



Psychiatry & Behavioral Science Section - 2015

125 **Pedophilia: A Crime or a Disease? How Should the Courts Address This Problem? A Case Study**

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After attending this presentation, attendees will have a better understanding of paraphilias, specifically pedophilia, and will also be educated on what is integral for a proper investigation of a child abuse crime.

This presentation will impact the forensic science community by presenting information by which to view pedophilia in a different light. Hopefully, proper investigation, observation, and evidence collection will be used and the accused will be evaluated via new criteria.

Pedophilia or “The Sandusky Dilemma” — This discussion in no way condones or justifies Mr. Sandusky’s actions. A very intelligent individual made the observation that an inordinate percentage of senior male (mostly) adults that were being incarcerated were accused pedophiles. These were men with no prior criminal history, who started committing this heinous crime. Why? Studies vary, but a common statistic is 42%-50% of first-time senior offenders were classified as pedophiles.

Previously, pedophilia was considered a condition that a person accepts as their sexual preference. More recently, pedophilia has been increasingly viewed as a brain disorder. Pedophilia is defined as a sexual attraction to prepubescent children generally below 13 years of age. A child molester is not necessarily a pedophile. In general, the diagnosis of a pedophilia includes intense sexual fantasies and/or involvement with a prepubescent child for six months or more, must be at least 16 years old, and five years older than the victim(s). Hebephilia, ephebophilia, and teleiphilia are the other age-related sexual preferences.

Neuroscience is the multidisciplinary study of the brain, spinal cord, and associated neurons. Neuroscientists have performed **functional Magnetic Resonance Imaging (fMRI)** sexual preference studies on the brain stem, hypothalamus, hippocampus, and the prefrontal cortex. The fMRI is a magnetic resonance imaging instrument that measures blood oxygen levels at specific sites in the body. The measurement of the blood flow and volume is known as Blood-Oxygen-Level-Dependent (BOLD) imaging.

Studies on convicts showed that when suspected senior pedophiles were shown normative sexually arousing pictures, there was a lack of activation to the hypothalamus due to low levels of blood oxygen; however, when shown similar pictures of children, the blood levels increased. “Healthy” adult males in the study had the reverse findings. In other words, deficits in the activation of the prefrontal cortex were associated with pedophilic behavior. Pedophiles had reduced reactions in the pleasure centers of the brain indicating an altered sexual interest.

Proposed possible contributors to pedophilia include: genetic predisposition, head injury, brain oxygenation issues, tumors, arteriosclerosis, and other illnesses. So, is pedophilia a crime or a disease or both? How can a disease be a crime?

In a 2008 case of child abuse, a three-and-a-half-year-old boy was taken to the hospital with injuries to his penis. The mother’s story changed. At first, she claimed that the cat scratched the child then later claimed that the injury to the penis was due a fall from the toilet in the bathroom. The doctor sutured the penis and was ready to let the child leave when a nurse pointed out other injuries on the boy’s body. The police were called and during their investigation the hospital personnel and the police took multiple pictures of the injuries on the child; however, no ruler was used to take measurements nor swabs taken to look for DNA or amylase found in saliva.

The police continued their investigation at the child’s home. When the bathroom was searched, blood splatter was found on the wall opposite the toilet and photographed, using rulers. The wall was three feet from the toilet. The boy was less than 39 inches tall. Bloody tissue was noted in the wastebasket, but not taken into evidence.

Among the injuries were two apparent bitemarks on the boy’s right leg. The mother said the boy’s five-year-old brother was the biter. With image enhancement software, the apparent bitemarks were examined and measured. The hospital had failed to notice an apparent bitemark at the base of the penis. The lesion was also examined using image enhancement software. Models were taken from the mother and boyfriend. The brother had been sent to Puerto Rico but bitemark models were obtained and included in the examination. An overlay of the models eliminated the brother and the mother, but seemed to coincide with the boyfriend.

When confronted with the evidence, the boyfriend admitted to abusing the child. He was sentenced to ten years in jail, which was suspended after three years for risk of injury to a minor. He was not charged with sexual assault because no rulers were present in the pictures. He is already out of jail and does not have to register as sex offender.



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Is he a pedophile?

Pedophilia, Blood Oxygen Level, Incarceration Modalities