employee and volunteer at Menlo may encounter youth while attending services, other activities, and in their daily lives outside of church. Education is critical in creating a trauma-informed church, and the more employees who receive quality education, the better the chances the community will respond in accordance with best practices when abuse is encountered or suspected. Education also creates a larger Christian community better equipped to understand the suffering of so many children and adults.

In the years in which an employee or volunteer is not taking the mandated reporter class, they should receive other coursework on child abuse and neglect not covered in this basic course (see recommendations in the next section). In this way, there is both annual instruction and annual reminders that child protection is a central component of youth ministry.

Lastly, we believe every member of the Session should complete the four-hour mandated reporter training. If the Elders are to carry out the many recommendations in this report, they must improve their knowledge about the prevalence of child maltreatment as well as the physical, emotional, and spiritual impact of the abuse and neglect of children.

Recommendations for Additional Training

Although the mandated reporter training is high quality and covers many essential topics, it understandably leaves out a great many subjects that simply cannot be covered in a four-hour block. We believe that, under the direction of the Child Protection Director recommended elsewhere in this Report, Menlo should offer additional workshops that can be helpful to employees, volunteers, Elders, and the congregation. We also believe many of these workshops could be opened up to the larger community in the hope of building a better societal response to the children entrusted to the church's care.

Relevant workshops, and the reasons we feel they may be helpful, include:

1. Understanding and responding to the spiritual impact of child abuse

Although the state mandated reporter training discusses the ACE research, it does not address the significant and growing body of research on the spiritual impact of child abuse and neglect.²²⁷

Children may be impacted spiritually because an offender incorporates a religious theme into the abuse of the child or the victim simply has unresolved spiritual questions about the maltreatment such as why God did not answer a prayer to stop the abuse.²²⁸

²²⁷ Donald F. Walker et al., *Changes in Personal Religion/Spirituality During and After Childhood Abuse: A Review and Synthesis*, 1 PSYCHOL. TRAUMA: THEORY, PRAC. & POL'Y 130 (2009); Amy Russell, *The Spiritual Impact of Child Abuse & Exploitation*, 45(3) CURRENTS IN MISSION & THEOLOGY 14 (2018).

²²⁸ Victor Vieth & Pete Singer, *Wounded Souls: The Need for Child Protection Professionals and Faith Leaders to Recognize and Respond to the Spiritual Impact of Child Abuse*, 45(4) MITCHELL HAMLINE L. REV. 1213 (2019).

As an illustration of the profound spiritual questions a survivor may pose, consider these inquiries from a victim:

Why did God let me suffer the agonies of [child abuse]? Why did God not intervene when I cried out to him night after night for relief? I have imagined at times my guardian angel pulling on God's sleeve and saying "Don't you hear little Wesley? Don't you see his pitiful tears? Can't you do something to deliver him from this monstrous evil?"²²⁹

In addition to teaching this research to clergy and lay audiences, instruction on ministering to child and adult survivors of abuse should be a staple course at Menlo.²³⁰ This instruction must include the coordination of pastoral care with evidence-based medical²³¹ and mental health care.²³² Consistent with research, the most effective learning would include experiential exercises in which students practice their skills in hypothetical cases.²³³

2. Responding to a child maltreatment crisis

When churches respond to an outcry of abuse, they are often ill-equipped to manage the need to cooperate with investigators, respond to inquiries from parents and the media, to minister to actual or potential victims, and to determine the timing and scope of any interactions with an accused offender. Addressing these issues long in advance will increase the chance a congregation will respond appropriately.²³⁴ Some of this involves advance policy development, which is discussed elsewhere in this Report, but training in which participants receive hypothetical cases and then respond to the case and are critiqued on their work can be especially effective.²³⁵

²²⁹ WESS STAFFORD, *TOO SMALL TO IGNORE: WHY THE LEAST OF THESE MATTER MOST* 158 (2007).

²³⁰ See generally ANDREW J. SCHMUTZER, *THE LONG JOURNEY HOME: UNDERSTANDING AND MINISTERING TO THE SEXUALLY ABUSED* (2011).

²³¹ Victor I. Vieth, *Coordinating Medical and Pastoral Care in Cases of Child Abuse and Neglect*, 45(3) CURRENTS IN THEOLOGY & MISSION 27 (2018).

²³² Pete Singer, *Coordinating Pastoral Care of Survivors with Mental Health Providers*, 45(3) CURRENTS IN THEOLOGY & MISSION 31 (2018). The American Psychological Association has published two treatises to assist clinicians in addressing the spiritual impact of child abuse and other trauma. See SPIRITUAL INTERVENTIONS IN CHILD AND ADOLESCENT PSYCHOTHERAPY (Donald F. Walker & William L. Hathaway, eds., 2013); DONALD F. WALKER ET AL., *SPIRITUALLY ORIENTED PSYCHOTHERAPY FOR TRAUMA* (2015).

²³³ Victor I. Vieth, Betsy Goulet, Michele Knox, Jennifer Parker, Lisa B. Johnson, Karla Steckler Tye, & Theodore P. Cross, *Child Advocacy Studies: A National Movement to Improve the Undergraduate and Graduate Training of Child Protection* 45(4) MITCHELL HAMLINE L. REV. 1129, 1151-1153 (2019).

²³⁴ Basyle J. Tchividjian, *Responding with Excellence to an Allegation of Sexual Abuse Within the Church*, 45(3) CURRENTS IN THEOLOGY AND MISSION 41 (2018).

²³⁵ See, e.g., Guillaume Alinier et al., *Effectiveness of Intermediate-fidelity Simulation Training Technology in Undergraduate Nursing Education*, 54 J. ADVANCED NURSING 359, 360 (2006); Jan Horwath & Cath Thurlow, *Preparing Students for Evidence-based Child and Family Field Social Work: An Experiential Learning Approach*, 23 SOC. WORK EDUC. 7 (2004); Victor I. Vieth, Betsy Goulet, Michele Knox, Jennifer Parker, & Lisa B. Johnson, *Child*

3. Understanding and responding to the needs of boys and men impacted by abuse

When boys experience child abuse, there are unique dynamics of which faith leaders need to be aware. Boys tend to delay their disclosure longer than girls, with one study finding that 44% of boys delayed disclosing abuse for more than twenty years.²³⁶ There are many reasons for this delay, including a desire not to be labeled weak, a fear of being labeled gay, and a fear parents and others will not understand.²³⁷

When boys or men do disclose, clergy are among the first to receive these reports.²³⁸ This is because there are fewer barriers to speaking with clergy than a mental health provider, and in rural areas, there is often a scarcity of mental health resources for male survivors of abuse.²³⁹ Adult male survivors of abuse often avoid critical health care, such as heart and prostate care, out of fear a medical provider will trigger a memory of abuse or otherwise not respond sensitively to their history of trauma.²⁴⁰

Understanding these and other dynamics can improve a church's sensitivity to boys and men impacted by abuse and improve the quality of pastoral care and other services to male victims.

4. Prevention of child maltreatment workshops

There are numerous educational opportunities for a church to help prevent child maltreatment. Some of these can be as simple as educating staff, volunteers, and parishioners on how to intervene if a parent appears to be on edge or concerned they may strike a child.²⁴¹ There are multiple, evidence-based prevention programs that are free and could be given to parents as resources.²⁴² If Menlo adopts our recommendation to hire a Child Protection Director, looking for and providing these opportunities to parents can become a regular occurrence within the church and a powerful resource for the community as a whole.²⁴³

Advocacy Studies (CAST): A National Movement to Improve the Undergraduate and Graduate Training on Child Protection Professionals, 45 MITCHELL HAMLINE LAW REVIEW 1129, 1151-1154 (2019).

²³⁶ Sylvie Parent & Joelle Bannon, *Sexual Abuse in Sport: What About Boys?*, 34 CHILD ABUSE & NEGLECT 354 (2012).

²³⁷ Id.

²³⁸ Scott D. Eaton, *Disclosure of Child Sexual Abuse Among Adult Survivors*, 41 CLINICAL SOCIAL WORK JOURNAL 344 (2013).

²³⁹ Christopher D. Anderson, *Improving the Response to Male Sexual Abuse: A Primer for Communities of Faith*, 45(3) CURRENTS IN THEOLOGY & MISSION 45 (2018).

²⁴⁰ Les Gallo-Silver, Christopher M. Anderson, & Jaime Romo, *Best Clinical Practices for Male Adult Survivors of Childhood Sexual Abuse: "Do No Harm"*, 18(3) THE PERMANENTE JOURNAL 82 (2014).

²⁴¹ Elizabeth T. Gershoff, *No Hit Zones*, ENDING THE PHYSICAL PUNISHMENT OF CHILDREN: A GUIDE FOR CLINICIANS AND PRACTITIONERS 145-154 (E. T. Gershoff & S. J. Lee, eds., 2020).

²⁴² For instance, the "Play Nicely" training from Vanderbilt Children's Hospital is free, online, and offered in multiple languages: <http://playnicely.vueinnovations.com> (last visited August 26, 2021).

²⁴³ Alison Feigh, *In the Footsteps of Mary and Joseph: The Role of Adult and Child Education in the Prevention of Abuse*, 45(3) CURRENTS IN THEOLOGY AND MISSION 23 (2018).

5. Understanding and working with adult sex offenders

Menlo has a “registered sexual offender policy” in which a registered offender must “check-in” with a “designated point person,” who will ensure compliance with the terms of the offender’s participation in church activities and to “provide pastoral care.” In order to provide pastoral care for a convicted sex offender, it is critical to train these “designated point persons” and others providing pastoral care with basic information about adult sex offenders, including the etiology or cause of sexual offending, the typologies of sex offenders, and what research tells us about female offenders.²⁴⁴

The training must address the research on sex offenders who have sought children within a faith community and have incorporated religious or spiritual themes in the abuse of these children.²⁴⁵ A particular emphasis should be placed on evidence-based treatment of offenders and how the church can coordinate pastoral care to support and not unwittingly undermine the work being done in treatment.²⁴⁶

6. Recognizing and responding to developmentally appropriate and inappropriate sexual behaviors of children

A concerned parent approaches a youth leader at church because she is unsure what to make of her kindergartner touching the genitals of his baby brother. A youth minister overhears a teenager in a Bible class making explicit jokes about sexual assaults with his friends. A Sunday School teacher walks into a girl’s bathroom and discovers a 7-year-old girl intimately touching a 5-year-old girl. A parent contacts a church and says that when her son was 13 years old, he sexually abused his five-year-old sister and was adjudicated delinquent. However, the child is 17, has not re-offended, successfully completed court-ordered treatment, and would like to participate in various youth activities at church. She is wondering if this can be done without notifying the other children in the youth activities or the parents of these children. She is worried that if other children know, her son will be bullied and will not want to participate.

With some modifications, these are all examples of actual cases churches and other youth serving organizations confront.²⁴⁷ When churches encounter cases such as these, they are often unsure how

²⁴⁴ For an overview of these issues, see Theodore P. Cross, Victor Vieth, Amy Russell, & Cory Jewell Jensen, *Adult Sex Offenders Against Children: Etiology, Typologies, Investigation, Treatment, Monitoring, and Recidivism*, HANDBOOK OF INTERPERSONAL VIOLENCE ACROSS THE LIFESPAN (Robert Geffner et al., eds., 2021).

²⁴⁵ Victor I. Vieth, *What Would Walther Do? Applying Law and Gospel to Victims and Perpetrators of Child Sexual Abuse*, 40 JOURNAL OF PSYCHOLOGY & THEOLOGY 255 (2012).

²⁴⁶ Cory Jewell Jensen, *Understanding and Working with Adult Sex Offenders in the Church*, 45(3) CURRENTS IN MISSION & THEOLOGY 36 (2018); Victor I. Vieth, *Ministering to Adult Sex Offenders: Ten Lessons from Henry Gerecke*, 112 WISCONSIN LUTHERAN QUARTERLY 208 (2015); Justin Smith, *Characteristics and Typologies of Sex Offenders: Understanding Abusers and the Risks they Pose*, THE LONG JOURNEY HOME: UNDERSTANDING AND MINISTERING TO THE SEXUALLY ABUSED (Andrew J. Schmutzer, ed., 2011).

²⁴⁷ Victor I. Vieth, *Recognizing and Responding to Developmentally Appropriate and Inappropriate Sexual Behaviors of Children: A Primer for Parents, Youth Serving Organizations, Schools, Child Protection Professionals, and Courts*, HANDBOOK OF INTERPERSONAL VIOLENCE ACROSS THE LIFESPAN (Robert Geffner et al., eds., 2021); Victor I.

to respond and, as a result, they may ignore concerning behaviors and overreact to sexual behaviors that are developmentally appropriate. Accordingly, some training on this topic may benefit pastoral care workers, staff, and volunteers working with children, parents, and other congregants.

H. Modify Menlo's Registered Sex Offender Policies

In one study of 3,952 male sex offenders, 93% described themselves as religious.²⁴⁸ An offender may, of course, attend church out of a desire for the comforts of religion—forgiveness of sins, a sense of belonging, and participation in the sacraments. Some offenders, though, may find it advantageous to attend worship services in the hope of re-offending.

One study found that sex offenders who grew up in the church and who maintained significant involvement with their faith community “had more sexual offense convictions, more victims, and younger victims.”²⁴⁹ According to sex offender treatment provider Anna Salter, “If children can be silenced and the average person is easy to fool, many offenders report that religious people are even easier to fool than most people.”²⁵⁰

In the words of one man convicted of sexually abusing children:

I consider church people easy to fool...they have a trust that comes from being Christians...They tend to be better folks all around. And they seem to want to believe in the good that exists in all people...I think they want to believe in people. And because of that, you can easily convince, with or without convincing words.²⁵¹

The Effectiveness of Treatment and Recidivism Rates of Sex Offenders

Although many convicted sex offenders have received treatment, an exhaustive review of peer reviewed studies “finds no convincing evidence of a positive effect of treatment of sexual offenders for reducing re-offending. There is some evidence in lower-quality studies for a positive effect, but

Vieth, *Recognizing and Responding to Developmentally Appropriate and Inappropriate Sexual Behaviors of Children*, 45(3) CURRENTS IN MISSION & THEOLOGY 50 (2018).

²⁴⁸ GENE G. ABEL & NORA HARLOW, THE STOP CHILD MOLESTATION BOOK: WHAT ORDINARY PEOPLE CAN DO IN THEIR ORDINARY LIVES TO SAVE THREE MILLION CHILDREN 39 (2001).

²⁴⁹ Donna Eshuys & Stephen Smallbone, *Religious Affiliations Among Adult Sexual Offenders*, 18 SEXUAL ABUSE: A JOURNAL OF RESEARCH AND TREATMENT 279 (2006); Philip Firestone, Heather M. Moulden, & Audrey F. Wexler, *Clerics Who Commit Sexual Offenses: Offender, Offense and Victim Characteristics*, 18 JOURNAL OF CHILD SEXUAL ABUSE 442 (2009).

²⁵⁰ ANNA SALTER, PREDATORS 28 (2003).

²⁵¹ ANNA SALTER, PREDATORS 29 (2003).

only for lower-risk offenders. When the review is limited to high-quality studies, there is no effect of treatment at all.”²⁵²

In terms of the actual recidivism of those convicted of sexually abusing children, the chapter for the Sexual Offender Management and Assessment Initiative of the federal Office for Justice Programs provides a balanced approach.²⁵³ This chapter cites studies with a recidivism rate of 4.1% to 13% of offenders released from prison but notes that longer follow up periods involve higher recidivism rates with a re-offense rate as high as 23% for a follow up period of 15 years.²⁵⁴ In one study, a follow up period of 30 years involved a recidivism rate as high as 35%.²⁵⁵

Whatever the actual rate of recidivism is, we know these rates are likely *underestimates* of the actual risk.²⁵⁶ This is because:

Recidivism rates are calculated based on records of arrest, conviction, and incarceration, but research has shown that most sexual assault is not reported, and many cases reported to the police do not result in arrest.²⁵⁷

When an offender targets pre- or non-verbal children or children with disabilities that impair their ability to testify or otherwise communicate about crimes committed against their bodies, these cases are particularly challenging to investigate or prosecute.²⁵⁸ Accordingly, these cases “are likely to be underrepresented in any recidivism study.”²⁵⁹

²⁵² Theodore P. Cross, Victor Vieth, Amy Russell, & Cory Jewell Jensen, *Adult Sex Offenders Against Children: Etiology, Typologies, Investigation, Treatment, Monitoring, and Recidivism*, HANDBOOK OF INTERPERSONAL VIOLENCE ACROSS THE LIFESPAN 13 (R. Geffner et al., eds., 2021). Harry M. Hoberman, *Forensic Psychotherapy for Sexual Offenders: Has its Effectiveness Yet Been Demonstrated?*, SEXUAL OFFENDING (A. Phenix & H.M. Hoberman, eds., 2016).

²⁵³ Theodore P. Cross, Victor Vieth, Amy Russell, & Cory Jewell Jensen, *Adult Sex Offenders Against Children: Etiology, Typologies, Investigation, Treatment, Monitoring, and Recidivism*, HANDBOOK OF INTERPERSONAL VIOLENCE ACROSS THE LIFESPAN 19 (R. Geffner et al., eds., 2021). R. Pryzbalski, *Adult Sex Offender Recidivism*, in U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (ed), SEX OFFENDER MANAGEMENT ASSESSMENT AND PLANNING INITIATIVE (2017).

²⁵⁴ Theodore P. Cross, Victor Vieth, Amy Russell, & Cory Jewell Jensen, *Adult Sex Offenders Against Children: Etiology, Typologies, Investigation, Treatment, Monitoring, and Recidivism*, HANDBOOK OF INTERPERSONAL VIOLENCE ACROSS THE LIFESPAN 19 (R. Geffner et al., eds., 2021).

²⁵⁵ *Id.* at 19.

²⁵⁶ *Id.* at 19-20.

²⁵⁷ *Id.* at 20.

²⁵⁸ Theodore P. Cross, Victor Vieth, Amy Russell, and Cory Jewell Jensen, *Adult Sex Offenders Against Children: Etiology, Typologies, Investigation, Treatment, Monitoring, and Recidivism*, HANDBOOK OF INTERPERSONAL VIOLENCE ACROSS THE LIFESPAN 20 (R. Geffner et al., eds., 2021).

²⁵⁹ *Id.*

Management of Sex Offenders

In the absence of *effective* treatment and the weaknesses in measuring recidivism rates, a number of experts contend that management of sex offenders may be the best recourse for preventing future crimes and additional victims.²⁶⁰ As one peer-reviewed chapter notes, “While the risk of recidivism is clearly less than it sometimes has been portrayed, it is large enough that it justifies investing in effective management” of offenders and “a healthy degree of vigilance.”²⁶¹

Menlo Policy on Sex Offender Management

Since 2017, Menlo has had a policy of managing convicted and registered sex offenders. Since that time, though, Menlo has had only one “self-identified”²⁶² sex offender who signed a limited access agreement (which we were provided). Menlo’s one-page policy states “registered sex offenders are allowed to attend” but “must first notify church leadership and comply with church policies.”²⁶³

When Menlo is notified, the church states the following steps are taken:

1. A new file on the individual is created. All official information obtained and documented conversations are added to the file. The file is held by the Pastor of Campuses.
2. After being notified, Menlo Church is to obtain criminal records of the individual in order to be knowledgeable of the person’s criminal background.
3. Security team and staff leaders at that campus/location are informed.
4. The individual must check in with a point person every time they attend.
5. While the individual is on church grounds, a designated person is to have eyes on the individual while attending and until they leave the property.
6. The individual is never permitted to enter spaces designated for kids.
7. The individual is never permitted to volunteer with kids or students in any capacity.
8. Menlo Church is to contact insurance and confirm that proper coverage exists with every risk exposure added.

²⁶⁰ Harry M. Hoberman, *Forensic Psychotherapy for Sexual Offenders: Has its Effectiveness Yet Been Demonstrated?*, SEXUAL OFFENDING (A. Phenix & H.M. Hoberman, eds., 2016).

²⁶¹ Theodore P. Cross, Victor Vieth, Amy Russell, & Cory Jewell Jensen, *Adult Sex Offenders Against Children: Etiology, Typologies, Investigation, Treatment, Monitoring, and Recidivism*, HANDBOOK OF INTERPERSONAL VIOLENCE ACROSS THE LIFESPAN 21 (R. Geffner et al., eds., 2021).

²⁶² If Menlo relies on convicted offenders to “self-identify,” very few will be detected. Accordingly, Menlo may want to check the names of at least new congregants against public registries.

²⁶³ Menlo registered sex offender policy.

9. Regular check-ins with the individual by a designated point person. This is to provide pastoral care as well as confirm that the individual is complying with agreed-upon terms. These conversations are documented and added to the person's file.

Although there are a number of strengths to this policy, we have the following recommendations for improvement:

1. **Expand the list of those who know of convicted sex offenders**

If Menlo adopts our recommendation of hiring a Child Protection Director, they should take a lead in overseeing the management of sex offenders in coordination with the security team and appropriate personnel. This includes a determination of who, in each individual case, needs to be aware of an offender.

2. **Require all point persons to receive training**

The policy speaks of a “point person” or “designated point person” to receive “check-ins” from the offender, to “have eyes on the individual while attending and until they leave the property,” and to “provide pastoral care as well as confirm that the individual is complying with agreed upon terms.”

In order to perform these tasks successfully, the designated point person or persons must receive training on the various typologies of sex offenders,²⁶⁴ the cognitive distortions of offenders often have that minimizes or excuses their conduct,²⁶⁵ the manipulation of faith communities many offenders have engaged in,²⁶⁶ and the need to be truly vigilant. For instance, those assigned to monitor an offender must be aware that many sex offenders have violated children with other children and even adults physically present in the room.²⁶⁷ Without an understanding of how an offender can violate a child even with others in the room, an “eyes on the individual” approach is likely insufficient.

We support Menlo's desire to provide pastoral care for the offender. However, this is not a ministry suited to every member of the clergy. Accordingly, the person in the pastoral role must assess their ability for spiritual care of this kind. The pastor must be vigilant in keeping in the forefront of their

²⁶⁴ Theodore P. Cross, Victor Vieth, Amy Russell, and Cory Jewell Jensen, *Adult Sex Offenders Against Children: Etiology, Typologies, Investigation, Treatment, Monitoring, and Recidivism*, HANDBOOK OF INTERPERSONAL VIOLENCE ACROSS THE LIFESPAN 20 (R. Geffner et al., eds., 2021).

²⁶⁵ Id.

²⁶⁶ Id.

²⁶⁷ In one study, approximately 55% of convicted sex offender molested a child with other children present, nearly 24% had molested a child with another adult present, and 14% had molested a child with *both* another child and adult present. Moreover, 63% of those who had not molested a child with others present believed they would eventually have done so if they had not been arrested. Rocky C. Underwood, Peter C. Patch, Gordon G. Cappelletty, & Roger W. Wolfe, *Do Sexual Offenders Molest When Other Persons are Present? A Preliminary Investigation*, 11 SEXUAL ABUSE: A JOURNAL OF RESEARCH & TREATMENT 243 (1999).

mind the victims of the offender as a check against manipulation or minimization by the offender of their offenses. For the same reason, the pastor must thoroughly review any available records so that they can correct an offender who may lie about their conduct. The pastor must stay within their field of expertise, which is spiritual care, and not attempt to serve as a sex offender treatment provider. Instead, the pastor should require the offender to sign appropriate releases so that any pastoral care can be coordinated with the treatment provider. Given what we know about offenders' desires for "cheap grace," a pastor working with an offender should exercise caution in pronouncing forgiveness without any evidence of repentance. Lastly, the pastor must have a self-care plan to address the vicarious trauma often associated with working with any aspect of child maltreatment.²⁶⁸

3. Develop and follow a process for public notification

Working with the Child Protection Director proposed in this Report, as well as the Child Protection Committee and other interested parties, Menlo should develop a process for notifying the larger community about the existence of convicted sex offenders in the church. When properly done, public notification meetings or other processes may:

- Provide quality information to the community about offenders with whom they may intersect.
- Encourage parents to be aware that the greater danger is not the offenders known in our community but those who are unknown. This is because the latter group of offenders are operating with few checks and balances.
- Reinforce the importance of personal safety training for children, parents, and caregivers to be vigilant in creating an atmosphere where children are comfortable discussing any dangers or worries they may face.
- Protect offenders from harassment or other cruel conduct.
- Create an opportunity for survivors of abuse to share their thoughts and worries about having offenders in the community.

In a small community, revealing the name of the offender may be appropriate since, in all likelihood, nearly everyone will soon learn of the offender's presence. However, in a community as large as Menlo, many parishioners would not know the person identified as an offender or even come into contact with them. Accordingly, there will need to be a well-thought-out process for public notification. It may be as simple as a periodic update as to the number of offenders, the precautions taken with each offender, and the opportunity to learn more for those who are concerned.

²⁶⁸ These and other recommendations are detailed in Victor I. Vieth, *Ministering to Adult Sex Offenders: Ten Lessons from Henry Gerecke*, 112(3) WISCONSIN LUTHERAN QUARTERLY 208 (2015).

4. Develop written policies on working with children with sexual behavior problems

As a general rule, children with sexual behavior problems are very different from adults who engage in sexual misconduct. Very young children exhibiting concerning behaviors may have endured trauma and are in need of services. Even older children who engage in sexual misconduct resulting in a delinquency petition are significantly different than adults engaging in similar conduct. Accordingly, those working with youth need quality education about these dynamics and a process for determining how best to work with children with sexual behavior problems²⁶⁹ and to keep other children safe. Unlike adult offenders, juveniles involved in the civil child protection or juvenile court system should rarely be identified to the larger community because this serves only to increase the risk of being bullied and exhibiting additional concerning behaviors.²⁷⁰ However, parents and others need to know in advance that some knowledge about other children will not be shared with all parents or caregivers.

5. Proactively monitor sex offenders who have not been convicted

There are sex offenders who have not been convicted but for whom credible evidence exists. Perhaps an offender was charged, even convicted, but a conviction was overturned for reasons unrelated to the guilt or innocence of the offender. The recent case involving Bill Cosby illustrates a situation in which strong evidence of guilt exists, but a conviction was overturned because an appellate court did not allow his incriminating statements to be used against him. An offender may have confessed to an act of child abuse to a religious authority but the confession was suppressed through a claim on penitent privilege.²⁷¹ Perhaps an offender was never charged because the victims came forward after the statute of limitations has run its course. For instance, if several adults come forward and allege they were abused by someone in the church when they were children, should such a person be subject to limitations on their activities in the congregation? Accordingly, there needs to be a process for assessing cases such as this and, if need be, requiring these individuals to sign a limited access agreement.

²⁶⁹ Victor I. Vieth, *Recognizing and Responding to Developmentally Appropriate and Inappropriate Sexual Behaviors of Children*, 45(3) CURRENTS IN MISSION & THEOLOGY 50 (2018); Nancy D. Kellogg, *Clinical Report—The Evaluation of Sexual Behaviors in Children*, 125 PEDIATRICS 992 (2009); *Sexual Development and Behavior in Children*, THE NATIONAL CHILD TRAUMATIC STRESS NETWORK, available online at: www.nctsn.org/resources/sexual-development-and-behavior-children-information-parents-and-caregivers (last visited August 26, 2021).

²⁷⁰ Elizabeth J. Letourneau et al., *The Influence of Sex Offender Registration on Juvenile Sexual Recidivism*, 20(2) CRIMINAL JUSTICE POLICY REV. 136 (2009).

²⁷¹ See, e.g., Chris Rogers, *Testimony Allowed Against Former Pastor in Sex Abuse Case*, April 16, 2021, WINONA POST, available online at: www.winonapost.com/news/testimony-allowed-against-former-pastor-in-sex-abuse-case/article_568ofd84-bd2c-5a49-a3e4-36128c11cff5.html (last visited August 26, 2021). Victor I. Vieth, *Child Abuse and the Lutheran Confessional: A Call to Elevate Christ's Teachings on Children Above Church Traditions*, 46(3) CURRENTS IN THEOLOGY & MISSION 50 (2019).

6. Monitor those who engage in grooming or other concerning behaviors

In the course of our Assessment, we learned of individuals who have been terminated from Menlo for concerning behaviors toward children that many experts would consider evidence of grooming—conduct that is often a precursor to sexually abusing a child.²⁷² When this happens, these individuals should not only be terminated, they should be required to sign a limited access agreement (assuming they want to remain members of the church) because their behaviors pose a foreseeable risk to youth.

7. Prohibit offenders from attending services or other activities if their victims are present

In all cases, the needs of the victim should take precedent over the needs of the offender. Accordingly, a perpetrator should not be allowed to attend the same services or other activities as their victim.²⁷³ Instead, the offender should be moved to another campus at Menlo or another church. This does not mean the community is failing to address the spiritual needs of the offender. It simply means there are earthly consequences to misconduct, and an offender who is truly repentant would not want to further traumatize their victim. This rule should be added to the Menlo policies on registered sex offenders.

8. Notify other congregations if an offender moves

A sex offender may object to having to sign a limited access agreement or other conditions on their participation in church. This is particularly true if the individual has not been convicted of a crime or may not have even committed a crime but simply engaged in problematic behaviors. In these circumstances, the individual may choose to leave the church. When this happens, the danger to children at Menlo may have passed—but the potential danger to children in the next congregation is just beginning. In cases of criminal convictions and offenders who are on a registry, we see no barrier to informing another congregation of the risk should Menlo learn of where an offender may have gone. In other cases, such as the firing of an employee for boundary violations, Menlo will have to consult with its legal counsel and stay within the bounds of what is permissible. Whenever possible, though, Menlo should adhere to the Biblical mandate to warn of an impending danger.²⁷⁴

²⁷² “Grooming of a child may involve giving extra attention, gifts, or privileges to the child. Offenders may ‘touch’ a child in an innocent way to gauge a reaction and then move on to more invasive touches. They may also ‘groom’ a child’s parents by displaying kindness and creating an aura of being an upstanding person. An offender may groom an institution by doing good deeds for people in need and making an extra effort to help members of the community.” Theodore P. Cross, Victor Vieth, Amy Russell, & Cory Jewell Jensen, *Adult Sex Offenders Against Children: Etiology, Typologies, Investigation, Treatment, Monitoring, and Recidivism*, HANDBOOK OF INTERPERSONAL VIOLENCE ACROSS THE LIFESPAN 8-9 (R. Geffner et al., eds., 2021).

²⁷³ In the one case Menlo had involving a convicted sex offender, the victim was not a Menlo congregant.

²⁷⁴ E.g., Ezekiel 33:6.

I. Modify the Menlo Volunteer Application

The Menlo Application for volunteers can be found online and was most recently updated on August 12, 2021.²⁷⁵ In its current form, the application has 20 questions. Menlo requires applicants to have been part of the church for at least 6 months. This is a good policy which provides the church with an opportunity to know the volunteer a little better. The application also has several provisions consistent with recommendations from the Centers for Disease Control and Prevention for protecting children in youth serving organizations in a church.²⁷⁶ This includes asking questions about prior volunteering at Menlo or in other settings, requesting two personal references who are not related to the applicant, and asking about prior criminal offenses.²⁷⁷

However, the CDC also recommends several other provisions for an application to volunteer in a church or other youth serving organization. Consistent with the CDC guide, we would add the following provisions to the application.

1. Inform applicants about Menlo's child protection policies.

Menlo should communicate from the outset that keeping children safe is a high priority. Accordingly, applicants should be informed of the church's child protection policies in the written application.

2. Require applicants to acknowledge they have read the child protection policies

Requiring the applicants to read the child protection policies at the outset serves several purposes. First, it provides early education about the policies. Second, it may cause some who are uncomfortable with and perhaps unwilling to comply or enforce the policies to forego applying. Third, it serves as an early warning to potential offenders the church is serious about child protection. Fourth, it demonstrates to survivors of abuse and to the watching community that Menlo regards child protection a fruit of its faith (James 2:14-26). Fifth, if a volunteer violates a rule, the written acknowledgment of having read the policies may take away an excuse of not knowing of a particular provision.

²⁷⁵ Accessed at <https://menlochurch.churchcenter.com/people/forms/117128>. The application applies to all volunteers. Should Menlo adopt the recommendations in this section of the report, there may be merit in a separate application for those seeking to work with youth. Another option is an application for any volunteer role and then, if someone expresses an interest in working with children, they complete a second form with more specific questions pertinent to child protection.

²⁷⁶ SAUL J. AUDAGE, PREVENTING SEXUAL ABUSE WITHIN YOUTH SERVING ORGANIZATIONS: GETTING STARTED ON POLICIES AND PROCEDURES, CENTERS FOR DISEASE CONTROL AND PREVENTION 4-5 (2007).

²⁷⁷ Id.

3. Ask applicants if they have a concern with any of the child protection policies

Some volunteers may feel uncomfortable following or enforcing a child protection policy. An applicant who believes the policies are excessive or a waste of time and energy is at risk not to adhere to the policies or call out another volunteer who may be violating them. Even when a volunteer strongly supports the policies, he or she may worry they do not have the skill to confront a colleague who may be abridging a policy or perhaps they are worried about the prospect of making a child protection report. In this case, the applicant should be directed to another ministry where they do not have the responsibility of enforcing child protection policies. It is also possible, of course, that a volunteer has a concern or worry that may be rooted in a misunderstanding of the policy or that can be easily addressed.

4. Directly ask applicants additional questions about prior conduct

Although the application does alert the applicant there will be a background check and specifically asks if there is any conviction of a crime, there are additional questions that could be added. For instance, has the applicant ever been charged with a crime against a child? Has the applicant ever been investigated for an allegation of child abuse? Has the applicant ever been terminated from a job or dismissed from a volunteer position for violating child protection policies?

We would also change the language preceding the notification that the applicant will have to complete a background check. The language currently reads, “Here are a few of the legal questions we must ask. We take the safety and security of all of our volunteers and guests seriously!” This statement suggests Menlo is being compelled by lawyers to conduct a background check or ask about potential violations of the law. Instead, Menlo needs to convey the message that it is conducting a background check and asking other questions because protecting children is a critical part of the ministry and because Jesus will one day demand an accounting of how they cared for “the least of these” (Matthew 25:35-40).

J. Expand the Menlo Volunteer Interview Guides

Menlo has a written guide for interviewing candidates to serve with children 3 months–5th grade (what Menlo calls “Menlo Kids”) and another guide for interviewing candidates to serve 6th–12th grade (“Menlo Students”). In the interview guide for the Kids Ministry, there are a number of quality questions in the outline including some open-ended questions that may allow for a deeper understanding of the candidate’s suitability for this position. In examining child protection questions, the interview guide does require a review of the volunteer handbook and a discussion of the “two-person rule.”

The interview guide for Student Ministry²⁷⁸ also has some very good questions including, “What age group interests you the most?” and “Why do you want to work with this age group?” as well as “Do you feel that there’s anything in your life that will keep you from being an incredible Life Group Leader?” These questions are consistent with recommendations from the CDC for interviewing candidates interested in working with youth.²⁷⁹ The CDC has additional questions it believes may help in screening candidates. These additional questions may include the following:

- **How would you feel about working with a different age/sex?** According to the CDC, if “an applicant seems fixated on one age/sex, be wary. However, it may be that the applicant has experience or is gifted with working with certain age groups. Asking follow-up questions about why an applicant has a strong preference can help you determine if there is cause for concern.”²⁸⁰
- **Is there anyone who might suggest that you should not work with youth? Why or why not?** If an applicant is honest, this question may lead to information about challenges or struggles with previous interactions with youth. A hesitancy or pause in responding to the question may also indicate there were previous challenges. It may be important to note the hesitancy and simply ask “I notice you paused before answering the question. Tell me about that.”
- **Why do you want the job?** Be careful of any applicant who suggests working with children fulfills their needs. Instead, volunteers should want to serve and help children.
- **What would you do in a particular situation?** The CDC recommends the applicant be given various hypotheticals that may gauge their understanding and willingness to enforce child protection policies. For instance, an applicant could be asked what they would do if they noticed suspicious injuries on a child’s body? What would they do if a child indicated their parent had hit them? What would they do if they saw someone in the classroom removing a child from the group in violation of a child protection policy? What would they do if they saw another volunteer stroking a child’s hair? If the applicant’s answers suggest they may disregard an organization’s policies or handle a situation poorly, there is cause for concern.²⁸¹
- **What other hobbies or activities do you enjoy?** According to the CDC, the purpose of this question is to determine if the applicant has “mature, adult relationships” and “not just relationships with youth.”²⁸²

²⁷⁸ This document is titled “Menlo Students onboarding procedures/interview guide.”

²⁷⁹ SAUL J. AUDAGE, PREVENTING SEXUAL ABUSE WITHIN YOUTH SERVING ORGANIZATIONS: GETTING STARTED ON POLICIES AND PROCEDURES, CENTERS FOR DISEASE CONTROL AND PREVENTION 6 (2007).

²⁸⁰ Id. at 6.

²⁸¹ Id. at 6.

²⁸² Id.

K. Modify the “Menlo Kids Team ‘Handshake.’”²⁸³

The interview guide for the Menlo Kids Ministry discusses not only the volunteer handbook but also a written “handshake” volunteers are to sign. The written handshake is the volunteer’s pledge to “live a God-honoring life,” to “use [their] gifts for Jesus,” to “be a team player,” to “serve wholeheartedly,” and “have fun while [they] serve.” We would add to this list the pledge to refrain from physically, sexually, or emotionally abusing a child entrusted to the volunteer; to adhere to Menlo’s child protection policies; and to intervene and report any violations of Menlo’s policies by another volunteer or staff member.

L. Revise and Expand the Volunteer Handbook

Each week, more than 500 volunteers care for more than 1,000 children participating in Menlo church activities.²⁸⁴ The handbook provided to these volunteers, which was last updated in August of 2018, has several positive child protection features. This includes a strong plan for checking in and out children in these ministries and guidelines for appropriate and inappropriate touch between adults and children. There are also safety precautions in place governing the use of cell phones and the photographing of children. The handbook makes clear that no adult should ever be alone with a child and that when married couples serve together, at least one other adult must be present. This latter provision is important simply because when one party loves another party, they are more likely to miss or ignore violations of a rule. The handbook’s “discipline guidelines” makes clear that bullying is not tolerated and that physical discipline will not be allowed.

In terms of improving the guide, we have the following recommendations:

1. **The handbook must include signs of physical abuse, exposure to family violence, sexual abuse, neglect, and emotional and spiritual abuse**

In its current format, the handbook has policies to reduce the risk of a child being sexually abused within a ministry, but it does little to protect children from abuse within their homes. This is critical since the vast majority of abused children are violated by their parents or other family members.²⁸⁵ According to the National Incidence Study, 100% of neglected children are maltreated by a biological parent or a non-biological parent or partner. More than 90% of physically or emotionally abused children are maltreated by biological parent or non-biological parent or partner. With respect to

²⁸³ For the Students Ministry, volunteers must sign a Menlo Students Covenant along with its “Appropriateness Guidelines,” which are discussed later in this report.

²⁸⁴ Menlo Kids Volunteer Handbook, p. 7.

²⁸⁵ UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOURTH NATIONAL INCIDENCE STUDY OF CHILD ABUSE & NEGLECT (NIS-4) (2010).

sexually abused children, 60% are violated by a biological parent or non-biological parent or partner.²⁸⁶

If the goal is to protect children from abuse, the Menlo handbook must include information volunteers can utilize in recognizing signs of abuse. As a starting point, we provide below potential signs of various forms of abuse. Much of the language which follows could easily be added into the Menlo handbook.

Physical Abuse

Children are typically forward-moving explorers. Small children, early on, develop a parachute reflex which causes their hands to instinctively move forward to break a fall. Accordingly, typical injuries are found on the front, bony parts of the body such as hands, knees, shins, and elbows.

When children are being physically abused, injuries may be found on the head, buttocks, or legs. Many injuries will not be evident on the outside of the body, but the abuse may have caused internal injuries.

Signs of physical abuse may include the following:

- Frequent injuries
- Unexplained bruises, welts, or cuts
- Patterned injuries – imprints of hands or belts or other objects
- Injuries behind the ears
- Whip marks
- Bite marks
- Ligature marks at the wrists or ankles
- Defensive wounds on hands or forearms
- Clothing inappropriate for the weather that covers up skin to hide injuries
- Child is perpetually watchful or on alert
- Child shies away or flinches when touched

²⁸⁶ Id.

Exposure to Family Violence

Even if children are not the direct recipient of blows, there is significant risk to exposing them to violence. When children regularly see parents or others hurt one another, this conduct can impact them throughout their life. We have provided below a chart listing behaviors often found in children growing up in violent homes or other environments.

	Infants	Preschool Age	School Age	Adolescent
Behavioral	<ul style="list-style-type: none"> Fussy Decreased responsiveness Trouble sleeping Trouble eating 	<ul style="list-style-type: none"> Aggression Behavior problems Regressive behavior Yelling, irritability Trouble sleeping 	<ul style="list-style-type: none"> Aggression Conduct problems Disobedience Regressive behavior 	<ul style="list-style-type: none"> Dating violence Delinquency Running away Truancy Early sexual activity
Social		<ul style="list-style-type: none"> Trouble interacting with peers Stranger anxiety 	<ul style="list-style-type: none"> Few and low-quality peer relations 	<ul style="list-style-type: none"> Dating violence (victim or perpetrator) Increased risk for teen pregnancy
Emotional/ Psychological	<ul style="list-style-type: none"> Attachment needs not met 	<ul style="list-style-type: none"> Fear/anxiety, sadness, worry PTSD Negative affect Feeling unsafe Separation anxiety 	<ul style="list-style-type: none"> Somatic complaints Fear and anxiety, depression, low self-esteem, shame PTSD Limited emotional response 	<ul style="list-style-type: none"> Substance abuse Depression Suicidal ideation PTSD Feeling rage, shame Unresponsiveness
Cognitive	<ul style="list-style-type: none"> Inability to understand 	<ul style="list-style-type: none"> Self-blame 	<ul style="list-style-type: none"> Self-blame Distracted, inattentive Pro-violent attitude 	<ul style="list-style-type: none"> Short attention span Pro-violent attitude Defensive

The chart lists the behavioral, social, emotional, and cognitive characteristics of children exposed to violence. As the chart makes clear, exposing children to violence can have profound consequences.²⁸⁷

²⁸⁷ Samantha L. Wood & Marilyn Sommers, *Consequences of Intimate Partner Violence on Child Witnesses: A Systematic Review of the Literature*, 24 JOURNAL OF CHILD AND ADOLESCENT PSYCHIATRIC NURSING 223 (2011).

Accordingly, if you have any reason to believe a child is being maltreated in this way, it is critical to alert the authorities as well as church officials.

Sexual Abuse

Physical signs of sexual abuse may include the following:²⁸⁸

- Unusual lacerations or bruises
- Irritation, pain, or injury to the genital area
- Difficulty urinating
- Discomfort when sitting
- Torn clothing or bloody undergarments
- Venereal or other sexually transmitted disease
- Pregnancy

Behavioral signs of sexual abuse may include:²⁸⁹

- Sudden behavioral changes
- Nervous or hostile behaviors toward adults
- Suddenly avoiding people or situations that had been comfortable
- Sexual self-consciousness
- Acting out sexual behaviors with dolls or with child's own body

Verbal signs of sexual abuse include the following:

- Full verbal disclosure (e.g., "Mr. Smith has touched me sexually.")
- Partial verbal disclosure (e.g., "Miss Johnson kisses me in bad places.")
- Firm verbal disclosure (e.g., "Joey put his mouth on my private parts and wouldn't stop even when I told him he should quit.")
- Tentative verbal disclosure (e.g., "My Dad might have done something to me he should only do with Mommy. I'm really scared to talk about it.")

²⁸⁸ These signs do not definitively prove a child was sexually abused; they are simply indicators of the possibility.

²⁸⁹ There may be other explanations for these behavioral changes. Still, they are behaviors that should be noted and, if a child discloses sexual abuse, these behaviors should be shared with any authorities investigating a concern about abuse.

Other examples of partial or tentative disclosures may include:

- “____ does things to me when we’re alone.”
- “I don’t like to be alone with____.”
- “_____ fooled around with me.”
- “I don’t like to hug _____.”

Neglect

Signs of neglect may include a child who:

- Begs for, steals, or hoards food
- Frequently complains of hunger
- Lacks appropriate clothing for the weather
- Has an untreated illness, injury, health issue (e.g., unfilled cavity), or educational need
- Has broken or missing eyeglasses, hearing aids, or other necessary equipment
- Has an unmet need for eyeglasses, hearing aids, dental care, medical attention, or other necessary equipment
- Stays at school outside of school hours
- Is left inappropriately unsupervised
- Abuses alcohol or drugs²⁹⁰

In some cases, poverty may result in an unmet need. In these cases, the church does not need to make a mandated report but should work with the family in accessing appropriate services to address the child’s need. If a family is unwilling to address a need even when services are offered, a report may need to be made.

It should be noted that in keeping children safe from abuse in their own home, we are also increasing the chance they will be safe within an institution such as Menlo. This is because sex offenders are adept at identifying signs of trauma and often select children who the offender regards as easy prey.²⁹¹ It is critical, then, that Menlo volunteers are skilled at identifying signs of abuse and act to

²⁹⁰ For additional signs of abuse, see the brochure “Recognizing Child Abuse and Neglect: Signs and Symptoms” published by Child Welfare Gateway and U.S. Department of Health and Human Services. *See also* BASYLE TCHIVIDJIAN & SHIRA M. BERKOVITS, *THE CHILD SAFEGUARDING POLICY GUIDE* 29-34 (2017).

²⁹¹ Victor I. Vieth, *What Would Walther Do? Applying Law & Gospel to Victims and Perpetrators of Child Sexual Abuse*, 40(4) *JOURNAL OF PSYCHOLOGY AND THEOLOGY* 257, 263 (2012).

protect children in peril before an offender spots similar signs and violates the child in another context.

Emotional and Spiritual Abuse

A child suffers from emotional abuse when constantly ridiculed, blamed, humiliated, or compared unfavorably to others. A parent may completely ignore or even reject a child. In some instances, a parent may verbally terrorize a child by threatening to beat, cut, or commit other atrocities. A child can be emotionally abused when an adult provides them with alcohol, drugs, pornography, or other harmful substances or materials. It is also possible to emotionally abuse a child through unreasonable expectations in academics, athletics, or other areas.

Emotional abuse may stand alone but it often accompanies other forms of abuse and neglect.²⁹² This can happen, for example, when an adult beats a child and says the beating is because the child is stupid or ugly.

In whatever form, emotional abuse damages the child's self-esteem and can lead to developmental problems, speech delays, depression, anxiety, and multiple other conditions such as low empathy and difficulty with peers. In terms of the long-term impact on a child's physical and mental health, research concludes that emotional abuse is just as harmful, perhaps even more so, than other forms of abuse.

An often-overlooked form of maltreatment is the infliction of spiritual abuse on a child. According to dozens of studies involving more than 19,000 abused children, a large number of maltreated children suffer spiritual injuries.²⁹³ This may happen because religion was incorporated into the abuse of a child. In other cases, a spiritual injury may result because a child has unanswered questions. The child may have prayed that the abuse stop and wonders why a God who can part seas and raise the dead chooses not to stop beatings, rapes, starvation, and other atrocities.²⁹⁴

According to a number of studies, children who have been spiritually injured are often angry with God, develop a fear of dying, leave their houses of worship and, in some instances, abandon their faith tradition altogether. This same research, though, finds that when faith communities assist

²⁹² See, e.g., Penelope K. Trickett et al., *Emotional Abuse in a Sample of Multiply Maltreated, Urban Young Adolescents: Issues of Definition and Identification*, 33(1) CHILD ABUSE & NEGLECT 27 (2009).

²⁹³ Donald F. Walker et al., *Changes in Personal, Religion/Spirituality During and After Childhood Abuse: A Review and Synthesis*, 1 PSYCH. TRAUMA: THEORY, RES., PRAC. & POL'Y 130 (2009); Amy Russell, *The Spiritual Impact of Child Abuse and Exploitation: What Research Tells Us*, 45(3) CURRENTS IN MISSION & THEOLOGY 14 (2018).

²⁹⁴ Victor I. Vieth & Pete Singer, *Wounded Souls: The Need for Child Protection Professionals and Faith Leaders to Recognize and Respond to the Spiritual Impact of Child Abuse*, 45 MITCHELL HAMLINE L. REV. 1213 (2019).

children in healing from spiritual injuries, these children also do a better job of coping physically and emotionally.²⁹⁵

Volunteers and staff of Menlo must be aware of these dynamics and should report to child protection and the appropriate parties within the church if a child discloses or they witness or otherwise receive evidence of emotional or spiritual abuse.

2. The handbook should include guidance on receiving information from a child who is disclosing abuse

The handbook should give volunteers guidance on what to say and not to say should a child indicate abuse. The guidance can be as simple as stay calm, listen attentively, assure the child you believe them, document the conversation, and report the incident to the authorities²⁹⁶ and those in the church who may need to know and who can aid in keeping this child and others safe.

As one example, here is potential language giving a volunteer guidance on what to say and not to say during a disclosure.

What to do if a child discloses abuse:

- **Tell them they did the right thing by telling.** As noted by two experts, “telling someone about being abused may be the hardest decision a victimized child has ever faced.”²⁹⁷ Accordingly, avoid comments such as “you poor child,” which may reinforce the child’s image of being powerless. Instead make comments such as “you did the right thing looking for an adult,” “I’m so glad you told me,” or even “I am very proud of you.”²⁹⁸
- **Tell them you believe them.** Civil, criminal, or other investigators may ultimately assess the allegation, but we know from research that children who are believed when they first disclose develop greater resiliency later in life than children who are not believed.²⁹⁹
- **Follow-up with them.** Although the volunteer should not conduct an investigation, it is appropriate to follow up with the child and see how they are doing.
- **Assure the child/youth they are not in any trouble with you.** Many victims of abuse have been threatened with consequences if they disclose abuse and, in faith communities,

²⁹⁵ Thema Bryant Davis et al., *Religiosity, Spirituality and Trauma Recovery in the Lives of Children and Adolescents*, 43(4) PROF. PSYCH.: RES. & REV. 306 (2012).

²⁹⁶ Menlo does not currently require its volunteers to report a suspicion of abuse to the authorities but rather to staff who will make a report if need be. However, some organizations require everyone with knowledge of abuse to report to the authorities, and Menlo may want to consider taking this additional step.

²⁹⁷ BASYLE TCHIVIDJIAN & SHIRA M. BERKOVITS, *THE CHILD SAFEGUARDING POLICY GUIDE FOR CHURCHES AND MINISTRIES* 172 (2017).

²⁹⁸ Id. at 172.

²⁹⁹ Id. at 171 (2017).

they may have been told God will be angry should they disclose abuse. You cannot guarantee a child will not be blamed by their family, the extended church, or the community, but you can truthfully state the child/youth is not in trouble with you.

- **Pay attention to your body language to make sure you are not conveying a sense you are uncomfortable or unwilling to receive this information.** Although the recipient of the disclosure may be “anxious, scared, or uncomfortable,” it is important to “maintain a calm and caring tone.”³⁰⁰
- **Respect the child/youth and their disclosure.** Although the child’s disclosure may require you to contact the authorities and those within the church who can help keep the child and community safe, the child entrusted his or her experience to you. Thus, you should avoid sharing the information with those who do not need to know and, if others need to be informed, they do not necessarily need to know the details of what the child shared with you.
- **Document the child’s/youth’s actual words as well as their behaviors.** The child’s actual words and behaviors (crying, wincing with pain, head bowed, whispering) may be critical for any subsequent investigation.
- **Consider how you would respond to a disclosure before you are in a real situation.** If at all possible, access training in which you may role play your response to a child making a disclosure. Experiential training is the most effective form of education and will give you greater confidence should a child make an outcry to you.

What not to do if a child discloses abuse:

- **Do not notify the offender.** If an alleged offender is alerted about a child’s allegation, they may attempt to intimidate a child to recant an allegation, may destroy critical evidence, or pressure others not to cooperate or to mislead governmental investigators.
- **Do not conduct an investigation.** Civil child protection and criminal justice professionals are best equipped to conduct a child abuse investigation. These professionals have training in conducting forensic interviews with children, interrogating suspects, analyzing potential crime scenes, assessing laptops or other electronic data, and executing search warrants. When laypersons assume the role of the investigator, they run the risk of negatively impacting the investigation.
- **Do not avoid the child/youth after the disclosure.** If your routine brings you into contact with the child, do not change this routine. The child could sense your avoidance and assume they did something wrong in disclosing. Instead, continue to interact with the child in class or other settings so that they know they are still accepted by you and the church.

³⁰⁰ Id. at 172.

- **Do not ask leading questions or make any assumptions.** Listening to a child and getting enough information from the child to make a report is all that is necessary. It is the job of properly trained investigators to explore details and sort through whether a crime has been committed or other intervention is warranted.
- **Do not act shocked, horrified, scared, etc.** A child may share an experience of abuse at the hands of someone you know and may even know well. When this happens, you may feel shocked or otherwise have strong emotions. If, though, you communicate this sentiment to the child, they may shut down and not share critical information necessary to protect the child from future harm. Accordingly, it is important to work through our anger, shock, and sadness with someone else so that the child does not think these strong feelings are being directed at them.
- **Do not lie or make promises to the child/youth.** Do not promise to keep the child's confidence when you will likely have to share the information with authorities or other professionals necessary to keep the child safe. Similarly, do not promise the child they will be safe, since you do not know what may happen in the aftermath of the report. Perhaps the report will be screened out or the investigating agency concludes it does not have enough evidence to take concrete action. In such a situation, the child may continue to be abused.
- **Do not try to talk the child/youth out of what they are saying.** It is uncomfortable to hear a child speak of abuse and we may be tempted to say things like "Are you sure it happened that way?" or other comments that discourage a child from sharing their experience. Accordingly, pay close attention to your words but do not feel a need to fill the space. Relational ministry is about being present. Focus less on saying the right thing and focus more on honoring the child's bravery for saying anything at all.
- **Do not stand over the child/youth while they talk.** Sit next to a child or otherwise get at eye level. This reduces any feeling the child may have of an imbalance of power and better enables you to pay attention to facial expressions or other behaviors that may be relevant for any investigators.

3. **The volunteer handbook should include guidance on responding to a policy violation**

The Centers for Disease Control recommends that churches and other youth serving organizations have policies on what to do if someone violates its child protection policies such as abridging the two-deep leadership role or making a sexual comment in the presence of a child. We believe the Menlo handbook should include this guidance. At a minimum, volunteers should be instructed to intervene and stop the policy violation. If, for instance, an adult is taking a child to the bathroom unaccompanied, the behavior should be immediately stopped. Policy violations that are severe or recurrent must result in removal from activities with children or youth.

4. The volunteer handbook should explicitly prohibit sexual comments in the presence of children

There are a number of cases of sexual abuse within the Christian community in which an offender made sexual jokes, comments, or behaviors in the presence of a child they eventually abused.³⁰¹ This aspect of grooming needs to be understood and strictly prohibited. Menlo does speak of “modest” clothing, but this language can be expanded to include the behaviors and comments described above.

This does not mean that sex education or conversations about morality and healthy choices should in any way be impeded. However, crass comments or otherwise improper conduct should not be tolerated.

5. The volunteer handbook should include a prohibition or a limitation on gifts

Sex offenders may single out one or a small number of children for a gift, particularly an expensive gift (golf clubs, laptops, musical instruments, etc). If gift giving is permitted, the gifts should be nominal, given to every child, and approved by a supervisor or the Child Protection Committee or Director.

As Menlo correctly points out in its staff handbook,³⁰² the Bible instructs that “believers in our Lord Jesus Christ must not show favoritism” (James 2:1) and specifically labels favoritism within the church as a “sin” (James 2:9). If this is true, then singling out some children for a gift that other similarly situated children do not receive runs afoul of this teaching.

This does not mean Menlo cannot care for the needs of a child or family struggling with poverty or who otherwise has a special need. If the congregation wishes to help a family, there should be a committee who reviews a particular need and any gift or other assistance should come from the congregation and not a volunteer or staff member.

We also address this issue and propose a similar reform in the Menlo Staff Handbook later in this Report.

³⁰¹ Victor I. Vieth, *Suffer the Children: Developing Effective Church Policies on Child Maltreatment*, 2(1) JACOB’S HOPE 1, 3 (2011) (giving several examples of Christian leaders grooming victims with sexual comments, jokes, or behaviors).

³⁰² Id.

M. Modify the Menlo Students Appropriateness Guidelines and Leader Covenant

Prior to 2020, Menlo had “appropriateness guidelines” that had markedly different standards for staff and volunteers working with youth of the same or opposite sex. Ministry Appropriateness Guidelines revised in 2013,³⁰³ state in part:

Staff and Leaders should avoid one-on-one meetings with students of the opposite sex, unless such meetings are conducted in public, well-lit, well-populated places and under the knowing approval of Menlo Park Presbyterian Church's (MPPC) ministry leadership. For instance, Staff and Leaders will avoid one-on-one interactions with students of the opposite sex in a car, a child's bedroom, home, on the phone or prolonged internet contact. Staff and Leaders recognize that by avoiding one-on-one meetings with students of the opposite sex, Staff and Leaders reduce their exposure to the possibility of such false claims by students and perception of wrong-doing. In one-on-one interactions with students of the opposite sex, Staff and Leaders will not engage in “frontal-hugging,” kissing, tickling or lap-sitting.

In focusing on protecting youth of the opposite sex, Menlo left exposed children of the same sex as a volunteer or staff member who may have sought to harm a child. Children are abused by adults of the same sex³⁰⁴ with at least one study finding that men who targeted children of the same sex accumulated significantly more victims than those targeting children of the opposite sex.³⁰⁵ Moreover, in applying the prohibition against frontal hugging, kissing, tickling, or lap sitting only to interactions with children of the opposite sex, a would-be offender might assume such touching was permissible with a child of the same sex. The language about false allegations is also problematic and will be discussed in the discussion about the 2020 version of these guidelines.

In 2018,³⁰⁶ the appropriateness guidelines pertaining to sexual misconduct were revised slightly to state:

Staff and Leaders should avoid one-on-one meetings with students of the opposite sex, unless such meetings are conducted in public, well-lit, well-populated places and under the knowing approval of MPPC's ministry leadership.

³⁰³ High School Leader Packet, p. 3.

³⁰⁴ Philip Firestone, Heather M. Moulden, & Audrey F. Wexler, *Clerics Who Commit Sexual Offenses: Offender, Offense and Victim Characteristics*, 18 JOURNAL OF CHILD SEXUAL ABUSE 442 (2009).

³⁰⁵ Gene Abel et al., *Self-reported Sex Crimes of Non-Incarcerated Paraphiliacs*, 2 JOURNAL OF INTERPERSONAL VIOLENCE 3 (1987).

³⁰⁶ Students Ministries Leader Handbook, p. 12

For instance, Staff and Leaders will avoid one-on-one interactions with students of the opposite sex in a car, a child's bedroom, home, on the phone or prolonged internet contact. Staff and Leaders should also avoid one-on-one meetings with students of the same sex unless the relationship is sufficiently well-established. Staff and Leaders recognize that by avoiding one-on-one meetings with students, Staff and Leaders reduce their exposure to the possibility of such false claims by students and perceptions of wrong-doing. In one-on-one interactions with students, Staff and Leaders will not engage in hugging, kissing, tickling or lap-sitting.

The 2018 version of the guidelines improves on the 2013 version by making the prohibition against frontal hugging, kissing, tickling, or lap-sitting applicable to interactions with children of both sexes. It also puts some limitation of one-on-one meetings with children of the same sex unless these relationships are “sufficiently well-established.” Nonetheless, this language would give a potential sex offender significant room to groom or abuse a child of the same sex if he or she chose.

The 2020 version of the appropriateness guidelines state:

All one-on-one meetings with students will take place in public, well-lit, well-populated places and under the knowing approval of Menlo Students leadership. For instance, Staff and Leaders will avoid one-on-one interactions with students in a car, a child's bedroom, a home, on the phone or prolonged internet contact. Staff and Leaders recognize that by avoiding one-on-one meeting with students, it reduces their exposure to the possibility of false claims by students and the perception of wrong-doing. In one-on-one meetings with students, Staff and Leaders will not engage in hugging, kissing, tickling or lap-sitting.

This language is a significant improvement over prior versions in that it applies to interactions with both sexes and has some protections for all the meetings in that they must be in public places and approved by leadership.

There are a number of other appropriate provisions in this document. Leaders are instructed to make sure their dress and language sets an example for children and specifically states “nakedness is forbidden” around students. There is also a general admonition to set a good example in posting on social media and staff and leaders are “strictly prohibited” from dating middle or high school students or being alone with a student.

With respect to confidentiality, the guidelines appropriately instruct staff and leaders to “never promise to keep information a secret” since some disclosures, such as child abuse, need to be shared with others. Similarly, the policy notes that while some dangers need to be shared with parents, this

is not the case if sharing information with parents “would put the student in a more harmful situation.”

Although there are a number of solid policies in the current guidelines, we have several suggestions for improvement.

- 1. Delete or modify language about false reports**

In the sexual misconduct section of this document, it states staff and leaders “recognize that by avoiding one-on-one meetings with students, it reduces their exposure to the possibility of false claims by students and the perception of wrong-doing.” This statement may leave readers with the perception that false reports of abuse are common and that this is the primary motivation for this policy. In reality, false reports of child abuse are rare³⁰⁷ but the chance of actual cases of abuse going unreported is significant.³⁰⁸ Any statement that perpetuates the myth of a high rate of false disclosures increases the discomfort a child may have in speaking out and makes an actual offender more confident they are in an institution that can be fooled.³⁰⁹ We suggest language along these lines: “Students and staff recognize that avoiding one-on-one meetings with students reduces the risk a child will be abused within the church. It is also a witness of our faith, as we do everything we can to protect the children God has entrusted to us. Although false allegations are rare, the policy also reduces this risk.”

- 2. Revise the guidelines to clearly state what is required of both Menlo staff and volunteers in regard to reporting abuse or suspected abuse**

The guidelines state that “Menlo Staff are obligated to report to the authorities any suspicion of child abuse or neglect. We require our volunteers to share any such suspicion with staff who will immediately contact the appropriate authorities as stated under California law.” Assuming Menlo is correct that staff are mandated reporters (but not volunteers), it is nonetheless important that when the report is made, the volunteer or other party receiving the disclosure or other information be part of the team making the report. The person who did not receive the report may forget critical details or be unable to answer questions from the intake screener receiving the report. When this happens, the case is less likely to be screened in or otherwise investigated or assessed. Accordingly, the person or persons who listened to a child’s disclosure or otherwise witnessed or discovered information about abuse needs to be at least one of the parties speaking to the authorities.

³⁰⁷ JOHN E.B. MYERS, MYERS ON EVIDENCE IN CHILD, DOMESTIC AND ELDER ABUSE CASES 363-364 (2005).

³⁰⁸ See, e.g., Steven Delaronde et al., *Opinions Among Mandated Reporters Toward Child Maltreatment Reporting Policies*, 24 CHILD ABUSE & NEGLECT 901 (2000).

³⁰⁹ Victor I. Vieth, *What Would Walther Do? Applying Law & Gospel to Victims and Perpetrators of Child Sexual Abuse*, 40(4) JOURNAL OF PSYCHOLOGY & THEOLOGY 257 (2012).

N. Place additional checks on Life Group Leaders interacting with children outside of group

Menlo has long encouraged Life Group Leaders to be engaged in the lives of their students. The 2013 “High School Leader Packet” includes a document entitled “Hopes and Expectations for Leaders.” This document instructs Leaders to be “actively pursuing each kid in your group throughout the week. These students are your primary students to pour into and show Christ’s love, and that cannot be limited to Sunday nights.” Leaders were instructed to engage in contact work including “going to a sports game, taking some kids to fro-yo, calling, texting, Facebooking them or even writing a good old fashioned note.”

The document also informs Leaders that “[c]ontact work can oftentimes feel very awkward (I mean, how often do you see non-parental adults hanging out with high schoolers?), but it can take your relationship with your students to a much deeper level.” Indeed, Leaders were asked to sign an “MPPC Leader Commitments” form in which they state “I am committed to contacting students in my small group (both regular attendees and those who show up once in a blue moon) during the week, by phone, letter, email, Facebook, smoke signal, telegraph, or Pony Express.”

The 2018 and 2020 version of the “Leader Covenant” is less forceful but states the Leader is expected to “[c]onnect with my Student Life Group weekly outside of program days.” The covenant says this can be done “[t]hrough an organized Life Group outing or gathering, football game, school lunch, text, call, etc.”

We reviewed a number of documents pertaining to Life Group Leader trainings. The documents also emphasize the importance of Life Group Leaders being active in the students’ lives outside of group. Here are examples of this emphasis:

- The module on “helping students navigate change” includes as a “next step” to “text one student who is going through a change right now and tell them you are praying for them.”
- The topic “be present/show up randomly” asks Life Group Leaders, “What are some ways that you have found success in meeting students, both Life Group students and unchurched students, outside of program or Life Group?”
- The social media module makes clear Leaders are to have appropriate content on their social media platforms because students may be following them even if they have strong security settings.
- The module on partnering with parents includes the instruction of letting parents know the Leader plans “to be present in their child’s life, both predictably at church and randomly at games, graduations and concerts.”

- The “collecting stories” module notes “If you do not have a relationship with the student, it is unlikely that they will feel comfortable opening up.”
- The module “how to lead a kid to Jesus” states that part of the job of a Life Group Leader “is to know where your students are at in their faith (or lack thereof)” and thus should make “a plan to meet with students one on one and start talking about where they are at in their faith.”
- The “how to win” module has a next step of texting “3 students and tell them you are grateful for them.”
- The module “how to be a Life Group Leader...in the summer” states that “[v]ital to being a good Life Group Leader is being reachable for your students. Make sure that as many of your students as possible can contact you via phone. The top three ways to communicate with students are text, Snapchat, WhatsApp, and the app GroupMe. GroupMe is great for kids without phones, because they can use it from a computer or iPad.”

Adolescent and teenage years are often challenging, and youth benefit from positive role models. Children who are being abused in their home or in another setting can develop resiliency through a relationship with at least one, caring adult.³¹⁰ Nurturing a child’s spirituality can also be a strong source of resilience for children who have endured trauma.³¹¹

On the other hand, if a sex offender were a group leader, Menlo’s emphasis on connecting with children outside of group could be a means for violating a child. This does not mean Menlo needs to change this emphasis, but it does mean it is important to have a number of checks and balances. Menlo’s policy that the one-on-one contacts with youth be in visible locations with others around is one check. However, we believe additional checks are warranted and recommend the following:

³¹⁰ For an overview of resilience among maltreated children, see Jean McGloin & Cathy Spatz Widom, *Resilience Among Abused and Neglected Children Grown Up*, 13 DEVELOPMENT & PSYCHOPATHOLOGY 1021 (2001).

³¹¹ Thema Bryant Davis et al., *Religiosity, Spirituality, and Trauma Recovery in the Lives of Children and Adolescents*, 43 PROF. PSYCH. RES. & REV. 306 (2012); Terry Lynn Gall, *Spirituality and Coping with Life Stress Among Adult Survivors of Childhood Sexual Abuse*, 30 CHILD ABUSE & NEGLECT 829 (2006); Jungmeen Kim, *The Protective Effects of Religiosity on Maladjustment Among Maltreated and Nonmaltreated Children*, 32 CHILD ABUSE & NEGLECT 711 (2008); Katie G. Reinhert et al., *The Role of Religious Involvement in the Relationship Between Early Trauma and Health Outcomes Among Adult Survivors*, 9 J. CHILD & ADOLESCENT TRAUMA 231 (2016); Ernest N. Jouriles et al., *Divine Spiritual Struggles and Psychological Adjustment Among Adolescents Who Have Been Sexually Abused*, 10(3) PSYCHOLOGY OF VIOLENCE 334 (2019); Tricia Gower, *Caregiver and Divine Support: Associations with Resilience Among Adolescents Following Disclosure of Sexual Abuse*, 109 CHILD ABUSE & NEGLECT (November 2020).

- 1. Document prior approval from student leadership of one-on-one meetings with students and keep a log of interactions with a youth that may not constitute a one-on-one meeting but is outside of an organized Menlo activity**

The appropriateness guidelines discussed in the previous section specifically require that “all one-on-one meetings with students” receive the “knowing approval of Menlo Students Leadership.”

However, there is not yet a paper trail documenting such approval. Accordingly, there needs to be a process where Life Group Leaders are not only seeking and getting approval for one-on-one meetings but there is a written documentation of this approval.

If Life Group Leaders are having planned interactions with youth that do not constitute a one-on-one meeting with a child (such as attending a child’s sporting event) the Life Group Leader should keep track of the times and locations of these interactions and provide this documentation to an appropriate supervisor who can check to make sure the interactions are not excessive, are not favoring some children over others, and are in appropriate settings. If the supervisor learns of additional meetings or activities that are not documented, this could be an indicator of concerning behavior and would need to be followed up on.

- 2. Have a third party periodically check with children and adults about safety**

Someone from Menlo should be assigned to periodically check in with youth and parents to make sure they are comfortable with a particular Life Group Leader and that there are no violations of the policies. This will give youth and parents an opportunity to discuss any concerns. It may also be a means by which to grow the skills of the Life Group Leader or to detect Leaders who are particularly strong.

- 3. Instruct Life Group Leaders to teach appropriate boundaries to the children they are mentoring**

Youth group leaders should not only follow policies on appropriate boundaries but explain why they are meeting in public locations or otherwise acting safely. This not only helps youth identify what safe and unsafe meetings look like, but it can be an important life lesson for youth who may themselves one day be leaders in the church.

- 4. Provide Life Group Leaders with a Menlo email address**

All group leaders, staff, and volunteers should be communicating with youth through Menlo-controlled accounts such as a Menlo email address. Those with supervisory authority can then periodically check email or other exchanges to ensure nothing suspicious is taking place. It would also more clearly alert parents of a rule violation should they see emails from a Life Group Leader that does not have a Menlo address.

O. Provide Additional Checks for Online Safety

We reviewed two documents³¹² pertaining to safety protocols for online programs, which became the norm during the pandemic. We thought the safety procedures outlined in these documents were well done and we have no additional suggestions.

We also reviewed information pertaining to the use of social media by Life Group Leaders.³¹³ Menlo instructs Leaders they do not have to “associate with students on social media” but encourages Leaders to check their privacy settings so students cannot gain access. However, for those who engage with students on social media, Leaders are encouraged to “inspire [their] students’ faith” through their postings or interactions.

There is some research suggesting that digital media interactions between a mentor and mentee “does not seem to detract from the closeness and quality of face-to-face mentoring relationships, but may actually supplement and strengthen them.”³¹⁴ At the same time, “social media use can pose risks to developing mentoring relationships” and “raises significant concerns about safety, privacy, as well as the potential for sharing inappropriate information and blurring relationship boundaries.”³¹⁵

If interactions of this kind are to be permitted, we recommend instructing Life Group Leaders to have only public comments that everyone can see as opposed to private messaging. If there is a need for direct messaging via text or another medium, another adult such as a co-Leader or parent should be copied or otherwise made aware of the interaction. If there is a need for a private conversation, such as a child disclosing abuse, the communication should be in a forum (such as a Menlo email account) where the communication is preserved and can be checked later if any safety concerns arise.

Educating parents and youth about online safety is also an important tool which can aid in keeping children safe. Simply stated, the more people trained to recognize when appropriate boundaries are being crossed, the greater the chance Menlo will be able to recognize and respond to inappropriate activity before it results in maltreatment.

P. Seize every opportunity to educate parents/caregivers about child safety

In the aftermath of the revelation concerning Individual A, Menlo provided written information to parents in the Kids and Students ministries about child safety. We approve of this practice, and we

³¹² The documents were entitled “Kids Online Safety Information” and “Students Online Program Safety Information.”

³¹³ The document we reviewed was entitled “Life Group Leader Training Topic: Social Media.”

³¹⁴ Sarah E.O. Schwartz et al., *Mentoring in the Digital Age: Social Media Use in Adult-Youth Relationships*, 47 CHILDREN AND YOUTH SERVICES REVIEW 205, 212 (2014).

³¹⁵ Id. at 206.

encourage Menlo to continue to provide this type of information. When doing so, however, always provide practical tips and education about the role of parents in child safety.

For example, Menlo sent a one-page letter to the parents of younger children (nursery–5th grade), which informs parents about the steps the church has taken to keep children safe. To the extent Menlo adopts the personal safety training recommendations previously discussed, then correspondence such as this should include at least two reminders:

- **Remind parents what they can do to keep their children safe.** The letter should remind parents of the importance of their children receiving personal safety education, that parents themselves should receive education about speaking with their children about this subject, and that parents should notify the church or authorities if they learn a volunteer or staff member is violating a child protection policy.
- **Remind parents about resources available to them should they be at risk of abusing one or more of their children.** Many cases of child abuse can be prevented simply by giving parents resources. This can be as simple as alerting them to quality resources about disciplining children without hitting them, resources available to parents who feel on edge or who may be under stress, and resources for parents who are struggling to care for their children because of financial or other difficulties.

To the parents of older youth, Menlo prepared and distributed a document entitled “Menlo Student Safety Information.” This one-page document³¹⁶ states an “adult may not drive or be alone in a car with a student unless that student is their own child. An adult may drive two or more students if granted parental permission.” To this message should be added language encouraging parents to make sure their children understand this rule and to let Menlo know if the rule is violated.

We also recommend Menlo strengthen this driving policy by requiring students to sit in the back seat of cars (if at all possible). This provision would make it more difficult for an offender to touch a child’s body undetected. We know from research that most sex offenders have touched children with other children physically present.³¹⁷ Accordingly, this slight modification would add an additional barrier to protect children.

³¹⁶ The document was apparently sent out in the aftermath of the public revelation concerning Individual A.

³¹⁷ Rocky C. Underwood, Peter C. Patch, Gordon G. Cappelletty, & Roger W. Wolfe, *Do Sexual Offenders Molest When Other Persons are Present? A Preliminary Investigation*, 11 *SEXUAL ABUSE: A JOURNAL OF RESEARCH & TREATMENT* 243 (1999).

Q. **Revise the Mexicali Leader Guide to specifically address child abuse**

This guide has a number of safety rules for staying at the assigned hotel or village. There are specific instructions for responding to an illness or injury, an assault on a student, a missing student, and various other emergencies. The guide appropriately states “Do not visit the homes of the people from the village.” Beyond this, though, there is no specific instruction on recognizing or responding to child maltreatment. It may be that many staff and volunteers have received this through another guide or training³¹⁸ but, if so, it should be reinforced here. If the adult has not received any child protection training, they should at least be required to review Menlo’s child protection policies and receive basic information on recognizing signs of abuse.

Moreover, there should be some consideration to responding to an allegation of abuse while on the trip. What would happen if a child alleged a staff or volunteer abused them while in Mexico? What if a child informed a leader that their abusive parent accompanied them on the trip? What if a child in the village informed a leader they are being abused in their home?

We recommend that the Child Protection Director and standing Child Protection Committee develop clear guidance for addressing allegations of abuse while Menlo members are on Mexicali or other mission trips. Those guidelines should cover scenarios such as those described above.

R. **Modify the Menlo Church Staff Handbook**

The Menlo Staff Handbook has a number of solid policies that address ethical misconduct, sexual misconduct, sexual harassment, and workplace violence. Employees who report misconduct are protected through a whistleblower policy. The policy applies to “all pastors, employees, Elders, deacons, teachers (paid or unpaid), volunteers, members, and lay leaders at MPPC.”³¹⁹ With respect to the child protection implications of these policies, the handbook states, “Any lay leaders or volunteers in Children’s and Student’s ministry must receive a written copy of this policy and sign an acknowledgment to agree to be bound by this policy as part of their onboarding and training process. If periodic training is delivered to a set of leaders, this policy shall be included in any training materials.”

We do, though, have several suggestions for improving this document:

³¹⁸ This is not necessarily the case, though, because Mexicali leaders may be parents, Life Group Leaders, members of the partnering Verbo Church, etc. Accordingly, it is possible that at least some of the adults attending the trip have received virtually no training on recognizing and responding to abuse.

³¹⁹ Menlo Church Staff Handbook, p. 40

- 1. Explicitly require all employees, volunteers, or other parties to report a reasonable suspicion of child abuse**

Anyone at Menlo may encounter a situation in which there is a reasonable suspicion of child maltreatment. A custodian may see something concerning when cleaning up a room where a youth activity was completed. A staff member may be at a colleague's house and witness concerning behavior. A youth could choose anyone to report an incident or history of being abused. Although state law may not make everyone a mandated reporter, some theologians believe that God requires everyone to act to protect children from abuse when there is reason to believe a child is being harmed.³²⁰ If Menlo shares this belief, making this clear in the handbook would be a strong testament. However, if Menlo chooses to embrace this belief, then every employee or volunteer will need some guidance on what is or is not a reasonable suspicion of abuse, with whom they can share their concerns, and from whom to receive direction if they are not sure.

- 2. Expand provisions on gift giving or receiving to address the issue of giving gifts to children**

The handbook informs staff that in the “course of [their] ministry, [they] may be in a position to receive gifts (both monetary and non-monetary) from people in [their] congregation...As a staff, [Menlo] take[s] the warning in James 2 about favoritism very seriously. [Menlo] never want[s] anyone from staff to appear to be favoring one member of the congregation over another. No employee should accept a gift or gratuity from any contractor, member, visitor, or other person associated with Menlo Church valued at \$25 or more.”³²¹ The handbook also has regulations pertaining to “employee gifts and celebrations.”³²²

We would expand these sections of the handbook to provide guidance on the giving of gifts to children and students. At no time should a staff member or volunteer give a gift only to one student and, in all cases, the gifts should be of a small monetary value. Gifts should also be documented and reported to the appropriate authority, such as the Child Protection Director or Committee contemplated in this report. This does not mean that if a child or their family has a significant need, the church cannot address this. When this occurs, the issue can be raised with an appropriate committee or other authority, and a gift should come from the congregation, not an individual staff member or volunteer.

³²⁰ As one seminary textbook states, “whether or not the law requires a pastor to intervene” in a case of suspected child abuse, it “is God and his Word that ultimately give pastors the right and responsibility to break confidence and protect the welfare of the person involved. Such reporting also shows love to the perpetrator as it provides the person with the best chance to come to grips with the seriousness of his or her sin, apply appropriate fruits of repentance, and avoid such sin in the future. Thus, it also shows love for future victims from being the object of another person’s sinful desires.” JOHN D. SCHUETZE, *DOCTOR OF SOULS: THE ART OF PASTORAL THEOLOGY* 272-273 (2017).

³²¹ Menlo Church Staff Handbook, p. 16

³²² Menlo Church Staff Handbook, p. 19-20.

The reason for this regulation is that those who seek to abuse children may give expensive gifts as part of grooming or to buy a child's silence.³²³ Additionally, when gifts are given to only select children or families, it can appear as favoritism and some children may question why they are not favored. It also puts a heavy burden on the receiving child, who may recognize that they were singled out (either for need or as being "special"), which can create unnecessary stress or confusion in a young person.

This modification to the handbook on the subject of gift giving should also be incorporated into the volunteer handbook (discussed previously in this Report).

3. Expand workplace violence provisions in the handbook to make Menlo a No Hit Zone

Menlo has a strong policy against workplace violence that explicitly states the church "will not tolerate intimidation, harassment, or other threats of or actual violence against its employees, volunteers, vendors or congregants."³²⁴ The policy also states "Menlo Church treats threats coming from an abusive personal relationship as it does other forms of violence" and thus encourages staff "to report safety concerns with regard to intimate partner violence."³²⁵ Victims of intimate partner violence (IPV) will be supported "by providing referrals to Menlo Church EAP and other community resources."³²⁶

We applaud the recognition of intimate personal violence and the desire to help victims. If, though, there is concern about IPV, Menlo must realize that when a family accepts or tolerates IPV, there is also a risk of child physical abuse.³²⁷ Even if a child is not the direct recipient of blows, a boy or girl witnessing violence is experiencing maltreatment that increases risks for poorer outcomes in life.³²⁸

As a further complicating factor, civil and criminal laws in the United States permit parents to hit their children as a means of discipline provided the blows are "reasonable."³²⁹ Although five decades of research finds that corporal punishment is the least effective form of discipline and elevates the risk a child will experience a number of medical and mental health conditions, proponents of hitting

³²³ "Giving gifts, showering attention and praise, taking kids for trips—all of these are part of the 'worming in' or grooming process." ANNA SALTER, PREDATORS 230 (2003).

³²⁴ Menlo Church Staff Handbook, p. 45.

³²⁵ Id.

³²⁶ Id. at 46.

³²⁷ Enrique Gracia, Christina M. Rodriguez, Manuel Martin-Fernandez, & Marisol Lila, *Acceptability of Family Violence: Underlying Ties Between Intimate Partner Violence and Child Abuse*, 35 JOURNAL OF INTERPERSONAL VIOLENCE 3217 (2017).

³²⁸ Vincent J. Felitti & Robert F. Anda, *The Relationship of Adverse Childhood Experiences to Adult Medical Disease, Psychiatric Disorders, and Sexual Behavior: Implications for Healthcare*, IMPACT OF EARLY LIFE TRAUMA ON HEALTH AND DISEASE: THE HIDDEN EPIDEMIC 77-87 (Ruth A. Lanius et al., eds., Cambridge: Cambridge University Press 2010).

³²⁹ Victor I. Vieth, *From Sticks to Flowers: Guidelines for Child Protection Professionals Working with Parents Using Scripture to Justify Corporal Punishment*, 40 WILLIAM MITCHELL LAW REVIEW 907 (2014).

children often justify the decision by contending the Bible requires physical punishment.³³⁰ Other theologians, including conservative Protestant theologians, note there is more scriptural support for the corporal punishment of adults than children, that scripture as a whole emphasizes non-corporal forms of discipline, that the modern concept of “spanking” is not found anywhere in the Bible, and that non-corporal forms of discipline are operating closer to the heart of the Biblical instruction to discipline children.³³¹

Whatever Menlo may decide about the Biblical interpretation of verses pertaining to hitting children as a means of discipline, the relationship of this practice to the physical abuse of children cannot be ignored. In the United States, a majority of substantiated physical abuse cases involve acts of corporal punishment.³³² The ACE research found that 28% of children in our country are beaten to the point of injury.³³³ Our failure to recognize and address these facts has resulted in some child physical abuse victims leaving the church.³³⁴

In 2014, Christianity Today urged the church to grapple with these issues and to recognize that many children who are beaten or killed are victimized in the name of Christ.³³⁵ The editorial board did not go so far as to say corporal punishment is prohibited in the Bible but did say it is not required—a view held by other conservative Christian scholars.³³⁶

We believe these complex issues are worthy of exploration in Bible class and other forums. If Menlo believes that hitting children is not required in the Bible, it can aid families in moving away from a

³³⁰ For example, Albert Mohler, president of the Southern Baptist Theological Seminary writes: “Does the Bible instruct parents to spank their children? The answer to that must be an emphatic, Yes. Though the words ‘spare the rod and spoil the child’ do not appear in the biblical text, the Bible makes the same point in an unmistakable way.” Albert Mohler, *Should Spanking Be Banned? Parental Authority Under Assault*, available online at: www.albertmohler.com/2004/06/22/should-spanking-be-banned-parental-authority-under-assault (last visited August 26, 2021).

³³¹ WILLIAM J. WEBB, *CORPORAL PUNISHMENT IN THE BIBLE* (2011).

³³² Adam J. Zolotov et al., *Speak Softly—and Forget the Stick: Corporal Punishment and Child Physical Abuse*, 35 AM. J. PREVENTATIVE MEDICINE 364 (2008); Sabrina Frechette, Michael Zoratti, & Elisa Romano, *What is the Link Between Corporal Punishment and Child Physical Abuse?* 30 J. OF FAMILY VIOLENCE 135 (2015).

³³³ Vincent J. Filetti and Robert F. Anda, *The Relationship of Adverse Childhood Experiences to Adult Medical Disease, Psychiatric Disorders, and Sexual Behavior: Implications for Healthcare*, IMPACT OF EARLY LIFE TRAUMA ON HEALTH AND DISEASE: THE HIDDEN EPIDEMIC 77-87 (Ruth A. Lanius et al., eds., Cambridge: Cambridge University Press 2010).

³³⁴ Victor I. Vieth, *Augustine, Luther and Solomon: Providing Pastoral Guidance to Parents on the Corporal Punishment of Children*, 44(3) CURRENTS IN THEOLOGY & MISSION 25, (2017). See also Alex Bierman, *The Effects of Childhood Maltreatment on Adult Religiosity and Spirituality: Rejecting God the Father Because of Abusive Fathers?* 44 JOURNAL FOR THE SCIENTIFIC STUDY OF RELIGION 349 (2005).

³³⁵ Editorial, *Thou Shall Not Abuse: Reconsidering Spanking*, CHRISTIANITY TODAY, January 16, 2012, available online at: www.christianitytoday.com/ct/2012/january/editorial-spanking-abuse.html (last visited August 26, 2021).

³³⁶ “Some Christians claim that passages such as Proverbs 13:24 command the corporal punishment of children, but this is not the case. While this passage allows for this form of punishment, it does not command it. What Scripture does command is that all discipline be done in love.” John D. Schuetze, *DOCTOR OF SOULS: THE ART OF PASTORAL THEOLOGY* 295 (2017).

practice that has contributed to child maltreatment. One possible means to do this is by making the Menlo campuses “No Hit Zones.”

A No Hit Zone conveys the message that no violence is permitted on the grounds. This means staff are not allowed to hit other staff. Children are not allowed to hit other children. Children are not allowed to hit their parents, and parents are not allowed to hit their children. When a risk of violence is presenting itself, staff and volunteers are taught to intervene. A growing number of hospitals and other facilities have adopted the No Hit Zone policy and have found it is supported by the community and may serve as a child abuse prevention initiative.³³⁷

S. Pursue Restorative Justice

Restorative justice is an “ethos with practical goals, among which is to restore harm by including affected parties in a (direct or indirect) encounter, and a process of understanding through voluntary and honest dialogue.”³³⁸ Although restorative justice is a concept primarily used in criminal justice systems, it can be employed in other areas in which wounds are inflicted. In all likelihood, there would need to be an outside mediator who can help facilitate conversations between those who are hurt and those who may have, perhaps unwittingly, hurt them.

1. Meeting the needs of those who are hurting

In the course of our Assessment, there were many instances in which we felt if leaders at Menlo could hear and see what we were hearing and seeing, there would be a deeper appreciation of the pain many congregants felt as a result of this situation. Similarly, congregants may benefit from learning more about the experiences of those who made critical decisions. It may be there is no interest in such a process but, if there is, working with at least one outside expert to create a path for healthy dialogue may restore a strong relationship between leaders and parishioners.

In discussing the possibility of restorative justice, one senior leader at Menlo said “that’d be amazing if we could do that at Menlo. I just think it would be really messy, and I think it’s hard for to...I don’t know, we’ve built so much. And it’s kind of like the more wealthy we get, the more you have to work to keep it kind of thing. It feels so risky, and yet it feels so important.”

³³⁷ Elizabeth T. Gershoff, *No Hit Zones*, in, *Ending the Physical Punishment of Children: A Guide for Clinicians and Practitioners* 145–154 (E. T. Gershoff & S. J. Lee eds., 2020).

³³⁸ Theo Gavrielides, *Clergy Child Sexual Abuse and the Restorative Justice Dialogue*, *JOURNAL OF CHURCH AND STATE* 1, 5 (2012).

2. Meeting the needs of those who have been hurt in the past

In our interviews, we learned of several instances of misconduct which led to individuals being removed from ministerial or other duties. Nonetheless, the wounds of those who were hurt may remain and need to be revisited. This follow-up may not necessitate restorative justice (the wronged party should decide), but a heartfelt expression of compassion and, if appropriate, an offer of assistance should be a routine part of pastoral care.

VII. Conclusion: What Might Have Been and What Could Still Be

In the interviews we conducted, there was a great deal of empathy for Individual A and a strong belief his name should not have been made public. Indeed, Daniel Lavery also expressed this sentiment, making clear in his June 28th tweet that he was acting because of the failure of the church to conduct a “robust, thorough inquiry.”

This is, perhaps, a forgotten tragedy of this case. The lack of transparency by the leaders of Menlo not only hurt the church but caused harm to Individual A. In the words of one witness:

I have mostly felt a lot of sadness about the fact that [Individual A] has felt like he's struggled with something for so long and hasn't had support and extreme sadness and anger at his dad for not providing what I think would be adequate support...And then anger at the fact that because it wasn't handled appropriately, it had to become a public scandal and just I have a lot of empathy for [Individual A] and the way that this played out and it could have gone, I think so differently.

These comments raise a number of important questions. What if Pastor Ortberg had informed other leaders in the church and a more “robust inquiry” was conducted? What would have resulted if the Elders had been more transparent and informed the community that the volunteer was someone close to Pastor Ortberg? How would the situation have been changed if the church had directly helped Individual A? Would a better response have created an environment where others struggling with an attraction to minors might have felt safe in seeking help, while affirming to the parishioners and community that the protection of children will never be compromised?

We cannot know the answers to these questions, but we do know the aftermath of the decisions that were made—a church divided with many congregants, particularly those with histories of trauma in their lives, deeply wounded.

Although the past cannot be changed, Menlo will decide its future. The Elders, the staff, the volunteers, and every congregant will decide the direction of the church going forward. We believe Menlo has the ability and resources to learn from these experiences and to grow as a result.

Most importantly, these experiences have given Menlo an opportunity to step into the suffering of its church and community by seeking to protect children from abuse and, when abuse cannot be prevented, responding in accordance with best practices. This effort will not be accomplished overnight or even fully realized in our limited time on earth. However, Menlo, as a part of a global Christian community, can steer the church toward a more trauma-informed and vigilant course that is consistent with the teachings of Christ.

“Let the children come to me,” Jesus instructed his followers (Matthew 19:14). We hope that this command of Christ will guide Menlo in the days and years to come.



Zero Abuse Project works to eliminate child sexual abuse in all of its forms. A 501(c)(3) organization, we are committed to transforming institutions to more effectively prevent, recognize, and respond to child sexual abuse. Our efforts focus on cross-disciplinary education and training, advocacy for systemic legal change, guidance for survivor support, and leadership on emerging technologies. We also recognize and address the intersection of child maltreatment and child sexual abuse.

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