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PROTECTING
OUR CHILDREN:
THE FIGHT AGAINST
MOLESTATION

NATIONAL SYMPOSIUM

100127

OCTOBER 1-4, 1984

National Symposium on Child Molestation

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**U.S. Department of Justice
National Institute of Justice**

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NATIONAL
SYMPOSIUM ON
CHILD MOLESTATION

Sponsored by
U.S. Department of Justice

Lois Haight Herrington
Assistant Attorney General

October 1-4, 1984

Contents

Opening Remarks of the Honorable Lois Haight Herrington, Assistant Attorney General	1
The Honorable Paula Hawkins, United States Senator, The State of Florida	5
Panel on "Child Molestation: The Public's Concern" — Moderated by The Honorable Lois Haight Herrington	13
Patti Linebaugh, Executive Director, Society's League Against Molestation (SLAM) — "A Family Experience"	15
Kenneth Lanning, Special Agent, Federal Bureau of Investigation — "A Complex National Problem"	23
The Honorable Norman S. Early, Jr., District Attorney, Denver, Colorado — "Prosecution and Conviction"	29
Bea McPherson, Society's League Against Molestation (SLAM) — "A Concerned Citizen's Response"	33
Donald C. Bross, J.D., Ph.D., C. Henry Kempe National Center for the Prevention and Treatment of Child Abuse and Neglect, Denver, Colorado — "Research and Prevention"	38
Discussion Period	40
Panel on "Child Victims and the Criminal Justice System" — Moderated by The Honorable Pamela Iles	44
The Honorable Pamela Iles, Judge, Municipal Court, Orange County, Laguna Niguel, California	46
William Dworin, Detective, Los Angeles, California Police Department — "Detection and the Enforcement Perspective"	47

CONTENTS

Thomas J. Dittmar, Detective, Seattle, Washington Police Department — “The First Step Towards Prosecution: System-Wide Cooperation”	51
The Honorable Don W. Weber, State’s Attorney, Madison County, Illinois — “The Van Hook Prosecution: System-Wide Cooperation”	53
Henry Plum, Assistant District Attorney, Milwaukee County Children’s Court, Milwaukee, Wisconsin — “Prosecuting A Case with a Child Witness”	59
David Lloyd, J.D., Counsel for the Division of Child Protection, Children’s Hospital National Medical Center, Washington, D.C. — “Preparing The Child’s Family for the Case”	64
The Honorable Charles B. Schudson, Circuit Court Judge, Milwaukee, Wisconsin — “The Role of the Judge in Protecting the Child Witness”	71
Discussion Period	79
Panel on “Children’s Rights Legislation” — Moderated by Dr. Marlene Young	81
Marlene A. Young, Ph.D., J.D., Executive Director, National Organization for Victim Assistance (NOVA), Washington, D.C.	82
The Honorable Carolyn H. Spears, District Court Judge, 224th District, Bexar County, San Antonio, Texas — “Implementing The Legislative Changes and Victim Rights with Regard to Children in the Court System”	84
Steve Chaney, Senior Staff Attorney, District Attorney’s Office, Fort Worth, Texas — “Video-Taping of Child Victims”	91
Catherine Ryan, Assistant State’s Attorney, Cook County, Illinois — “Children’s Rights in Illinois”	98
Roberta Moebius, Milwaukee County Children’s Court, Milwaukee, Wisconsin — “Wisconsin’s Child Victim Witness Bill of Rights”	104
Irving Praeger, Ph.D., Professor of Law, University of LaVerne, California, and, Director, Children’s Justice Center — “Children’s Rights Nationwide”	108
Panel on “Caring for the Child Molestation Victims” — Moderated by The Honorable David Armstrong	116

CONTENTS

The Honorable David Armstrong, Attorney General, Commonwealth of Kentucky	118
Sheryl Bisset Chapman, Child Protection Unit, Children's Hospital National Medical Center, Washington, D.C. — "The Hospital Role in Identifying and Treating the Victim"	118
Dr. Bruce Woodling, Chairman, Medical Protocol Committee on Sexual Assault, Ventura, California — "Diagnosing the Child Molestation Victim"	123
Dr. Theresa Foley, Assistant Professor of Nursing, University of Michigan School of Nursing, Ann Arbor, Michigan — "Case Management of Molestation Cases"	126
Linda Canfield Blick, Executive Director, Chesapeake Institute, Kensington, Maryland — "The Impact and Treatment Implications"	133
Dr. Roland Summit, Professor of Psychiatry, UCLA Medical Center, Los Angeles, California — "Critical Issues in Counseling"	139
Lucy Berliner, Sexual Assault Center, Seattle, Washington — "The Victim Counselor as Expert Witness"	148
Panel on "Education and Awareness: Our Children's Future" — Moderated by Captain John Collins	154
Captain John Collins, Sex Offense Branch, Metropolitan Police Department, Washington, D.C.	155
Catherine Lynch, Director, Advocates for Victims, Metropolitan Dade County, Miami, Florida — "Who is Helping the Child?"	156
Elaine L. Krause, Oregon Public Schools, Clackamas County, Oregon — "Programs for Kindergarten Through 12th Grade with Parental Follow Through"	161
Jayne Crisp, Director, Victim Witness Assistance Program, Greenville, South Carolina — "Instilling Caution, Not Fear"	168
Lynn Dreyer, Executive Director, Rape and Abuse Crisis Center, Fargo, North Dakota — "Working with Parents and Teachers"	174
Helen V. Howerton, Director, National Center on Child Abuse and Neglect (NCCAN), Washington, D.C. — "NCCAN Programs to Combat the Problem of Sexual Abuse"	180

CONTENTS

The Honorable Steven Schlesinger, Director, Bureau of Justice Statistics, Washington, D.C. — “Bureau of Justice Statistics Data Collection”	186
Panel on “Our Children’s Future: Public Education, Abuse Prevention and Treatment of the Offender” — Moderated by Captain John Collins	189
Jay C. Howell, Director, National Center for Missing and Exploited Children, Washington, D.C. — “Molestation as a National Problem”	191
Christopher Montanino, Detective, New York Police Department, New York, New York — “Public Awareness: A National Problem”	195
Lloyd Martin, Detective, Founder, Foundation for America’s Sexually Exploited Children, Bakersfield, California — “The Offender”	199
Dr. Ann Wolbert Burgess, Professor of Psychiatric Mental Health Nursing, University of Pennsylvania School of Nursing, Philadelphia, Pennsylvania — “Our Children’s Future”	204
Discussion Period	215
Participants	245

Opening Remarks

The Honorable
Lois Haight Herrington
Assistant Attorney General
National Symposium on
Child Molestation

During the course of both President Reagan's Task Force on Victims of Crime and the Attorney General's Task Force on Family Violence, we heard extensive testimony about an appalling crime whose victims suffer deep and devastating damage, but whose perpetrators were rarely held accountable for the harm inflicted. This crime is child molestation by someone outside the family — a crime that is perhaps the least understood and most poorly handled by our communities and our mental health and criminal justice systems.

You who have joined us here today see firsthand the human impact of this crime. It is because of your expertise and your insight that we have invited you to come together to address this urgent problem.

Children who are sexually molested suffer incalculable harm. Most often the act is committed by someone the child knows and trusts. And in fact, these children — with their unquestioning love and thirst for affection — may not even realize what has happened to them. Or, their assailant may have cunningly coerced them into secrecy, burdening them with blame and shame or fear which most often causes emotional problems years later.

As you are aware, there is so much we do not know. The statistics on child molestation reflect only the tip of the iceberg. The crime is often not discovered or reported, let alone adequately investigated, prosecuted and sentenced.

OPENING REMARKS

If the child is courageous enough to tell a parent, the parent must in turn be courageous enough to report it to the authorities. Parents wrestle with a tremendous guilt that they should somehow have protected their child better and they are usually very reluctant to report. If they do, they then see their child victimized a second time by the very system they turn to for justice.

If the crime does come to light, the child's nightmare is compounded by a harsh system which is designed for adults and which places even greater demands on an innocent youngster. Herein lies a great paradox. When children commit crimes, they are handled with care by a separate juvenile justice system offering special protections in light of their age and immaturity. Cases are usually evaluated behind closed courtroom doors. Juveniles' names, addresses and phone numbers are not released. Judges impose light sentences and take special pains to see that the youngsters receive the necessary therapy for rehabilitation. Protection of the young offender is paramount.

But when children are the innocent victims of a crime, they are offered little or no protection. They are put in an adult system which uses adult behavior as a yardstick to measure their conduct and participation. Their credibility is continually attacked — as if they would lie or fantasize about being sexually assaulted. Their competency to testify is tested with questions like "What is the difference between right and wrong?" — a conundrum that has baffled philosophers for ages. Or, "Do you believe in Santa Claus?" Of course they do, they're children.

Youngsters are subjected to repeated — albeit well-meaning — questioning by the police, doctors, nurses, family, attorneys, therapists, social workers and judges. Some must relive their horror dozens of times. Children must testify again and again — first at the preliminary hearing, then at the trial. Everytime they come into a courtroom they must face their attacker and relive the nightmare. This is not necessary and it is not right. State Court procedures must be changed so that the victim testifies only once. Preliminary hearings are important, but the child's experience should be presented by videotape or through the testimony of an adult. Also, innovative procedures at trial must be explored to protect these vulnerable young victims and to ease their passage through the system.

Under the pressure of questioning and real fear in facing their attacker, many children are unable to testify, or they recant their story, and the case is dismissed. If they survive this grueling process, in the end they may have become well-rehearsed automatons, sapped of emotion and sincerity and incapable of convincing a jury. We further compound the doubts about a child's credibility

by giving juries cautionary instructions to warn them that children are suggestible witnesses. Rather than put the child through this terrible experience, many District Attorneys do not prosecute those who molest children. If they do, the case may be continued so many times — a common defense attorney tactic — that the child's memory may fade or the families will choose to pull their children out of the system rather than see them victimized again. The District Attorney may choose to plea bargain the case to an offense that bears no resemblance to any sexual crime.

If the child and the family survive the trial, too often they must listen to the judge impose a sentence tragically inappropriate to the crime. Said one mother, "The man who molested my little girl shattered our lives. She may never truly recover. He only served 10 days in the county jail."

And many molesters never even go to jail, let alone prison. They are often sentenced to out-patient therapy, leaving them free to prey again and again in their communities. The Task Force heard of one molester who on four separate occasions was convicted and released after sexually assaulting young children. Yet psychologists and psychiatrists testified that they have no successful treatment for pedophiles.

It is my firm belief that the values of society and the seriousness with which they're held can be measured by the penalty imposed when they're violated. What then does a ten-day sentence for the rape of a child say about the youngster's place in our society? We have not held our children in very high regard.

And what can be said about a society that runs criminal history checks on those who handle its money in banks, but does virtually nothing to check the background of those who work with its children? We have no idea whether a molester is teaching in our schools, driving the bus, is the school janitor, or is the park and recreation leader. People who truly love children choose to serve them but so do molesters who flock to child-related fields where they can find easy access to their victims.

Redressing these wrongs and fighting the horror of molestation requires a concerted effort from those who deal with the crime, its victim and its perpetrator. The Victims of Crime and Family Violence task forces felt thus far the fight has been hampered by a frequent communication gap among these professionals. We must realize that child molestation is a problem for many professionals — from the doctor who discovers the abuse — to the officer who investigates the case — to the therapist who must heal the emotional effect

OPENING REMARKS

on the child. These and other experts must work together if we are going to eradicate the problem.

Bringing these various approaches to the problem together is one of the goals of this symposium. Everyone of you is here because of your exemplary accomplishments in this area. You are leaders who have truly cared for our nation's children for a long time. I know for most of you it was not easy taking the time and energy to gather here for two full days. I thank you for coming. The sharing of your experience and ideas will produce better strategies which can be spread throughout the country. We will all leave here better informed and equipped to fight this terrible problem. We will explore prevention and education methods, counseling and care for the victims as well as improving the criminal justice system's response. We will examine recent research and discuss future needs.

The other purpose of this symposium is to sound a loud and clear signal that child molestation is a serious criminal offense and will be treated as such. This is the first national symposium on the subject.

The public is becoming more aware about the true nature and scope of this horror, and their concern also presses us to act now. The previously unspeakable is being spoken, and we can ignore the problem no longer.

A good measure of the credit for activating the public's concern belongs to the courage of our keynote speaker, the Honorable Paula Hawkins, United States Senator from Florida.

Just six months ago, Senator Hawkins appeared before a symposium here in Washington, and told of her experience as a small child. She showed us that even in almost half a century, things have changed very little for our child victims. But look how much they have changed for the rest of the system.

Senator Hawkins, of course, was interested in children long before the symposium that she attended almost six months ago. She has been a key person behind the Missing Children's Act, behind children's rights legislation, behind victims of crime legislation. And I think it is without a doubt that she is known as and deserves the title of "The Children's Senator" in the United States Senate.

I am very pleased and honored to present to you today our keynote speaker, Senator Paula Hawkins, from Florida.

KEYNOTE ADDRESS

The Honorable
Paula Hawkins
United States
Senator

Statement of the Honorable Paula Hawkins United States Senator From the State of Florida

Senator Hawkins: Thank you very much. We've come a long way in a very short time, I must say. As I was listening to Lois speak, I thought it's better late than never to have this first symposium sponsored by the Justice Department. It could have happened 50 years ago; it could have happened 25 years ago; it could have happened ten years ago. But I'm glad it's happening today, at least.

I feel very privileged to address you. I think you're very special people. It takes special people like you to be willing to dedicate your lives to protecting children against the worst of crimes — child molestation.

I know the difficulty and the frustration that you encounter on a daily basis when you're fighting to protect children against abuse. My phone rings off the hook telling me that the system has not changed at all.

We only find that we're battling against ignorance, insensitivity, prejudice, and most tragically, archaic laws and procedures that are stacked against the victim.

But please continue your efforts. You are making a difference. You've made a great sacrifice today to come to our Capital to contribute to this symposium and you know more about it, probably, than a lot of us here in

Washington. And we want you to know that the United States and the abused children in this country desperately need your services.

It takes a great deal of courage for a child, or the parent of an abused child, to speak out and report the abuse. It takes courage because, despite our so-called enlightened attitude on this subject, we're still fighting the perception that somehow, being abused is the victim's fault, that they have something to be ashamed of.

Following my statement to the Third Annual Conference on Sexual Exploitation of Children six months ago, I had reporters ask me, "Now, Senator, how could you, as a United States Senator, publicly announce something so disgusting?" That was the first question in the press conference.

People later said to me, "Aren't you embarrassed that people are still referring to your coming out of the closet? Aren't you afraid that you will affect your chances of re-election?"

I can't believe that these are young media people who are still themselves locked in the Dark Ages. This is 1984. We must speak about it. People in leadership roles should speak about it so that we can set the example. I must tell you that the most rewarding part about speaking about it are the thousands and thousands of letters that I receive, even today, and constantly, from children who say, I saw you say, "Children, go talk to your parents." And you said, "Parents listen to your children." And we received telephone calls that immediately, children got up from the television, went into the kitchen and had a chat with their mothers. And the mother called me or called the police. And later we found great success in alerting the other neighbors of the dangers in that neighborhood, because a little girl who was watching that television set decided that when I commanded, "Children, speak to your parents," she got right up and went in there and said, "Senator Hawkins told me to tell you."

And several policewomen have called and said, you know, you should repeat that about once a week, because the children really watch the tube. And I know that's true, because I go to church every Sunday in my hometown and we have a Senior Sunday School and a Junior Sunday School. It's interesting to me to watch, as I sit in the back row, the little children file out to their classes, how many of them wave as they go by. And I don't know their names. It's quite a large congregation. But they know who I am and they wave, real quietly, so no one sees, as they're on their way to class.

So I'm pleased that maybe I am the Children's Senator. They've needed representation for a long time. And I disagree that it was disgusting to speak about it. I think that when I finish the book that I'm writing about all the

KEYNOTE ADDRESS

letters that came in and the number of people that come up to me — strangers, men and women, in the Senate, in the subway, in the hotels in New York, in a foreign country — and whisper in my ear, I'm so glad you spoke about something that happened to me when I was very small, I think you speak for me. And I'll say, have you told anybody about it? And they'll say no, just you. Even today, that still is the prevailing attitude.

I think that the issue being shrouded in secrecy is not healthy. Secrecy has hurt the abused child. Secrecy has helped the abuser. Only the abuser benefits when we don't talk about this issue.

Victims must speak out. They have the responsibility to bring that abuser to justice in order to protect others from abuse. But encouraging the victim to speak out and report the abuse is just the first step. We have the responsibility to promise that little child that has been abused that the administrative and the judicial system in this country will protect that child, will protect that child with justice.

Too many times I feel the scales of justice are blind. They are blindfolded to the little tots. I cannot guarantee children today that they have justice. For 50 years I've watched with interest a system that I do not believe has responded to children. Maybe today is a giant step forward. We are in the Department of Justice.

I've talked and corresponded with so many individuals who have experienced the trauma, and they still feel the pain, of being sexually abused. And it was simply exacerbated by them reporting it. So they say, why should I encourage my little girl to go through the same trauma that I went through?

Parents that have been abused and now see their children reporting it to them are hurt, they're confused, they're embittered by a legal and a judicial system that grants more protection to the accused molester than it does to that little child victim.

How can we justify the harassment and intimidation of those child victims by permitting defense attorneys to take advantage of the child's age, the confusion and the inexperience of their being able to testify in court? These are the same qualities the molester took advantage of. So it's just compounded when they go to court.

I know of too many cases where a defense attorney brutally took advantage of victims' ages to discredit their testimony, one in which the defense attorney's took advantage of the victim's learning disability to confuse her. This may be a time-honored cross-examination technique, but I think it's time we reexamined it. If we don't, we're just encouraging the child molester to prey upon the very young, the handicapped, and the helpless in this society.

How do you tell parents that the child care worker they entrusted their children to is a convicted child molester currently on probation for raping a nine-year-old, but the baby-sitting service he was operating was exempt from state regulation?

The majority of children are cared for in family-based child care, not centers. Yet, these family-based child care centers are exempt from state regulation if they care for fewer than five children at a time. This particular convicted child molester was careful to never care for more than five children at a time, and thus avoided state scrutiny.

Nonetheless, over 200 children were entrusted into his care during the two years he operated a baby-sitting service. They are still trying to discover how many of these children were abused. The only reason it was ever reported was because in that county — it happens to be Dade County, Florida — someone called me and said, “We have an outbreak of two-year-olds with gonorrhea of the mouth. Now, these children cannot tell us where it’s coming from. Senator, we’d like you to see if you can help us.”

How do you tell a parent that although criminals have a Constitutional right to a speedy trial, the abused child has no such right to speedy prosecution? These lengthy delays can result in a victim having to repeat his story over and over again, to relive the trauma, while the evidence becomes so outdated, while their little memories fade, and witnesses move away.

How do you explain to a teenager, who finally, years later, is able to talk about the abuse suffered as a child, that it’s much too late to prosecute, that the statute of limitations has already run out, even though the teenager knows the abuser is still abusing others?

That’s what happened in a Florida case recently. A father admitted that he had raped all three of these children. Now, he justified it by saying he was just teaching them about sex. Yet, he was acquitted, because he was able to convince the jury that the children were under the age of 11 at the time of the rape, and thus, the four-year statute of limitations on prosecuting him for his crime had already expired.

Why do we require proof of competency before we listen to a little child’s testimony? Why should their testimony be suspect merely because they’re tiny? If anyone has any doubt about the truthfulness of a child’s statement, all you have to do is listen to a child’s description of what occurred. That’s all it takes to convince anyone that this is no fantasy, no rehearsed speech, nothing the child could have imagined from watching even the most graphic television show.

KEYNOTE ADDRESS

Last Saturday we had Child Safety Day in Florida. John Walsh and I were there, showing the movies to the children. Digital Equipment Company has made a great movie of situation ethics — “Would you come with me, little girl, and help me find my puppy?” You push a button for yes or no. If you say “yes”, then up on the screen comes what would happen to you if you did, and why you should have another answer.

It’s a great new tool. And at the same time, I am quite convinced that we’re making great strides. We are registering children; we’re measuring their height, their age, their weight, giving them their telephone number, fingerprinting children. All of this is in case something happens to them.

And after the press conference yesterday, we know that terrible things happen to these little children, and it may even be an organized conspiracy for taking these children for pornographic and sexual purposes.

So we’re there doing preventive work all day long. And a teacher came up to me and said, “Senator, I really want to tell you I’m having a problem with the judicial system. I’ve reported a child in my class that has been abused for over five months. I report it every week to the State’s Attorney in my county and he says he does not want to get involved in a family fuss.”

This was just this past Saturday. And this is a school teacher who says now, I’m willing to go and be a witness, but the State’s Attorney doesn’t want to take this case.

Also, as we were giving out awards to those who had come forward and helped us with this, another mother wanted to see me, and she and I met with about 12 other ladies. They said that one of the children in the neighborhood had heard what I had said and she went in and told her mother about the abuse she had experienced at a neighbor’s house. That little child’s mother was like my mother. She interviewed 12 ladies on the block and found out all their children were allowed to go to this same house in the afternoon. These parents told me that they can’t get any response from the judicial system, or the protection they want. And they feel now that they won’t prosecute, even though they’ve isolated the person, because they don’t want their children to go through the ordeal, and they can’t even find an attorney that would like to represent them and get involved with 12 little children who have come forward.

I met with these mothers. They’re quite confused. They tell me, you said, let’s talk. So we gave them a lot of advice, and in fact, I think we’re going to go ahead and prosecute that case. It’s just confusing and bewildering to me why we have symposiums and why we talk nationally about the progress we’re making, and yet I go home to Orlando, Florida, and find two cases in a

matter of an hour. There were many more people that wanted to talk to me who needed help right then, on the spot, for prosecuting.

This is not to say that all individuals investigating, prosecuting and considering cases regarding sexual child abuse are unsympathetic and insensitive to the special needs of these child victims. Often they are the individuals who are clamoring the loudest and fighting the hardest for reforms within the system. Prosecutors who are frustrated in their inability to win cases of sexual child abuse because of the age of the victim, the lack of corroboration, the hearsay exceptions which aren't pertinent to the young child, have been prompted to urge judicial reforms in order to provide justice for the child victim.

Ms. Rubin, the Deputy District Attorney in Los Angeles, has testified that her office is urging the state courts and legislators to consider the needs of the child victim. And yet the legislature failed to pass the needed laws in that State of California to protect those children.

A few state legislatures have considered and adopted a few reforms. And each and every state needs to take a careful look at the current administrative and judicial system's protection or nonprotection of sexual child abuse victims, and enact the necessary reforms to protect these children.

I need your help in implementing these reforms. You are intimately involved in these cases, and you know of the legal dilemma facing the victims. I think we should form an alliance to ensure the enactment of these needed reforms. I pledge to ensure that the Federal Government will provide the necessary leadership and funding for these programs. I happen to believe that the Federal Government can and must do much more for children in this country.

During this Session of Congress we passed a strong, new Child Protection Act which strengthens obscenity laws to prevent the sexual exploitation of children. But as strong as this legislation is, I don't think it goes far enough. That's why I'm introducing legislation to include child pornography under the RICO Statute, the Racketeer Influenced Corrupt Organization Act.

I feel that it's essential that we prevent organized crime from profiting from the misery of our sexually exploited children. I am also trying to stop the importation of child pornography into the United States. I've joined my Senate colleagues in writing Queen Beatrix of Denmark and Queen Margaret of the Netherlands to ask for their cooperation and support in curbing the sexual exploitation of children. I'm going to visit both of those ladies. They're both mothers. I don't understand their not taking an active interest in this. They're the leaders of their nations. If it becomes a national issue, so be it.

KEYNOTE ADDRESS

We are not berating our friends for permitting the export of these outrageous materials. In fact, we share full responsibility for this trade. But U.S. Customs traced 85 percent of the 1,900 pieces of child pornography back to Denmark and the Netherlands. And this is the logical place to begin our efforts to curb international child pornography.

Whether these reforms are made on the state, the federal, or international level, your assistance and involvement is essential if we are to successfully protect our children. I think we can work together on this issue. For, while on some things we may disagree, on this, we must unite. There is no child's hurt beyond our healing. There is no child's need beyond our caring. And there is no child's sorrow beyond our love.

Thank you for your help.

**“CHILD MOLESTATION:
THE PUBLIC’S CONCERN”**

Moderated by
The Honorable
Lois Haight Herrington

Presentation of Panel on "Child Molestation: The Public's Concern"

Moderated by
The Honorable
Lois Haight Herrington

Mrs. Herrington: Our first panel today is "Child Molestation: The Public's Concern". Our panelists are Patti Linebaugh, Kenneth Lanning, Bea McPherson, Donald Bross and the Honorable Norman S. Early. I will introduce each one of them as they speak, and give you a little biography about each one.

Our first speaker today will be Patti Linebaugh, Executive Director of Society's League Against Molestation in Camarillo, California. Patti is the grandmother of two-and-a-half-year-old Amy Sue Seitz, who was sexually molested, tortured, raped and murdered, in 1978, by Theodore Frank, who had a 20-year history of child molestation and had been incarcerated seven times during those 20 years. He had been released six weeks prior to Amy's death in California from Atascadero State Hospital, as a model patient. There have been two appeal hearings with the California Supreme Court since the 1980 conviction, based on the argument of an invasion of privacy of the offender. But to date, there has been no decision.

Patti founded Society's League Against Molestation in February, 1980, as a result of this crime. Society's League Against Molestation, known by its acronym, SLAM, is in 43 states. I don't think I have to tell any of you of the importance of this organization, and the incredible contribution that it has in

making people aware of this terrible crime. It gives me great pleasure to introduce to you Ms. Linebaugh.

**Statement of Patti Linebaugh, Executive Director,
Society's League Against Molestation (SLAM)**

Ms. Linebaugh: Ladies and gentlemen, my name is Patti Linebaugh, and I am the founder and Executive Director of a grass roots organization called SLAM. SLAM is an acronym for Society's League Against Molestation. That's exactly why I am standing here today addressing you — as a member of society.

I am not a political activist; I am not a politician. And I am certainly not a public speaker. So if I appear a little nervous, the explanation is very simple. I am nervous. But the circumstances surrounding the abduction and death of my two-and-a-half-year-old granddaughter, Amy Sue Seitz, have left me no alternative but to stand before you and fight for the hundreds of thousands, perhaps millions, of children who are victims of sexual assault, who will suffer the same horror, the same terror, the same abuse and humiliation, and yes, perhaps even death, at the hands of the tens of thousands of child molesters that our society allows to walk free among our children.

We are responsible, because we have the authority to put an end to child molestation. But, for whatever reason, our system has chosen not to.

Let me give you a perfect example. This is a letter that was sent from Dr. A. G. Rucci, Medical Director of the Atascadero State Mental Hospital in California to the State's Attorney of Illinois regarding a so-called patient at the Atascadero facility. I believe the letter speaks for itself. And I quote:

"I am writing in regard to Mr. Theodore J. Frank, Jr. Mr. Frank has been a patient in this facility since October 22, 1974, having been committed here as a mentally disordered sex offender, following conviction for crimes against children.

"On Wednesday, July 6, 1977, Mr. Frank appeared at a disposition staffing conference and was recommended for release to the community under a leave of absence provided for mentally disordered sex offenders.

"This recommendation is based on our evaluation that Mr. Frank has recovered from his psychological problems to a degree that he no longer needs to be treated in a maximum security facility. In this sense, we consider that Mr. Frank appears to be the product of a successful treatment program. He

presents a picture at the present time of a man who has developed enough inner strength to successfully meet his needs in the community without endangering others.

"Our recommendation is to place Mr. Frank on leave, as a recognition that the ultimate success of the treatment program can only be determined when and if he is able to successfully adjust to life in the community, and no longer commit offenses against children.

"Mr. Frank's leave of absence, is, of course, contingent upon your department's wishes concerning the disposition of his charges in your county. If your department decides to drop charges against Mr. Frank, please let us know, since, as it currently stands, we could not release Mr. Frank as long as we have an active warrant in our files.

"Sincerely, A. G. Rucci, M.D., Medical Director at Atascadero State Hospital."

Theodore F. Frank, Jr., the subject of this letter, was incarcerated at Atascadero State Hospital in a typical plea bargain arrangement after being apprehended for the molestation of a four-year-old Bakersfield, California, child.

You will note that Mr. Frank was not sent to jail. He was not sent to prison. He was sent to a state mental hospital. This was the sentence handed down to a man who freely admitted to having committed 150 acts of child molestation. This was the sentence handed down to a man who had obviously, by virtue of outstanding warrants, fled Illinois to California, to avoid prosecution for those offenses. And yet, in the infinite wisdom of those people in authority, whom we trust to protect us and protect our children, Mr. Frank was sent to a hospital for his crime, and then granted an early release from the Atascadero State Hospital, because he was, in the minds of the therapists, a reformed child molester.

Let me tell you something. There is no such thing as a reformed child molester. Those of us that are here know this. Child molestation, or pedophilia, if you please, is a sexual orientation. It is not a sudden, isolated, singular impulse to commit a sex act with a child. Pedophilia is a way of life for molesters. Just as homosexuals are sexually attracted to others of the same sex, child molesters are sexually attracted to children. It is their sexual orientation, their way of life. Children are their sexual objects. They seek children out. They seduce them, or they overpower and sexually assault them.

But however they achieve it, pedophiles use children exclusively for their sexual gratification. And Theodore Frank made no secret of this fact, that he

was a child molester. Theodore Frank wrote in his journal, with his own hand, in his own words, and I quote:

"My attitude — I'm a good, clean molester. And molesting isn't as bad as masturbation. I'm a nice molester."

Less than six weeks — only six weeks — after his release from the Atascadero State Hospital, in broad daylight, Theodore Frank abducted my granddaughter, Amy Sue, from the backyard of her aunt, who was baby-sitting her. Amy Sue was two-and-a-half-years old. She was a loving, precious little girl, barely out of diapers, when Theodore Frank abducted her for nothing more than his own sadistic, perverted sexual pleasure. Yes, sexual pleasure, with a two-and-a-half-year-old girl. And as if the crime itself was not heinous enough, Theodore Frank had the audacity to write about it. This is what he wrote in regard to his abduction of children. And again, I quote:

"Children, made to order outlet for my anger and sex. Innocent, trusting, scared, vulnerable and submissive."

Those are Theodore Frank's own words.

Let me tell you, Amy didn't suffer alone. Amy's mother, Sherry, my daughter, was a victim of Theodore Frank. There are no words, no way of describing the intense, unrelenting pain and anguish we suffered every second that Amy was missing. For two days, and two nights, we, her family, experienced a living hell, not knowing where our baby was or if she was alive or dead. Did she wander off? Was she injured, lying somewhere, unable to respond to the hundreds of searchers looking for her? Was she dying a slow, agonizing death, cold and alone and frightened beyond description, at the bottom of a ravine somewhere?

Try as we did not to think the worst, even when we did, in our loneliest, most despairing moments, we never, never could have imagined what she was really suffering at the hands of Frank.

Two days later, on the morning of March 16, 1978, in a remote wilderness area, Topanga Canyon in Los Angeles County, a young boy was awakened by the loud, incessant barking of his family's two large dogs. He looked out of his bedroom window to the driveway of his home and saw two dogs tugging at and playfully circling their new found treasure — the body of my granddaughter, Amy Sue. Her body was taken to Los Angeles County Medical Examiner's office, and I was driven down there to identify her. The damage inflicted upon this innocent, defenseless infant by Theodore Frank was so extensive that I, her own grandmother, could not make a positive identification.

Her actual identification was made hours later through fingerprint comparisons. To this day, I still cannot bring myself to read the autopsy report.

But in the course of the investigation and subsequent trial of Theodore Frank, I learned some of what he did to my baby. Theodore Frank raped Amy, penetrating her, despite the fact that she was only physically two-and-a-half-years-old. He sodomized her repeatedly. He mutilated her body with a score of lateral incisions, with his knife. He strangled her. He held her submerged in icy water. He viciously, sadistically, ripped her nipples out of her flesh, with vice-grip pliers.

And then, when he was finished, when he was satisfied, he threw her body in a gully of water to die. The real horror, though, was not that Theodore Frank killed Amy Sue, but that Amy Sue was alive during the entire time she was tortured. She was alive to feel the pain of her body being ripped apart. She experienced every cut, every rip, every agonizing moment of this torture. And at only three feet tall, 36 pounds, she was completely and utterly defenseless.

These were just some of the atrocities committed by the reformed child molester — a man plea bargained into Atascadero State Hospital and released a year early, because he was a model patient.

We are not here today to determine why men such as Theodore Frank commit the crimes and atrocities they do. But sometimes the reasons are so simple and obvious that they require no explanation. Again, let me go over Frank's own writing. And I quote:

"Defile the innocent. Make them scared of sex. It is dirty. And I didn't have a happy childhood, either. Neither will they. Revenge."

For Frank, it was that simple. Theodore Frank is not mentally ill. Child molestation isn't an illness. It is a crime. Ask yourself why the very few child molesters who are apprehended and tried almost never plead insanity or diminished capacity. Why? Because they are as sane as you and I. And yet, our criminal justice system continues to treat child molestation as an illness, not a crime.

So many of our esteemed judges trying child molestation cases cannot, or will not, comprehend that a person who has sex with a child does so because he likes it, not because he's mentally ill. It's a sexual orientation, not a mental defect. But that's not good enough for many of our judges. So what do they do? They send molesters to mental hospitals to cure them. The mental hospitals can't cure them, because they are not sick to begin with. So what do the mental

hospitals do? They release them, just like Theodore Frank was released — a reformed child molester.

Just for a moment, imagine, if you will, that we live in a society where sex with children is the norm, and heterosexuality is regarded as a perversion. You, a healthy, sane man or woman are apprehended for having sex, with a healthy, sane, man or woman and sent to a mental hospital to get cured — to have your sexuality changed from heterosexuality to pedophilia. In your most far-reaching imagination, do you really think you can change your sexual orientation? No. Absolutely not. It's impossible. We send them to hospitals in the hope that they will emerge as full-fledged heterosexuals.

This nonsense has got to stop. You've got to face the facts. And we have to make our system face the facts. Child molesters are criminals — the lowest form of criminal.

And yet, the FBI, and most of our other law enforcement agencies do not even list child molestation as a crime on their indexes. And when they are listed, they are merely lumped in with all other sex offenses, like peeping toms and flashers and the like.

They list murder, rape, burglary, robbery, even car theft, but not child molestation. The sexual abuse of children is probably the most pervasive, yet most underreported of all crimes committed in this country. There are 5,000 reported molestations a week — 260,000 reported molestations per year.

But according to the best estimates available, that figure is just the tip of the iceberg. It represents a mere 10 percent of the actual number of molestations committed in the United States every year. If we assume that the FBI statistics represent only 10 percent of the actual number of molestations, we can then estimate that, possibly, there are as many as 2.5 million actual cases of child molestation each year in the United States. Two and a half million victims a year is almost an incomprehensible number, so let me put it into perspective for you. If we carved every victim's name in a granite monument like the awesome Vietnam War Memorial down the street, we'd have to construct a new monument, the same exact size as the Vietnam Memorial, every month of the year, every year of our lives. And yet, incomprehensibly, of the 2.5 million victims, perhaps less than one percent of all the perpetrators are ever brought before the criminal justice system.

Let me tell you, there is an inequity here — an inequity of gigantic proportions — an inequity and an injustice that is a crime in itself. And no

one in authority is doing a thing about it. And that's why our organization, SLAM, was born.

Theodore Frank was ultimately apprehended, six months after the torture and killing of my granddaughter, Amy Sue. He was apprehended because, in his arrogance, in his smugness, in his desire for sexual gratification with children, he committed two subsequent molestations. The victims, an eight-year-old girl and a six-year-old girl, both survived his attack and identified him. The time from Amy Sue's abduction until Theodore Frank was sentenced for her murder took two years to work its way through our judicial system. That was four years ago, and his case is still on appeal. We've had two appeal hearings in the last four years, with no decision from our California State Supreme Court. It's not over yet. And they've reversed every decision that's come before them in the case.

Theodore Frank was ultimately sentenced to death, and is currently on death row in San Quentin Prison. But the chances of Theodore Frank being executed for his crime, or even serving a life sentence, are practically nil. In another California case, a repeat molester, Rodney Acala — a coward like Frank, who brags about being friends with Frank — committed a similar crime against a young girl named Robin Samsoc and was sentenced to death, and in fact, was on death row with Theodore Frank. Several weeks ago his conviction was overturned by our California Supreme Court. And now Rodney Acala will have to be retried. The witnesses are gone. The evidence is old. The facts are muddled. The results of this new trial will be disastrous for the family of Robin Samsoc. Her mother was supposed to be here today, and because of the reversal, Mary Ann was unable to appear; so I'm speaking on her behalf, because I know what she is going through. It is conceivable that in a few months, Rodney Acala will walk out of prison a free man. And Theodore Frank is next.

My point is, Theodore Frank and Rodney Acala are not isolated aberrations. There are hundreds of molesters like Acala and Frank, and there are tens of thousands of others who, although they do not kill their victims, brutalize them to such a degree that they and their loved ones are victims for life.

As I mentioned earlier, because the crime of sexual assault against children is not taken seriously by our law enforcement agencies or judiciary, reliable statistics about this crime are hard to come by.

Consequently, for the past several years, our group, SLAM, has been trying to assemble reliable figures to demonstrate how vast this problem really is. Based on research by Dr. Roland Summit, an internationally acknowledged

expert, I can stand here and tell you today that, amazing as it may seem, one out of every three girls and an equal number of boys in the United States will be molested by the time they are 18 years old.¹

One third of all women, or approximately 38 percent, will be molested by the time they are 18 years old. Rape, incidentally, is committed against only 10 percent of adult women. I say this not to minimize the brutality of rape, but to show by comparison that child molestation, where the victim is female, is committed 250 percent more than adult rape. Out of 930 women interviewed, these startling numbers have emerged. Thirty-eight percent of the women interviewed had been molested. Twenty-nine percent were molested by a family friend or someone they knew. Of the women who experienced incestuous abuse before the age of eighteen, 24 percent were abused by their fathers.² Perhaps the saddest estimate we have is that 38 percent of all incest victims attempt suicide, and finally, the most frightening estimate we have is that 81 percent of all convicted child molesters were themselves molested as children. And that is our key.

We have got to break the chain. We've got to put an end to the vicious cycle of molester-victim, victims becoming molesters. If the chain remains unbroken, by the turn of the century, just 15 years from now, the majority of our children will become victims of a molester, and that number will rise geometrically, so that child molestation, ultimately, will become the norm in this country, not the exception. And that is the state from which we will not be able to recover.

What we must do in order to protect our children and our grandchildren is to declare all-out war on sexual child abuse. We have the strength, we have the resources, we have the system in place to do it. But what we don't have is the commitment. And that's what we're begging for — a commitment to once and for all eradicate this most loathsome crime of child sexual abuse.

We must marshal our forces, our resources, our resolve to provide education and therapy for millions of child victims already among us. We must allow them to grow into healthy, well-adjusted adults and begin to break the chain. We must stop taking the crime of child molestation so lightly, and deal with

¹ According to Dr. Roland Summit, "This figure is a conservative restatement of Diana Russell's San Francisco study finding 38 percent of women are molested by age 18. The figure for males is based on a theoretical assumption that males are molested at least as frequently as females and that they protect secrecy more vigorously than female victims."

² These figures are based on Diana Russell's San Francisco study conducted in 1984. The research findings from this study are published in Ms. Russell's book *Sexual Exploitation: Rape, Child Sexual Abuse, and Workplace Harassment*.

molesters, firmly and decisively. We must abolish all outpatient and early release programs for convicted molesters.

Let me stress, we are not against treatment and therapy for molesters. If a judge feels that a convicted molester would benefit from treatment, fine. Send him to a mental hospital for as long as necessary. But after treatment, the convicted molester should go back to prison to complete his full sentence, and not automatically be released back into the community.

We must convince every state in the Union to enact laws for mandatory, determinate prison sentences for first-time molesters: and for chronic, repeat molesters, mandatory, determinate prison sentences, 17 years to life. And most important, we must enact special laws to deal with people in special trust who violate that trust by molesting our children.

Traditionally, molesters seek out their victims precisely where children go. That is, where children congregate. So molesters very often become Little League coaches, Scout Leaders, schoolteachers, day care workers, those sorts of things. What we must do is to give those institutions and organizations the right to check the police records of people applying for positions that deal with children for prior arrest or conviction for sex offenses. In addition, with regard to people in special trust, laws should establish substantially stiffer penalties for particular people in authority who are convicted of child molestation — people like policemen, doctors, priests, judges — the people we teach our children to trust.

But most important, we've got to slam the door on repeat molesters. And we can do it if we combine forces. Molestation is not a victimless sex crime. Molesters aren't sick people in need of hospital treatment. They're not convicted. They are out walking the streets amongst us, plying their trade, victimizing the innocent and scarring them for life. And that means your child is next.

Think about it the next time you send your daughter off to ballet school, or your son off to Little League practice, or your preschooler off to a nursery school. Think about the people you are entrusting with your own children. Your children are not immune from sexual molestation. Your child is not protected. Not until you decide to do something about it.

Now for God's sake, for your children's sake, let us now rid ourselves of the ugly cancer of child molestation. We can do it. We must do it. We will do it, all of us here.

Mrs. Herrington: Our next speaker is Mr. Kenneth Lanning of the Behavioral Science Unit, Federal Bureau of Investigation. Ken is the Supervisory Special Agent assigned to this Unit at the FBI Academy in Quantico, Virginia.

He has been involved in studying deviant sexual behavior for over 12 years and has specialized in the study of sexual victimization of children for the past four years.

Agent Lanning has testified before the U.S. Attorney General's Task Force on Family Violence, the President's Task Force on Victims of Crime and the U.S. Senate on the nature of pedophilia and child pornography.

He has published articles in the FBI Law Enforcement Bulletin and is a contributing author to a book called *Child Pornography and Sex Rings*, Lexington Books, 1984. Agent Lanning has lectured before and trained thousands of law enforcement officers. He is a very good representative of the FBI and he has tremendous insight into this problem. I'm pleased to introduce Ken Lanning.

**Statement of Kenneth Lanning, Special Agent,
Federal Bureau of Investigation**

Mr. Lanning: Thank you very much. I'd like to make some brief remarks about some recent history of sexual victimization of children and public perceptions of it, talk a little bit about the scope and nature of the problem, and make a few remarks about society's attitudes about the problem.

I'm going to talk more about the recent history, particularly the history since I've been involved in this area, about 12 to 15 years. I would like to mention, however, if some of you are interested in knowing a little bit more about the long-term, historical development of attitudes about sexual behavior with children, I highly recommend a book by Florence Rush, entitled *The Best Kept Secret*. I read this book and found it to be one of the most important research books around, to give an idea of putting this in historical context, about sexual attitudes about children down through the history of man. But in more recent times, when I began to look into the area of sex crimes approximately 12 to 15 years ago, at that time, I think the public attitude and the media attitude was that child molesters were dirty old men in wrinkled raincoats. They were essentially strangers. They lured little girls with puppy dogs and bags of candy, and they fondled them. And the best advice was, don't take rides from strangers, don't take candy from strangers, stay away from these kinds of people.

Starting somewhere probably five, seven, maybe as long as ten years ago, we began to recognize that this problem was far more complex and wide-

spread than anybody had previously thought. And, probably as a result of the feminist movement, we began to drag this problem out of the closet. And I think that the first thing that was dragged out of the closet was the realization that most of these children are not molested by strangers, dirty old men in wrinkled raincoats; but the sad fact is that many of them are molested by their own parents — usually their father.

And so we began to deal with that problem. However, the focus was placed on that. And one of the things I found in attending some regional and national conferences on sexual abuse of children, when you enter these conferences, and the people use the phrase "sexual abuse of children," they are talking about one and only one thing — incest. And when they talked about incest, they were talking about only one thing — father-daughter incest.

So for many people, sexual abuse of children was incest, and incest was a father having sex with his daughter. And much of the research at that time didn't look beyond those dynamics.

Probably about two, three years ago, as a result of the tremendous concern and publicity involving the problem with missing children, we began to refocus again on the stranger/danger situation, and began to discover that some of these individuals are not nonviolent individuals with puppy dogs and bags of candy, but in some cases can be very violent and can abduct children — and certainly the discussion we heard before my introduction is a graphic illustration of the violence that can be perpetrated by these individuals.

So we began to again look back on the stranger/danger problem, with a slightly different perspective.

However, it has probably only been in the last six months to a year or so that the general public perceptions and media attention have been diverted to a problem which has always been there. And that is the problem of sexual molestation of children by acquaintances, by individuals who are not strangers to the child, but are usually not the child's parents. These are acquaintances. They could be neighbors, school teachers, day care center operators, and so on.

This type of violation was something that we have long denied and refused to accept. Roland Summit mentioned it, and I'd like to repeat again, that I believe that a great deal of what we know about this kind of offender came from the pioneer work of the Los Angeles Police Department Sexually Exploited Children's Unit, and people like Lloyd Martin and Bill Dworin, who found out how this type of individual operates, how they seduce children through attention and affection, and how, very often, they are very prominent

individuals in the community, who supposedly have high character and reputation, and people refuse to admit what they're involved in doing.

These kinds of offenders may, in fact, not be as large in number as the incest-type of offender. But I think one of the things that you have to recognize with this type of offender is the vast number of victims that this type of offender can have.

Some of these individuals have admitted to molesting hundreds if not thousands of children. So, for example, schoolteachers who molest children may be a very small percentage of the total number of teachers. But one teacher in a school system for 30 years could molest and destroy the lives of hundreds if not thousands of children. It's a very serious problem.

What about the future? I personally believe that two new areas are going to be looked at with more frequency in the upcoming months and years. One will be the problem of adolescent offenders. Sharon English, from the California Youth Authority, mentioned a conference that she is having in a couple of weeks in California to deal with the problem of adolescent offenders — the fact that some of the individuals who are sexually molesting children are, in essence, children themselves — sometimes as young as 9, 10, 11 years of age, sometimes 14, 15 years of age.

And the other area is the problem of female offenders. This problem has almost been totally ignored. In the past week at my office, I have received phone calls from three different police departments investigating cases where the subject is female with no male accomplice whatsoever. I think this is an area that we're going to have to look at more closely.

Certainly, the vast majority of offenders are male. There is no doubt about that. But I think we need to recognize that at least some portion of the molestation and abuse is perpetrated by females.

I'd like to make a few quick remarks about the nature and scope of this problem. As I mentioned, one of the things that I have found in lecturing around the country, is the problem of terms and definitions. People use words without explaining what they mean by them. There are no universal definitions for a lot of these terms. And so, for example, I learned through experience that for many people, when they say "sexual abuse of children", they're simply talking about incest, and that's all they're talking about. And you have to understand that when you're communicating with these people.

When I use these phrases, I see the sexual victimization of children as involving three major areas. The first major area is what I call sexual abuse of children. This involves the sexual activity between the adult and the child

victim. This can involve nonviolent sexual abuse, in which the child is seduced through attention and affection, and bribed, and the cooperation of that child is gained through these seduction techniques. This sexual abuse can be violent, in some cases, where the child is physically forced, through violence, to engage in sexual activity. And certainly, a certain amount of this sexual activity involves incestuous relationship.

The second major area under the sexual victimization of children is what I call sexual exploitation of children. Certainly, sexual exploitation of children involves sexual abuse. But it also involves some other types of activity and dynamics, that are not addressed simply with the phrase "sexual abuse of children."

I would include child pornography under sexual exploitation of children. And I think it is very important that you recognize and deal with this problem of child pornography. There is a great debate in our society concerning pornography in general and what harm it does and so on and so forth. This is something that needs to be looked at and is being looked at. But my opinion is that child pornography has nothing whatsoever to do with this other debate.

In child pornography, there is no debate. Child pornography is the permanent record of the sexual abuse of a child. There is only one way to make child pornography, and that is, you must sexually molest a child. It is a photograph, a slide, a picture of a crime in progress. There is no debate about it.

The other area that I look at under sexual exploitation is child sex rings. These sex rings can be commercial in nature, as many people think, when they hear the words "child sex rings." However, these rings can also be noncommercial in nature, can involve an individual with a large group of children, where there is no exchange of money whatsoever.

Also, another area that is certainly part of this problem but does not totally come under the umbrella of sexual abuse or sexual victimization of children, is the important issue of missing children, runaways, parental abductions, stranger abductions, and dealing with these problems.

These are the three major areas. Certainly there are interrelationships between the three different areas that need to be dealt with.

The last area about which I'd like to make a few remarks, and I think it's very important that you have an understanding in this area, has to do with societal attitudes. There are many people who believe that there is universal condemnation of sexual abuse and sexual victimization of children. And probably one of the biggest mistakes that you could make would be to leave this

Great Hall after this conference believing that you were going to go back to your community and receive unanimous support.

After you listen to Don Weber from Madison County, Illinois, when he describes a case that he was involved in, those of you who are not already aware of it will quickly realize that you'll find that the community does not universally condemn this problem.

One of the real issues has to do with a certain societal attitude. In all the many years that I've talked to different groups about this problem, if someone was to say to me, what is the most common response you get from an audience, I would have to say in all honesty the most common response is denial; the refusal to accept it, the refusal to perceive it, the refusal to process it. This is true of police officers; this is true of mental health professionals; this is true of citizens, parent groups, and everybody else. People refuse to accept this.

As a result of this denial, two myths continue to be perpetuated. The first myth is that child molesters are dirty, old, evil men; and that only dirty, rotten, evil, vicious, horrible people commit this crime. And because this man, who is accused of committing the crime, is not old and evil and rotten and mean, he can't possibly have committed the crime. And this is what we hear over and over again. It can't be true! Why can't it be true? I know that guy. He's a nice guy.

To that I say, what does that have to do with whether or not he molested the child? But that is the perception. If he's a nice guy, he didn't molest the child.

There was a recent news account here in the Washington, D.C., area where accusations were made against a day care center operator. And the local reporters interviewed somebody in the community who said that the charges couldn't be true. And as a matter of fact, they had heard a rumor that one of the parents was trying to get even with this day care center operator and was going to make allegations to ruin the reputation of this day care center operator. It can't be true, because I sent my child over there and I like this person. He's a nice person. And therefore, it can't be true.

The myth that because somebody is nice, it couldn't possibly be him — that it must be some dirty, old, evil man — still persists.

And the second myth that's equally horrible and equally false is that children want or initiate this sexual activity. This myth is much more subtle in nature. You can get very few people who will openly admit that they believe this. But yet, when you see their reaction and their response to this person, you'll have to come to the realization that that's exactly what they believe, that children want and initiate this activity.

Sympathy for victims is inversely proportional to their age. The older the victim, the less we're concerned. And so suddenly, if you have a case involving a very young, small child, there is tremendous concern. As the child gets older, sympathy and concern become less and less, and we're more likely to say, well, the kid asked for it, the kid wanted it, the kid initiated the activity. Why should we bother? Why should we consider this individual to be an offender?

In response to this issue — Did the child initiate it? Did the child cooperate? — I simply say, so what? I don't really care whether the child initiated and asked for it. What does that have to do with the issue that we're addressing? If a child asked you to jump off the top of a 12-story building, do you jump off and say, I had to do it because the child asked me? So whether or not the child initiates the activity, in my opinion, is irrelevant in these cases.

Another societal attitude has already been addressed by several people here this morning. We must accept — in spite of all the outrage and the concern that we all have here today — simply this: the nonviolent sexual abuse of children in this country is considered by most people to be a nuisance offense. That's really the bottom line. When you have an offender who nonviolently sexually abuses a child, that offender is seen as a nuisance offender, like a window-peeper, like an exhibitionist, or something like that. He's just kind of a poor, unfortunate soul.

If you had an offender who was to cripple or physically handicap 100 children, if you had a guy who was breaking the legs of 100 little children, making them physical cripples for the rest of their lives, we would demand that that person be incarcerated for the rest of his life, or even executed. But yet, when the offender emotionally cripples and makes an emotional handicap of a child, we simply say, well, he didn't really hurt anybody. He's kind of a poor, unfortunate soul. He's sick. There's something wrong with him. We need to help him. Poor guy, he didn't hurt anybody.

In another case here in the area, an offender who was recently convicted got some jail time. He got 15 years. And the other night, I was watching TV, and there he was in chains, kind of inching along on his way back into the courthouse, his head hung low, bound in chains going back into the courthouse. And his attorney is saying, my client has been sentenced to 15 years. But you don't understand. Each day that this man spends in jail is like 1,000 days to anyone else. He's had enough. Don't you have any sympathy and concern?

Where's all the sympathy and concern for the hundreds of children he

molested over the last eight to nine years? But yet this "sick and sympathy game" is a very effective technique.

As was pointed out earlier, usually these individuals do not plead guilty by reason of insanity. They usually try to work out a plea bargaining arrangement and then save their sad stories for the sentencing phase. That's when they go into the sick and sympathy game. "My life has been ruined. I've been devastated. I'm sick. I have a problem. I need help."

And because the person is not an evil, rotten, mean, horrible person, we start to feel sorry for him and think that well, maybe there's something wrong with him; he needs some kind of treatment program.

My final point this morning is to let you know that we need to make a distinction between pedophiles and child molesters. The terms are not necessarily interchangeable and are not synonymous. A pedophile has a sexual preference for children. Although he may engage in sexual relations with adults, the preference is for children.

A child molester may or may not be a pedophile. He may be a situational offender or a psychopath. A psychopath may be involved in all forms of antisocial behavior, including child molestation. These people operate under a philosophy I refer to as, "If it feels good, do it."

This distinction between pedophiles and child molesters is especially important in terms of treatment and should be taken into account when developing treatment programs.

Mrs. Herrington: Thank you very much, Ken. Our next speaker is Mr. Norman Early, the District Attorney for Denver, Colorado. His presentation is entitled, "Prosecution and Correction."

Before becoming the D.A., Mr. Early was the victim/witness unit chief and then chief deputy in that office, where he specialized in trying homicide and sexual assault cases. His victim-oriented presentations on these topics and others make him among the most sought after educators in the prosecutorial world today.

**Statement of The Honorable Norman S. Early, Jr.,
District Attorney, Denver, Colorado**

Mr. Early: Through my role as a prosecutor over the last 12 years I have been able to witness what we've done to child victims. But I've also had an

CHILD MOLESTATION: THE PUBLIC'S CONCERN

opportunity to assess the criminal justice system's image, more specifically, the prosecutor's image, with respect to the treatment of victims of crime.

And that image traditionally has been an extremely poor one. And in my estimation, if we're going to adequately deal with child victims, or any other kind of victim within the criminal justice system, we are going to have to shake that system up from top to bottom.

What you see here today with respect to child victims is the latest concern being expressed in the media and being directed by people who are part of the victims movement. And certainly if people cannot get upset about the child victim, then folks will never be concerned about victims at all.

Now, I know that the public's concern and outrage is often directed at strangers or stranger victimization, whether we're talking about the person in a raincoat or the individual who's walking down the street. But all of us are well aware of the fact that the vast majority of child victims are individuals who know their perpetrators. And we're also aware of the fact that grandfathers, fathers, mothers, and stepfathers assault, victimize, and molest children.

One of the dichotomies in this criminal justice system is that all of us know that people who have special relationships with children have a greater responsibility for those children. And fathers have a responsibility to nurture, to care for, to raise children. Grandfathers have a similar responsibility, as do mothers.

However, when one of those individuals sexually molests a child, society tends to rally around that individual. When a stranger, who does not have the responsibility for nurturing, for caring, for raising a child, does the same thing to that child, we are outraged and our direction is singularly pointed at that individual.

Now, as I understand it, in the criminal justice system in which we operate, we have a responsibility to treat similarly situated people in a similar fashion. And when I think about the way we respond differently to the family member, to the person with the responsibility for caring and nurturing than we do to the individual who is a stranger, I cannot help but be reminded of the fact that we once treated wives who were the victims of their husbands in the same fashion, that the property concept of the rule of thumb, which has so often prevailed in the family and domestic violence situation, got us into a situation where we did not believe that domestic violence was, indeed, violence, and the criminal justice system did not respond to that kind of molestation as it did to the others.

But we're grateful for the work which the Attorney General's Task Force has done under Lois' direction, that points out the fact that violence is violence.

And I will tell you that molestation is molestation, and that a child's dreams and a child's heart, and the attitudes and the fears that a child grows up with are there, regardless of the fact of whether we're dealing with a grandfather or a stranger.

And I would also submit to you that even though a stranger might eventually perform the act upon someone's child that he or she does not know, that it is very unlikely that they started with a child that he or she did not know.

And so I would submit to you that while we're looking at the issue of molestation, let's take a look at the big picture and let's make sure that the distinctions we're drawing are not artificial distinctions based upon property concept, under the rubric of getting a family back together, but that we're really looking at true distinctions between types of molestation and whether it really makes sense.

And when you hear somebody like Patti talk about the fact that individuals who are pedophiles have a preference for children, does it make a difference whether the preference is in the family or out of the family? If the preference is there, they have to be dealt with. And this criminal justice system has to deal with it in a responsive fashion, and we must fashion a response that is appropriate for every occasion.

When we deal with stranger to stranger molestation, or we're talking about the individual who runs the nursery school who deals with a child in a fashion in which their own family would not deal with them, it ravages not only the child, but it also ravages that innocent family and everyone who stems from that innocent family.

And I think that from there, we get the sense of outrage that none of us can deal with. The criminal justice system is focused on these kinds of events when they occur in the nursery school, or just stranger to stranger, and the media gives it attention, and that's good. Because the criminal justice system deserves good scrutiny from the media.

All of our institutions of government which work well do so because of scrutiny. And so for too long, the criminal justice system — whether you're talking about prosecutors or judges or anyone else in the system — has traditionally escaped that scrutiny. And it is the victims issue which causes that scrutiny now to be focused on that system. And it's because of groups like SLAM and MADD and all the other public interest groups that are saying to the public, look at what's happening in our courtroom, and we don't like what we see.

CHILD MOLESTATION: THE PUBLIC'S CONCERN

We see police officers having to leap over the body of a victim in order to advise a defendant of his rights. We see people being subjected to repeated examinations by law enforcement officials, and we don't like it. We see people being subjected to continuous cross-examination by defense attorneys. We see individuals being released on bond even though they have a proven record of child molestation, and even though they're being relocated back into the very homes and the neighborhoods from which they have been molesting children — they still, nonetheless, are entitled to a right to bail.

We see these things, and we do not like them. We see competency roadblocks, even though our children are able to describe with an ever greater degree of certainty exactly what occurred to them and who did it. We see that they are not allowed to testify because of competency rules. We almost need an eyewitness to the event, which you know is almost impossible because this is an event which is occurring in seclusion and one that is very surreptitious by nature.

We see prosecutors who don't even know how to talk to their own children, let alone how to talk to somebody else's children.

We see agencies fighting among themselves for the right to represent the child's interest within the criminal justice system — agencies that don't even talk to one another — social workers who believe that they have a greater interest in the child's welfare than a prosecutor or a lawyer might, or that a judge has a greater interest in a child's welfare than that child's parent might.

When we are examining these issues, I would not want us to forget the fact that when we talk about family relationships, let's examine what is a family. Let's examine whether we're talking about the ability to procreate or whether we're talking about the ability to raise a child. Because the ability to have a child does not give one the right to call themselves a parent, because we know all too often that many of these kids are being born into situations from which they will never be able to extricate themselves. And that, too, is a part of the entire problem when we talk about sexual molestation of children.

If we as a nation are going to devote ourselves fully to our children and to the illicit sexual encounters which those children have on a daily basis as described so eloquently by Patti, we have to look at the entire set of circumstances under which we operate. And if we look at those circumstances, and if we say to the criminal justice system that this is a better way to operate under these circumstances, the criminal justice system has to be willing to respond. We need to sensitize not only judges; we've got to sensitize prose-

cutors and defense attorneys, because they, too, can be a stumbling block when we're talking about true rights for children in this criminal justice system.

We have to sensitize probation officers who oftentimes feel that because they have the appellation "probation officer," they already know what the child's problem is. And we have to be able to deal with the circumstances of any family which finds themselves in a cataclysmic situation where their family's normal relationships are violated by a stranger to stranger child molester.

Mrs. Herrington: Thank you very much, Norm. The next speaker we have is Bea McPherson. Bea comes to us from Littleton, Colorado, where she was a Director of Society's League Against Molestation. Bea gave a very poignant story to the President's Task Force on Victims of Crime.

What especially impressed us was that when Bea came forward, she herself had not had anybody molested in her family. Her concern was for the molestation of a neighbor's child, and how that neighbor's child was treated in the system. She held the hand of that family, and then became very involved and active in the program throughout the State of Colorado. I'm happy to say that Bea has now moved to Fairfax, Virginia, to bring us the skills that she has honed so well.

**Statement of Bea McPherson,
Society's League Against Molestation (SLAM)**

Ms. McPherson: I feel very honored to be among all of you today. I lived in Camarillo, California. I had a two-and-a-half-year-old daughter. In fact, I lived around the corner and down the street a little bit from where Patti lives and less than a mile from where Amy Sue was abducted.

At that time, my youngest daughter was also two-and-a-half-years-old. They probably would have gone to the same grade school, had Amy Sue lived. But at that time, I was busy with children. And I, too, was in the same situation. I couldn't believe that it was as bad as they were saying it was. Besides that, Patti and Irv were doing it all. I moved to Colorado. And there, in November, 1981, were the headlines: A young man who was convicted of sexually assaulting two girls and implicated in sadistically sexually assaulting several other children in his mother's day care center, was sentenced to 90 days in jail. The judge's reason was because he would face greater dangers in jail than he would out in the street. So he felt that it would not be any good for that young man to go to prison, and he let him out.

CHILD MOLESTATION: THE PUBLIC'S CONCERN

Not less than 24 hours later, another man was arrested. He was out on bail, \$10,000.00, from another sexual assault arrest. He had already been convicted twice of raping two little girls. And he was facing another bond hearing.

And I found out that Colorado didn't have the cowboy justice that I always imagined. The problems in Colorado were just as great as those in California, except there weren't any Patti's and there weren't any Irv's doing it. So I started SLAM in Colorado.

The first thing we did was go to the District Attorney's office. Fortunately, we got a lot of cooperation and a lot of names. We called together a meeting, and we formed SLAM. The goals at that time were to put the molester behind bars and increase the statute of limitations, which was a paltry three years' time.

That first year, we got a ten-year statute of limitations. We got sexual assault against children put in a crime of violence category, which automatically made it a mandatory sentence. And second-time offenders were sentenced to a minimum of 8 years to 16 years. That was a lot better than 90 days, or the other case, where a couple was convicted of sexually assaulting the children in their day care centers. He served 10 days of a 20-day jail sentence and she served 20 days.

The following summer, the State of Colorado instituted an interim committee to study sexual assault. It was at that time that we were educated to the loopholes in the law which provided for all kinds of protections for the perpetrator and virtually none for the child. We came out with a list of 12 recommended laws. Actually, there were 13, one of which failed. The 13th law was the law which would require all day care centers and people dealing with children to check the background of anyone who wishes to work with children. We had a little appropriation that was also lost. We wanted anatomically correct dolls for all those jurisdictions that did not have them at that time. And Colorado has a lot of rural jurisdictions that didn't have these dolls. The State of Colorado legislature couldn't see fit to spending \$3,000.00 to get them for these jurisdictions. But the other 12 laws passed.

We now have laws which deal with hearsay, which allow an adult to tell what the child has told him. We have a videotape law. We also allow a child under the age of ten to testify, which in Colorado was not possible until two years ago. Now children can testify in age-appropriate language on videotape.

We've gotten rid of that very big block called "evidentiary privileges." Now, I know that that strikes at the heart of all the lawyers and judges in the audience. But you see, in many of these cases, the wife knew what the

husband was doing. Because the husband had the rights of evidentiary privileges, his wife could not testify against him.

We also increased the penalties for persons who knowingly allowed or did not report sexual assault in their family. In other words, the wife who says, how could I tell on him; he's my husband, now has permission to tell. One thing we found out from the rape crisis people and the battered women's shelters was, if she could, she would. So we gave her permission.

We also started an education program because according to all the statistics, only one in ten perpetrators is ever apprehended, and of that number, only one in ten is ever convicted. What happens to the hundreds of thousands of children who have not yet come forward, or don't know they're allowed to come forward, or who have told, and no one has listened?

So we started an education program in Colorado called Cautious Kids. We went to schools. We showed films. But what was even better was the way the media and the public responded. The metromedia television station in Colorado came forward and let us make 30-second spots, small commercials which told the children what to do in certain situations. We included things such as, don't answer the door when you're alone; don't give any information over the phone; but we also told them that if somebody wasn't listening, to keep telling, and gave them a number to call.

Then we talked to parents. Do you know how many parents cannot tell you the signs of a sexually abused child? Nobody knows. Oh, my child is having bad dreams at night, is afraid to be alone, cries when we go to the day care center, has need for a night light, is suddenly very interested in our genitalia. All these things point to something wrong, and the parents think, "It's just a stage he's going through."

We let them know that there are warning signs. We tell them it happens. It happens in nice neighborhoods. It happened in one of the most exclusive suburbs of Littleton, which is called Normandy Estates. They even have one of those gates nobody can go into unless they've got the right card or the button. It happened in their neighborhood, too.

But you don't hear that, do you? I mean, you never can imagine. It happens in East Colfax, where you have the child prostitutes. But it doesn't happen in those nice areas where they have gatemen to make sure that nobody's going to get ripped off in their house.

They were ripped off. Their children's innocence was ripped off. And we don't have the response yet. I got the information just yesterday that the little girl who accused the baby-sitter of sexually fondling her in this exclusive

suburb was cross-examined by the female defense attorney for the man. She asked such questions as, "Close your eyes for a minute. Is he still kissing you? Is that how long he kissed you?"

The child was so embarrassed, so scared, that the parents were really considering not going any further than the preliminary hearing, because of what their children had gone through.

This couple baby-sat for almost every doctor and dentist in Southeast Denver. Does that give a good idea of what kind of places people go to molest children?

We also provided brochures, things like what to do if your child is sexually assaulted. We know what a preliminary hearing is. That's only because we've accompanied lots of families to them. We've seen them. And most of you have testified at them.

But an ordinary victim's family doesn't have any idea what a preliminary hearing is, or a deposition. And they need to know, because that's what they are going to face. So we provided people to hold their hands during this difficult time. We also provided literature.

We provided brochures for the Denver Department of Social Services. We provided brochures to the District Attorney's offices for victim rights, and victim/witness coordinators of Arapahoe County, Denver, Jefferson County and Adams County, 3,000 brochures a month. There's a need for them.

We also sat on a task force in the Arapahoe County District Attorney's office and joined with other victims organizations to implement the President's Task Force's suggestions. And we used that. For a year we studied it and came up with recommendations.

But what was even better was, there was a table of us. The public defender, the prosecuting attorney, the rape crisis people, battered women's people, SLAM representatives — all of us got together at a table and talked, and communicated, and discovered ways that we could help one another.

Now, those laws that we passed last year had to be implemented only too recently. The Lori Ellen Poland case was going on, where the little girl was three-years-old. She was kidnapped from her front lawn, taken up into the mountains, after having been sexually assaulted, dumped in an outhouse, and found three days later.

The trial was coming up. Lori was only three. So our first law about a child under ten testifying in age-appropriate language was going to be used. Hearsay evidence. What did she tell other people? Expert testimony. Video-taping. But what was even better was, I sat at the table with the prosecuting

attorney for that case and the defense attorney for that case, and they talked. And the defense attorney allowed Lori Ellen Poland to be questioned through her psychiatrist behind a one-way glass while it was being videotaped. That is the way that we would like all children to be treated. And that is new and that is innovative and that is chancy.

I have here a clipping which Norm was kind enough to bring. Robert Thiret, who was accused and now has pled, has received ten years. That's not enough. I know it's not enough. But do you know that two years ago Robert Thiret wouldn't have even been brought to trial, because there weren't any laws which allowed Lori to testify, and there weren't any innovations. We have come a long way. We've got a long way to go. And the next time that someone like this attempts to do something, just like we've been talking about this morning, we're going to stop it.

I had an experience this week. I was called in to the supervisor's office, the County Supervisor for Fairfax County. He's going to have a task force to study sexual abuse of children. I was very happy to hear this and I was excited about it.

However, when I mentioned some of the progress we had made, he said, don't bother those boys in Richmond. They're all former defense attorneys, and they're not going to let you tamper with anything. I said, they haven't heard from me yet. I'm going to put them on notice. Richmond is my next stop. We're going to change it, throughout all 50 states. We're going to protect children wherever they are, not just in Colorado, not just in California. But my children are going to be safe in Fairfax County. My children are going to be safe when we visit the Smithsonian. My children are going to be safe wherever they are in this United States.

So the boys in Richmond had better get set, because they've all got to be reelected. And I'm going to remind them that a person who has been convicted of a crime doesn't have a vote. I do.

Mrs. Herrington: The next person I would like to introduce is Donald Bross from the Kempe Center, Denver, Colorado, who will be discussing research and prevention. I would like to read his credentials, because they're impressive.

Donald C. Bross, J.D., Ph.D., is a lawyer and medical sociologist from Denver, Colorado, who serves as legal counsel for the C. Henry Kempe National Center for the Prevention and Treatment of Child Abuse and Neglect, and Associate Professor in Pediatrics and Family Law at the University of

Colorado School of Medicine, and Executive Director of the National Association of Counsel for Children.

He represents abused children in court, helps draft legislation to protect children, conducts research and writes about legal representation of children, health, law and civil and criminal aspects of child protection. Books he has edited — most recently the chapters containing information relevant to protecting child victims — are: *Clinical Management of Child Abuse and Neglect* and *Multidisciplinary Advocacy for Mistreatment of Children*.

**Statement of Donald C. Bross, J.D., Ph.D.,
C. Henry Kempe National Center For the Prevention
And Treatment of Child Abuse and Neglect**

Dr. Bross: Given that you've changed your laws, as we did in Colorado, then what should you be worried about? I think in the area of research, following up on Lois Herrington's remarks and Patti's, that the first analyzed research issue is, how do cases fail, given a report? And what about diagnosis and screening? How many cases do we lose there? At the investigative stage, how many of our cases fail because of inadequate technique by law enforcement, social workers and others? At the prosecutorial discretion level, how many prosecutors do not give this high priority and do not expend the resources necessary to bring these difficult cases to court?

At the plea bargaining stage, how many cases are we plea bargaining unnecessarily? What about juries? Which juries and which judges are we failing to convince, and do we understand why?

At the sentencing stage, in how many cases are we really using leniency?

I bring this out, because my concern is that our anger at plea bargaining or sentences may obscure early inadequacies of investigation or problems of identification. We think we caught Robert Thiret at a very early stage in a very long and evil career. Lori told us, and I think we can believe her, that that bad man did try to kill her.

In the medical area, the use of colposcope and research on the enlarged introitus must be validated by comparison studies and/or control populations, lest it be challenged successfully in court.

The relative importance of repeated UTI's, or urinary tract infections, enuresis, encopresis and similar conditions in abused and nonabused populations is not yet well documented.

In the psychiatric and psychological areas, what is the prevalence of sexual abuse hoaxes? Our current work — which I think needs to be replicated and which I've shared clinically with other people here, and I think your findings are similar to the current work of Dr. Jones of the Kempe Center — shows a prevalence of incest hoaxes at least under 5 percent, probably less than 3 percent, and perhaps as low as under 1 percent.

What are the indicia of credibility in child witnesses' statements? How the story unfolds, variations in the sense of time and events, language used. All of these findings will support increased acceptance by the courts of children's statements, both inside and outside of court.

When does the right to confrontation become intimidation? There's a new law review article coming out by one of our National Association of Counsel for Children members in San Diego. I think it's going to help illuminate some of the issues. It is clear that the right to confront is not the right to intimidate. What is the balance, and doesn't it shift at least somewhat when the victim is a child? Is the term "sexual" defined by subjective or objective criteria? We in the law must prepare the diagnostic and therapeutic professionals to deal with this issue. A common defense is that the contact was not sexual in nature.

Should child victims have a right to representation in both civil and criminal hearings? There are several examples of documented improvements for children independently represented by independent advocates. Being a nice guy or nice person is not sufficient qualification for a child's legal advocate.

Systematic question: How many persons in registries for substantiated sexual abuse are currently caring for children for pay? This might tell us how large a population would be tapped by fingerprinting requirements within various segments of the child care industry. Rather than taking the broad view, why not take a step-by-step view and see what we can learn?

In the area of prevention, I think we need evaluation of the primary versus secondary prevention effects of current education and safety counseling programs. We know we get reports after the fact. Is anything else documentable?

If, in the second area, about seven percent of children appear to be incest victims, and as many as 30 percent or more sexual abuse victims, what is the overlap? Will specific treatment of identified incest victims prevent them from being subsequent molestation victims? That would be as much as a 25 percent reduction of the overall problem.

At our Play School in Denver, more of the children coming to our attention, who have been sexually abused under the age of five, are boys. Our experience is shared by other centers. Some of these boys and girls were

victimized by women. These very young children are potential answers to the question of where molesters come from. Similar indicators are being reported by members of the Adolescent Perpetrators Network, professionals studying teenaged and younger perpetrators. Will treatment of these young people reduce the pool of potential perpetrators?

Now, everything I've mentioned thus far is a rather long-term concept. Until research and prevention are more available and more thorough, we need to focus, I believe, on clinical skills. There are too few clinicians and front line people like those in this room. Cases will fail because of inadequate skills for evaluation, investigation, and testimony.

We had just received the video equipment that we used in the Lori Poland case the summer before through a donation of the Jane Phillips Sorority of Phillips 66 Petroleum. We had just successfully recruited a child psychiatrist with requisite skills, just in time, in fact, to help us with the evaluation of Lori Poland. If either of those things had not been present, I suspect we would have had a different outcome in that particular case.

We need, as Roland Summit suggests, to teach each other through frequent contacts. Mistakes will produce public backlash.

We don't stop surgery because of malpractice. But mistakes in the area of child sexual abuse are more damaging, because adults directly affected by mistakes are likely to respond more strongly and effectively than children and their advocates.

Without more accessible and competent professionals, the wealthiest parents, like the poorest, will find it difficult to help themselves and their victimized children. Thus, we must find ways to structure more widely in the United States, I believe, the following: better clinical evaluations, better investigations, better prosecutions, better supports for families and their children. Parents won't agree to have their children involved without caring and effective professionals and community support.

For example, this can happen via state or regional teams and expert witness support centers. From personal experience, I can tell you that it really is much more pleasant working with a team of competent pediatricians, child psychiatrists, law enforcement officers and superb justice personnel, than trying to do these things alone.

Mrs. Herrington: Does anybody have any questions for members of our panel?

Mrs. Joyce Thomas: I have a question in reference to the issue of prevention and research, looking more specifically at the resources available for that.

Identifying resources — specifically by federal agencies — to finance such research has been limited. And I was asking for some strategies and approaches, particularly since we have a forum where we have identified this as an important issue.

Dr. Bross: My quick answer, because I think there are a lot of questions, would be, one, I think prevention efforts will have to be kept quite distinct from other services. This is learned from the area of battered children, neglected children and prevention. And we do have, too, I think, a very innovative funding strategy, which is the creation of children's trust funds. Some 16 states have now enacted such legislation. Clearly, it ought to exist in all 50 of the states, in the District of Columbia and our territories and possessions. And in every one of those jurisdictions, we ought to have a separate public trust fund exclusively devoted to prevention of all forms of abuse and neglect of children, whether by family members or strangers. I'm sure there are other answers, but at least those two answers come to mind.

Mrs. Herrington: There is something that I think maybe we should talk about briefly, and I want to check this with Ken. My understanding of the Uniform Crime Reports is that when we get the information, the data from the local law enforcement agencies on child abuse, neglect, desertion and nonsupport is all lumped together. So when we try to itemize any of those things to find out exactly what proportion of these crimes are specifically child abuse or child molestation, we do not have that information on a nationwide level. Is that right, Ken?

Mr. Lanning: Yes. That's my understanding, that information is not available. One of the things you have to understand is that this is not simply a matter of the FBI wanting to provide this information. If this was a conference on arson or this was a conference on any other kind of crime, we would all want elaborate breakdowns of statistics. It's a matter of, I guess, priorities in deciding how much data can be broken down and how much you can ask departments to submit and so on.

Mrs. Herrington: I understand a redesign is underway. The other data collection is the Victimization Survey conducted by the Bureau of Justice Statistics. Bureau of Census interviewers go into 60,000 homes throughout the United States. They talk to the husband and wife and to children over 12 years old, and ask them about crimes that happened to them within the last year. They never ask the parents, of course, if they were molested as children, and they do not ask the parents if their child was molested. So it's not a very good data-gathering device for information on child molestation. They are also

considering a redesign of that survey. Dr. Steven Schlesinger, Head of the Bureau of Justice Statistics, cares very much about this issue and wants us to have better information in the future.

Are there any other questions?

Participant: A couple of people mentioned this phenomenon of victims who become offenders. I would encourage us not to be so attracted to this single causality theory, that that's how offenders are made, by being victimized. It puts a tremendous burden on parents today, particularly parents of boy victims, that in addition to the sexual abuse, they now need to worry that their son is going to grow up to be a sex offender. I think there are many men who were sexually abused who never became an offender of any kind. And the problem is a whole lot more complicated than that. I would really encourage over the next couple of days that we not be so attracted to that particular single causality theory.

Mrs. Herrington: Thank you. Any other questions?

Participant: I'd like for somebody to discuss what is being done or being said about the offender file of previous offenses?

Ms. McPherson: I'd like to answer part of that. We were trying to work on that in Colorado. It was one of the next goals. There seems to also be a tendency toward deferred judgement, which allows a person, if he's been a good boy for a year, to have his records cleared. We had a man named George Wyskaver in Littleton who had his first deferred judgment and then a second conviction and then he was let out on his psychiatrist's testimony saying that as long as he was under his care, he would not do it again. And he's facing another trial because he did it again.

We are trying to get people aware that such things exist. If you ask the man on the street, what's an expungement, or what is a deferred judgment or what is a deferred sentence, they don't know. They do not know that the man next door may be a sex offender and has had his sentence expunged. It is important to get people to know that this exists.

Mr. Lanning: Even though I'm in law enforcement, I've been involved in some sentencing hearings where at the sentencing, the defendant got a good sentence that seems to be appropriate: you think, well, now it's all over. What you don't realize is, this guy, about every month, gets another motion back in court. While the first time you had the courtroom packed and all the people there, all the media attention, now, all of a sudden, the second time it's a little bit less. Now, the judge hasn't seen all the papers. Finally, maybe three, four, six months, or a year later, some judge is sitting there with a busy schedule;

he looks down, no prior arrests — that guy receives a reduced sentence. So it's something that you have to keep watching and following up on all the time.

Participant: We've heard from a number of the participants that there's an artificial distinction between non-familial sexual abuse and familial sexual abuse. I think that's an important issue to raise. If, in fact, it is the case that the distinction is artificial, how can we communicate that to the social workers, psychologists and psychiatrists who have been trained with the notion that incest is different from non-familial sexual abuse? And how can they be re-educated to look at it and look at the phenomenon from a different perspective?

Mr. Lanning: I don't think there are any simple solutions. I think some of the solutions have been presented here this morning.

**“CHILD VICTIMS AND
THE CRIMINAL JUSTICE
SYSTEM”**

Moderated by
The Honorable
Pamela Iles

Presentation of Panel on “Child Victims and The Criminal Justice System”

Moderated by
The Honorable
Pamela Iles, Judge,
Municipal Court,
Orange County
Judicial District,
Laguna Niguel, California

Mrs. Herrington: Our next panel will be the Child Victims and the Criminal Justice System. To lead that panel as moderator will be Judge Pam Iles. I can tell you personally that Pam has been a real advocate for victims of crime and child victims.

The Honorable Pam Iles, Judge of the Municipal Court, South Orange County Judicial District in California, has prior experience both as a criminal lawyer defending child molesters and later as a prosecutor in cases of child abuse and molestation.

As a prosecutor, Judge Iles wrote the Juvenile Court Practice Manual and Procedures, served as Child Abuse Coordinator and Trainer for the Orange County District Attorney's Office, and developed a proposal which led to the establishment of a vertical prosecution unit for child abuse, molestation and rape, which was implemented in 1982.

She also serves as Chairperson of the Judicial Committee for the National Organization for Victim Assistance and as a participant in the California Republican Assembly Task Force on Child Abuse.

Statement of Judge Pamela Iles

Judge Iles: Ladies and gentlemen, we're here to talk to you today about a very serious subject, the child victim and the criminal justice response. Most of us are concerned with the child victim and how we identify that child and how we get the child into the system. But once we get the child into the system, we have to talk about what we are looking for. What's our ultimate goal?

In making those determinations, we have for you today a panel of very, very competent and outstanding people. The first thing I'd like to do is introduce the entire panel.

Our first speaker is William Dworin, Detective of the Los Angeles Police Department, California. Next is Thomas Dittmar. Thomas Dittmar is a Detective for the Seattle, Washington, Police Department. Also with us today is Henry Plum, an Assistant District Attorney from Milwaukee, Wisconsin; David Lloyd, Children's Hospital National Medical Center; the Honorable Charles B. Schudson, Circuit Court Judge, Milwaukee, Wisconsin; and the Honorable Don Weber, State's Attorney, Madison County, Illinois.

These people are here today to talk to you about the child victim and the criminal justice system. And I'm going to start with Detective William Dworin, who is an old friend of mine. I met Bill years ago, and I decided I liked him immediately when I found out that one of his main occupations in life was to write letters to child molesters. Strange man, Bill.

His presentation is, "The Detection and the Enforcement Perspective." Detective Bill Dworin has been a police officer for 19 years, and for the past 8 years has been assigned to the Sexually Exploited Child Unit of the Los Angeles, California Police Department. He has participated in more than 1,500 investigations involving the sexual exploitation of minors and children and has personally conducted more than 800 investigations resulting in felony charges of child molestation and exploitation.

He recently served as a consultant to the President's Commission on Obscenity and Child Pornography. Detective Dworin has provided expert testimony on pedophiles and sexual exploitation of children in both Municipal and Superior Courts in California and in the Federal Courts. He is truly an expert and has a true commitment to the issue.

**Statement of William Dworin, Detective,
Los Angeles, California Police Department**

Detective Dworin: Good afternoon. I'd like to take a survey. I'd like a show of hands of those here in the audience who have never seen child pornography, who have never seen magazines, photographs, movies, videotapes, slides, depicting children in sexual activity. (Show of Hands)

There are a few here. The reason I asked that is because, what is child pornography but the physical, the visual depiction of children being sexually molested?

Now, this type of material, child pornography, exists for one type of individual — the pedophile. There is no legitimate need or use for this type of material. And yet, it is a large, marketable item. We don't know the extent of the commercial aspect of it. It may be anywhere from multimillion to \$2 billion — these are the figures I've seen. But as much as is being distributed commercially, the majority of this material has been distributed noncommercially between pedophiles.

Now, in dealing with pedophiles, a psychiatrist will define a pedophile as an individual who has an exclusive or preferred sexual interest in children. Now, this definition encompasses the child molester — the total stranger — the incestuous parent, and what I consider the true pedophile, the person who takes pride in molesting children, who seduces the child.

Now, this seduction is in the form of affection and attention. The individual is showing the child love, taking the child places — to Disneyland — buying them gifts of clothing and toys, showing that child some type of affection, and in return, expecting something: physical love.

Pedophiles are proud of what they're doing. They take pride in the molestation of children. And they don't consider themselves child molesters. They consider themselves child lovers. In seducing the child, they are giving that child some affection, physical affection. And if we, as parents, don't give our children that physical affection, that hug, that pat on the back, some child molester is going to come along and do it for us.

Pedophiles, in taking pride in what they are doing, will correspond. As Pam said, I write to various pedophiles throughout the world, and receive numerous responses in return. Not only do they respond and write letters with each other, but they exchange the child pornography. They exchange the photographs of the children they are molesting, to prove that they are, in fact, pedophiles, engaged in this type of activity.

Their pride is to such an extent that there are organizations formed. Organizations, such as NAMBLA — North American Man Boy Lovers Association. Or the Rene Guyon Society in Beverly Hills, whose motto is: "Sex before year eight, or then it's too late." The Childhood Sensuality Circle in San Diego; Pedophile Information Exchange (PIE) from London; the Pedo-Alert Network (PAN), from The Netherlands; or the Lewis Carroll Collectors Guild, which has a newsletter, "Wonderland," being distributed from Chicago, Illinois. These are all groups of pedophiles justifying their existence and attempting to change the law of consent between children and adults engaging in sexual activity.

Now, the pedophile actually believes that they're not harming the child. And they will go out and assist law enforcement, to an extent, in helping them find child rapists, the Theodore Franks of the world. They don't like to see children hurt.

And I'd like to play a tape of a pedophile, to let you hear how they sound, what they talk about, and the pride they take in the molestation of children.

(Whereupon, a tape recording was played, which is transcribed as follows):

"I was going to go into some of the earlier education. But I've told Robby about it, I believe, already. And I'll refresh your mind, Robby, and then you can tell George. It'll save a little tape, the bit about where I would sit on the toilet with one or the other of the children on my lap, and masturbate; and of course, the tickling sensation from my testicles bouncing up and down on their little mound was pleasant to them. And then, when I would ejaculate, I would put it in the right spot, and then, of course, praise them. And, you know — praise them is really the word — and let them know how much I love them. So this encouraged them. And of course, oral sex is very easy, you know — there's no special manner — so that I, of course, had to be very gentle. And I've found that it's very important to be clean-shaven. A mustache is all right, because it tickles a little bit. But to have just the rough stubble on a chin can be very painful for tender skin.

"So, anyway, Robby can tell you a little bit more about that. Gee, Robby, I realize now that I don't have one sheet of notes with me. Because I just thought of a couple of things that I wanted to tell you. One which is quite good, and which I'm sure you'll be glad to hear, is that the girls now sleep in my bedroom. My wife and the two boys sleep in another bedroom. So we put their bunk beds in next to my big double bed, and they are sleeping with me at night. They don't sleep in the same bed. I feel it would be unwise, because

I don't want to give my wife any chance at all of finding out. They were well aware and they both seemed very pleased that we were in the same room together.

"I've only had one little experience with LeAnn since we've been in this new arrangement. And that was, she sat on my legs and played with my balls while I masturbated. And — oh, I might as well add here, my favorite position. Of course, I want desperately to penetrate both the girls. But at this point, it's just not possible. Pam is still a little too small. I'm working on her. I've got her to where she can accept most of my tongue, or in fact, as much tongue as I can get in her, with no problem. But, of course, my tongue is a lot smaller than my penis.

"So, as I say, I'm working on it. I got the tip of it in — well, I'll tell you about that in a minute. I did have one little experience with LeAnn where she sat on my legs and played with my balls. She had her panties on at the time, so I didn't ejaculate either into or against her.

"My favorite position, when we have our little things, is to lay on my back with one of the girls sitting on my thighs close enough that she can play with my balls while I am masturbating.

"The other girl is sitting more or less on my chest with her little pussy close enough so that I can get my tongue as far up it as my tongue will go. And the one sitting on my chest, of course, can brace herself by putting her hands on the headboard which is behind me. And we — I really enjoy it and I think the girls do, too.

"The only thing I ever have any complaints about is, if I don't shave in the morning, and one of them will say oh, Daddy, it's all scratchy. You're scratching my little pussy. And so that's the only thing that I have to worry about. And in fact, I was thinking about that the other night. And that's one thing that was not in the Masters' list of recommended things. I believe I read it to you earlier. Always be clean shaven. Your beard may not feel like too much to you, but to a little girl's tender skin, it's pretty scratchy.

"So anyway, back to my position. I enjoy, then, masturbating, and with one of them playing with my balls. And when I'm ready to ejaculate, whoever is sitting down will raise up and kind of open her little lips and I enjoy ejaculating in them. This is the height of things for me.

"And, they both seem to enjoy it. As I said, the only aversion that either of them have is the taste of sperm. I think I probably was a little premature with that. I should have worked up to it. But, anyway, that's the only — only thing that they are a little leery of. And I, I guess I can't really complain.

"One thing I had started to tell you was, I did finally get a little bit of time alone with Tammy — oh, 15 or 20 minutes. And while we were really in danger, we could have been caught at any time, we were reasonably assured of having some privacy. So I was able to kind of take my time, and in tonguing her, I got her little clitoris reasonably hard. I — it was very definitely there. And she was enjoying it. She, unfortunately, did not have a climax. It would mean a lot to our relations if I could get the girls to climax.

"As I think I told you, the youngest girl I've ever brought to a climax was about 18 months. I have brought other girls who were a little older to climax. I had one three-year-old who had a very strong climax. And I certainly wish that I could get my girls to the same point."

Detective Dworin: You can hear in this the pride that this man, this individual, took in molesting the children.

Now, a little background about Don. He was in the Navy. And in Vietnam, he adopted two children. They were 18 months and two-years of age. He was then transferred to Japan, where his wife took in children as a baby-sitter. From Japan, they went to Florida, where again, his wife was baby-sitting some of the other children. And, rather than being shipped out again, he asked for a discharge, and he came out to California.

We were fortunate in that we seized some 20 hours of cassette tape. Now, pedophiles, in taking pride in what they do, will correspond with other pedophiles. His correspondence was by the way of cassette tape. From this tape, we identified Don. We took him into custody. We took his children into custody. He was sentenced to six years for molesting the children. They were seven and eight years old at the time that we took him into custody. He did not get the children back, fortunately. And when he was released from prison, he found himself a nice apartment right next to a day care center.

Pedophiles have a specific age preference. In Stevenson's case, his age preference was from infant to about six years of age. And when a child is no longer of sexual interest to them, they discard it. And in fact, when we took the children into custody, he was looking for a foster care facility, because he no longer had a sexual interest in the children. And this is what our children are facing. More guilt placed on them by the pedophile who no longer has a sexual interest in them because they've grown too old. They turned 6, 7, 10 years of age.

I wish I could tell you this tape is unique. It's not. I've read in excess of 10,000 letters from pedophiles throughout the world relating their sexual activities with children. Again, in order to prove what they're doing, child

pornography is exchanged to prove that they are, in fact, pedophiles and they are, in fact, actively engaged in the molestation of children.

This is not just a local problem. It's a problem that has to be faced on a national and international level. We have to recognize this problem. Many people in the audience here do not recognize the extent of the problem we're facing.

We have to have public awareness, to educate the parents to look out for certain signs and signals, symptoms to recognize there might be a problem — sexual abuse, physical abuse, whatever — and to take the proper action, not try to hide it as an embarrassment, but try to bring it out in the open, to prevent the individual molesting their children from continuing to molest other children.

We have to have close cooperation between law enforcement groups. Again, it's not a local issue that we handle by an individual department. It must be faced by federal agencies, local agencies, state agencies. Because if we don't work together on this, if we don't cooperate, we're not going to handle the problem that we have today.

Judge Iles: Thank you very much, Bill. Next we have Thomas J. Dittmar, and his topic is going to be: "The First Step Towards Prosecution: System-Wide Cooperation."

Detective Dittmar is with the Seattle, Washington Police Department Vice Section. His present assignment, since attending the Federal Bureau of Investigation Seminar on Sexual Exploitation of Children, is to proactively investigate child pornography, child prostitution, and sex rings. Previous assignments have included undercover investigations involving street vice activities, adult and juvenile prostitution, and commercial pornography operations.

**Statement of Thomas J. Dittmar, Detective,
Seattle, Washington Police Department**

Det. Dittmar: This type of crime is multifaceted. It crosses jurisdictional boundaries and jurisdictional agencies. I wish I could say that law enforcement is well geared up to respond to this crime. Well, it really isn't.

There are a few agencies that have proactive units, such as LAPD. When I say proactive, I mean identifying individuals who have not or would not be identified until later in life when they are molesting children. That would be their first contact either with the social sciences or law enforcement.

The situation in law enforcement right now is similar to what it was a few years back with rape. And that was that rape was considered at that time to be

a crime of passion. A woman would report that she had been raped, go to the law enforcement agencies, and their advice would be not to dress like that.

Women organized; they got together. Victims organized. And they said, this is absolute bull. Rape is a crime of violence. It was looked into again, and that's the way law enforcement started then to respond to it.

Across the nation, we have well-trained, well-organized, sex crime units that handle rape victims who come forward. They are reactive in nature. They don't go out there and seek their victims. The victims come to them.

This doesn't work with children. The problem with kids is that a lot of perpetrators are in custody and/or control of their victim. And that victim cannot come forward and say, it's happening to me.

Law enforcement has to view these investigations on a proactive enforcement basis, infiltrating the sex rings, infiltrating the pornography rings. And it's not that hard to do. It's time-consuming, but it's not that hard.

Manpower has to be allocated towards that end. Changes have to be made. There are studies that have been done that say that many of the prisoners now in our jails were at one time sexually abused.

I'm not a psychiatrist. I don't know what the whole psychological impact of sexual abuse is. But it would make me guess that if we can intervene at the childhood level and identify these victims and get them help, work with the social scientists, that possibly we wouldn't have to deal with these individuals as burglars and robbers and rapists. It's good for law enforcement to look into this that way. We need the training, specialized training. And again, we need to work with the social scientists on that.

I was surprised to find out that a lot of sex crime units don't ask their victims, were any photographs taken; that, in most instances, they assume these crimes involve one suspect, one victim. They don't really look into the possibility that there may be more victims with this one suspect.

Statistics are another problem. That's why departments don't have officers assigned on a proactive basis. If there are no statistics in a governmental agency, there's really no problem in that area. We proactively investigate burglaries. We have a lot of burglaries in the city, people raise hell. So law enforcement responds by sending out officers in plain clothes to proactively check out these areas to try and infiltrate the burglars' groups.

We have that in drugs. We have a proactive response in drugs. But we don't have that many departments that proactively investigate child molestation. That is one reason that we don't have the statistics available to then give to

the governmental agencies to say, hey, here's a problem, because you don't find the statistics unless you look for them.

I would venture to guess that in any city that starts proactive investigation, they're going to find they have a problem. It's very easy if there are no statistics, or whoever is the spokesman for whatever says, "Well, we don't have a problem in our city."

I don't know if Bill will back me up on this, but I think that probably there is a problem in almost all cities. And I think the one thing that we have to do is, to think back into our childhood. Pick out somebody that we loved very much and thought cared for us, and just do a little role reversal. Put us in a position of being exploited and molested by that individual, for sexual purposes, when they use the tools of trust and love — not the tools the rapists use, force and fear — but trust and love. Where would we be right now? Would we be sitting here; would we be maybe in a jail somewhere?

I know it would change my attitude, change my thought pattern a lot.

Judge Iles: Our next speaker is the Honorable Don W. Weber. His presentation is: "The Van Hook Prosecution: System-Wide Cooperation."

Don Weber earned his J.D. in 1976, and is the State's Attorney from Madison County, Illinois. He was Chief of the Juvenile Division and handled hundreds of delinquency, neglect and child abuse cases. From 1976 through 1979, he worked in Felony Division, where he handled numerous child abuse cases, incest prosecutions, and child molestation cases.

In 1980, he became State's Attorney of Madison County, Illinois, where he prosecuted Collinsville schoolteacher Richard Van Hook on charges which included allegations of illicit sexual acts with as many as 15 victims. In 1984, Mr. Weber received the Illinois Department of Law Enforcement Directors Award for the Van Hook case.

**Statement of the Honorable Don W. Weber,
State's Attorney, Madison County, Illinois**

Mr. Weber: When FBI Agent Ken Lanning today said the response of the community to sexual abuse, particularly of well-respected people, was denial, he was underestimating. I'm going to tell you about a case. Instead of a horizontal integration with what you've heard a lot of today, I want to give you a vertical integration of a child abuse/sexual molestation case that we handled in Madison County. And it is very typical.

I've seen in the newspapers in the last year or so, every once in a while you'll have something cropping up — a nursery school, allegations of sexual misconduct, a schoolteacher, allegations. They crop up. And then, I've noticed, alarmingly enough, three or four months later, the District Attorney sort of sheepishly says, well, there's not enough evidence here. The girls were obviously put up to this. The case is dismissed. It's a very serious problem. And I think maybe the last time I gave a talk and explained to the elected State's Attorney what he was going to be getting into in a case like this, it may have thrown some cold water on the prosecution.

The Van Hook case is a classic example of denial by the community, and the vehemence with which they deny it, and also a classic example of the vertical integration that has to go on in a case that takes on major proportions, like just about any uncovering of a sexual molestation case will.

I'm going to divide it up into three areas: prosecutors, police and counselors. I'm going to tell you what I think the main functions of each of those persons are. And while I tell you that, I want you to remember that everyone in the system has to be on at least speaking terms with every other person. Otherwise, a prosecution will be unsuccessful.

Prosecutors — and I was a prosecutor, I've been a prosecutor for ten years — know the scheduling of events. They know the procedure. They know what the judges are likely to do.

The police should have a working knowledge of that and the counselors should have a working knowledge of that, so it can be transmitted to the sexual abuse victim, the 9, 10, 11-year-old girl or even younger, so they know if the trial is going to be before Christmas or after Christmas. At one point in the Van Hook case, the defendant testified on Valentine's Day, which I thought was particularly ironic.

Secondly, prosecutors know the trial tactics. And any prosecutor who wants to successfully convict a child molester had better drop everything for at least a month and learn the law in a couple of particular areas. One is the law and MO. And the MO is the modus operandi of the defendant. You will find, and I'm sure all of you here know, each of these pedophiles that we run into has a particular way of operating. It's almost as if his method of operation fits like a glove, very distinctive.

For instance, in the Van Hook case, he had a line that he used for ten years. The line was: "Do you want me to treat you like my daughter, or do you want me to treat you like a student, or do you want me to treat you like my girlfriend?" And he used this line on girls over a ten-year span. And when

you finally got them put together in a courtroom, and five of them can testify, that's the line he used on me, then you know that you're going to have a successful conviction, because the Salem witch trial conspiracy theory that you always get from the defendants — these girls got together at a slumber party and made this all up, that's why they know all these details and why they're all corroborating each other — can be blown out of the water in a trial in a tactical fashion when you have girls who don't know each other, who are unrelated either by community, the school they went to, or in age, saying and using these same tactics.

Another thing that our guy used — the child molester, Richard Van Hook — was that he would tell these girls he had dreams about them. He would say that he had dreams about having sex with them in a motel. And when you have a girl who's 18 and a girl who's 9 saying the same thing, you know you've got a good case.

Secondly, I think the prosecutor has to know, particularly when working with the police, about corroboration. I believe any case can be corroborated with physical evidence. It may be slight and it may not seem important to you, but to a layman, it is. We had one girl say, well, when he took me to his mother's house, we went to her bedroom — and she described where that was — and he lifted the mattress and he took out some prophylactics from under the mattress, and that's what he used.

Well, we got a search warrant on the mother's house, and just before we were going to lift up the bottom of the mattress the mother said, now, wait a minute, I don't know what you're looking for, but you might find some prophylactics under the mattress, because that's where my husband keeps them. Well, when we lifted up the mattress, they were gone. But I made his mother testify to that in court. And my argument to the jury was, the defense lawyer is going to explain to you how Lisa, a 13-year-old girl who Richard Van Hook says he never took anywhere, not only could describe the inside of Van Hook's mother's house, but could tell us where the bed was, where the mattress was, and what was under the mattress.

Those are the types of corroborative details that you can only get when the prosecutor works with the police and works with the counselor. Everybody was important on that. I had to ask them to look for certain things. Pam Kline had to have the victim describe these things. And finally, Dennis Cooper, the policeman, had to go out and actually get the evidence.

Prosecutors also know about the after-trial procedure and about assurances that you can give victims about the sentencing, which is, to all the judges here,

CHILD VICTIMS AND THE CRIMINAL JUSTICE SYSTEM

the weakest point, in the criminal justice system. It was incredible to me, after we convicted Van Hook of Class I felonies, which require a 4 to 15-year sentence, although you can get probation, that the judge was considering giving him probation, despite the fact that seven separate girls testified about sexual molestation.

The second area is the police. I think it's very important for the police to talk to the prosecutor, to talk to the counselors, for them to work together. If one part of the team fails, I think the whole thing is going to fail. The police have to take the statements. But I think they have to have counselors with them, or they should have, in our jurisdiction. If they're well trained enough they could do it themselves. But I think it's important for the victim to have someone to rely on throughout, and probably for the victim to have a counselor there during the statements taken by the police.

The statement has to be refined. And what we did was, after a general statement was obtained from the victim, from the police, and from the counselor, they then came into my office, and I asked them all sorts of questions in as simple language as I could, trying to get at the MO, trying to get at the glove that will fit the defendant. And with all of us working together, we were able to do that and provide the MO which finally, in my opinion, assured a conviction.

The police are necessary, as I said, to gather physical evidence; and they're also necessary to reassure the victims, particularly the young ones, that if harassment or things that they fear occur, there's a policeman there who will protect them.

Counselors are very important for the emotional state of the victims. They're also very important in getting the victims ready for trial. A prosecutor can't do that. But a counselor, over a period of time, can get small children or even 9, 10 and 11-year-old children, ready to testify. Counselors have to talk to the prosecutor to know what his approach is going to be. They have to talk to the police to know what the other evidence is. But they also have to talk to the victim. The counselors, in my case, were the best at drawing out the details that finally convicted Van Hook.

I want to just talk briefly about the Van Hook case and what happened in that. We've got a much longer program on it, but time here doesn't permit.

First of all, there was an initial investigation involving five young girls in the fifth grade at Caseyville Grade School. They reported that Mr. Van Hook had been sexually molesting them, trying to French-kiss them, in the back room in the library. That was in another county. The investigation was worked

up. It was taken to the grand jury. And the prosecutor over there brought back a "no true" bill. And Mr. Van Hook went home. And it was probably the most sickening two weeks of media coverage I've ever seen in my life. The man was hailed as a hero. There were stories about the trauma to him and his family. There were letters decrying these little girls who had lied about him.

And then there was the tenacity of the Rape Crisis Center, and Pam in particular, and the police who came to my county. The school district was in both jurisdictions. And they said, can you do anything about it? I'm an elected official. I didn't want to get involved in this case. I can tell you, I did not want to become involved in that case.

On the other hand, I took an oath in 1980, and I wanted to fulfill that. So their tenacity led to uncovering yet more victims, unrelated, going back as far as ten years. The investigation into the background of Mr. Van Hook involved sexual molestation of young girls at Edwardsville Junior High, at Collinsville Junior High School, at the new Collinsville High School, at the old Collinsville High School, and at Caseyville Grade School.

Pam testified, during part of the grand jury proceedings, that of the 200 people that they interviewed, at least half had in some fashion been molested by Van Hook. The important thing is that the good girls from the good families who didn't have broken homes or whose father wasn't alcoholic, he never touched. He was a teacher. He was a swimming coach. He was impeccable with them. Nobody in the community could believe that Van Hook would do this, because he just picked on girls that no one would believe. It was phenomenal, his ability to pick victims that would be vulnerable to cross-examination.

During the grand jury proceedings, there was a teacher that sat outside the grand jury proceedings and took down the names of every single victim that testified and then printed them up and distributed them to all the teachers in the Collinsville School District with the warning, we have to watch out for these people, because they're liars. They also hurled a lot of epithets at them during the grand jury proceeding.

The day before the grand jury proceeding occurred, the President of the Teachers Union came in to see me and he told me that they were happy with the St. Clair County State's Attorney; they were not happy with me; and that if things didn't come out well at the grand jury proceeding the next day, that I wasn't going to be reelected in about 35 days. So as I said, if I'm back here as State's Attorney sometime, then you'll know that we're making a great deal of progress.

I wanted to put the guy in jail at the time, but I wasn't able to, because of a lot of the political ramifications. If I'm talking a lot about politics today, I'm talking to the prosecutors. It's very important that you know what's on the line in these cases. You are on the line. You have a lot to lose if you lose a case like this. But if you've taken an oath to do your job, you've got a lot more to lose if you don't go ahead with a prosecution like this.

Having said that and having warned all of you and told all of you that you have to do this, I want to tell you to prepare very carefully and very tenaciously and make sure that your trial is set and ready to go and that you know the law and that everything is integrated.

We had pretrial motions on the statute of limitations. And we simply said that he used his official position as a teacher to help commit the crime, because that's what got the girls to do this and not report it. That extended the statute of limitations under a particular provision under Illinois law.

We had all the corroboration that I mentioned before. And finally, we got a conviction. It was about midnight. And then there was the conviction to sentencing trauma, where everybody, half of the community, still didn't believe that Van Hook was guilty, despite the fact that he'd now been convicted. And then, two days before the sentencing, our schoolteacher committed suicide. And he had the biggest funeral in the history of Collinsville, Illinois. The TV and media coverage was very extensive. Pam and I are being sued for I think \$11 million right now by the widow.

But the suicide, from our point of view, and this is the tragedy of it, was completely predictable. The phenomenology of this trial was that we knew Van Hook was guilty and he knew he was guilty, but nobody on his side knew he was guilty or would accept it.

A month before he committed suicide, after the conviction, I wrote a letter — an open letter — to his mother and a lot of people, saying, a tragedy is going to occur here, because you're not giving him the type of support that he needs. He ought to be willing at this point to accept what he's done, and you ought to be trying to support him that way. They didn't do that. They forced him into a corner. He committed suicide. The case will live on. I think it's a good example of what happens in a community and the type of pressure that can be brought to bear.

Judge Iles: Next we have Henry Plum. His presentation is entitled, "Prosecuting A Case With a Child Witness."

Henry is an Assistant District Attorney in Milwaukee County Children's Court. As a specialist in the prosecution of child sexual assault and abuse cases, Mr. Plum has conducted seminars across the country on this subject.

**Statement of Henry Plum, Assistant District Attorney,
Milwaukee County Children's Court,
Milwaukee, Wisconsin**

Mr. Plum: Good afternoon. In terms of prosecuting a case and dealing with child witnesses, I've been in this business for about 11 years, and I guess I would say that I don't think there's any one right way to prosecute a case. There are probably many wrong ways to do it.

When we talk about child victims, we should probably approach it from the defense perspective. This morning, Don Bross made some comments about when a case is lost. Is it lost because of the investigation? Is it lost when it's presented to the prosecutor or at the grand jury? Or is it lost to the jury itself, or later on?

And I think if we take a look at cases, at child abuse cases, whether in juvenile or criminal law areas, we find that the focus of the defense — and I like to look at my adversary and see which way they're going — the focus of the defense in terms of cross-examination is really four goals. The first one is to destroy all evidence against you, amassed against you. Or, if you can't do that, limit it, or you explain it away, or you diminish it.

And when we look at child victim/witnesses, that's probably the focus that many defense attorneys take. They try to destroy the competency of the witness by determining or attempting to show that the child is not competent, or they try to explain that the child fabricated the story, or that there was some other explanation, that in fact it didn't happen.

And in order to combat that, I think the way we have to approach it — and I guess I'm making the assumption that all of us are either prosecutors, investigators, victim assistance, people working with victims — is that there are certain things that affect our ability and the victim's ability to perceive facts. And those particular factors affect our investigation, our presentation of evidence.

For example, the first one is time. Now, as time goes on, your memory of a particular event grows dimmer and dimmer. I'm sure if I ask all of you

in three weeks what you had for lunch today, you may have forgotten. You may have forgotten it already.

The same thing with a child. We find that as children move away from the sexual assault, their memory of the event becomes dimmer and dimmer. And that is a specific defense ploy. It's obviously one reason for having quicker trials, so we eliminate that problem.

A second factor that affects our ability to perceive, as investigators, as well as victims, is poor or changing observational conditions. What do I mean by that? Well, if, for example, you're investigating a case, and you go out and interview the child, and there are lots of things going on around that child, depending upon what place you choose to interview the child — whether it's in the home, whether it's at the police station, whether it's in the DA's office — if there are a lot of various stimuli going on, the child's observation and perception can only limit or focus in on a few factors.

So in terms of asking the child what happened, I think what you want to do is try to control what factors surrounded that. You can't only focus in terms of what the child will tell you. You have to go to the child's senses. You may question whether the child is telling the truth or not. A child doesn't fabricate, for example, the smell or taste of semen. That's not within their realm of experience.

And so you as an investigator, or prosecutor, have to be aware of the various stimuli that are affecting that child's perception. And in terms of building your case, list all of those stimuli. Get that information out.

I've found — and I guess a rule of thumb is this — that when you do the investigation, you do it right the first time. Don't plan on going back a second, third, and fourth time. Because, for example, if you're waiting for the child to make an excited utterance, they'll say it the first time around. And after that, they're not going to say it. And if they do, it's not excited anymore. So you've got to get the data the first time around.

The victim is stressed. There is a biological reason for that. As your level of stress increases, your visual acuity decreases. For example, if I walked up to you and said, give me all your money, you might recall that I'm a male, that I'm white, that I've got a blue suit, I've got a red tie and a white shirt. But if I placed a gun in your face and said give me all your money, chances are you'd fixate only on the gun. And you might not remember anything else.

Last night I was with one of the NOVA Board Members, and she was telling me that last week she was in Milwaukee and she was driving down the street and happened to see a crime occur. And there were two, what she thought

were two victims or two of the perpetrators running away, and they ran in front of her car and the police got involved, and jumped in front of her. And there was another victim/witness advocate with her, both of them were in the car.

Well, after everything settled down — and they were just frozen, because they had kind of got stuck in the middle — her story of what she saw and what the other person saw were totally different. And here we have trained professionals that are used to making observations.

So the level of stress that affects the child, as well as you as investigator, is going to affect your ability to get all of the evidence. And in terms of stress, if you can't deal with sexual abuse or if the investigator cannot deal with sexual abuse, how the devil are they going to be able to deal with the victim? And that's the key. So, you've got to get all of the information.

Another factor that affects ability to perceive is bias and expectancy. Do you have a profile of what a sexually abused child is? If you expect that the child is supposed to be female, be under five years old, then what happens when you investigate a case, and the victim is 13, female, provocative, and is a delinquent? Because the child doesn't fit your profile, your expectancy needs, is the child therefore not a victim? You've got to question your investigators and get all of the data. And if you have biases, you have to deal with them.

Those same biases that you will have as an investigator, the victim will have, judges have, juries have. And so the process is education. One of the benefits of a program like this is that as you come on, as you find out what other people are doing, you go back and you become innovative in your prosecution. Last September, I was in Baltimore and I happened to hear Dr. Summit talk about the child sexual abuse accommodation syndrome. He had written an article and said that it worked in his jurisdiction. So I sent away for it. He sent me the article. And I had a sexual abuse case that occurred about a week after the conference.

I called in a psychologist, who evaluated the child, and showed him Dr. Summit's article. And I said look, can you do anything with this? Is there a way that we can prevent this child from testifying, especially if we're going to run into the issue of retraction. Well, sure enough, about six weeks later, the child retracted her statements. It was a sexual assault by a father figure in the family.

The doctor told me, well, for a couple of years I've been doing evaluations. And I know all of these factors that Dr. Summit said in theory. But we never put a label on it. Sexual abuse accommodation theory. And what it does is

deal with some of the exact problems that the defense tries to use in diminishing the testimony.

For example, the syndrome explains that if there is a delay between the child reporting the incident and the actual occurrence, that there is a good chance that there will be a retraction, especially as the delay grows longer.

And by utilizing that kind of data, I know there's one particular child that I assume we did well with. I hope we're doing something right. This morning I heard all the wrong things we're doing. But I think we're doing something right — where we did successfully prosecute a sexual abuse case, where the child did not have to testify — because we had the data presented in a way where we utilized the expert, who evaluated the child. We had the teacher who had heard the excited utterance in the classroom, during a class, where the child was talking about touching, and the child suddenly blurted out, my father touches me in my kitty cat, which was her vagina.

Those kinds of statements were entered into evidence. Under the rules of evidence, an expert can testify as to facts he has perceived, or facts he has heard in the courtroom. The doctor, at that point, explained the statement of the child, the profile of the family, profile of the child, and the reasons for the retraction.

I didn't call the child as a witness. She was five years old. We thought it would be too traumatizing. At the end of the hearing, the defense wanted to call the child. We objected. I said, Judge, if she comes up and testifies and says that she was sexually abused — well, we're conceding that she said that already. So what is she going to add to it? If she comes up and says it didn't happen, we're conceding that fact, too. She retracted it. Of what benefit is her testimony going to be? The Judge said, I agree. She's available, but it's cumulative testimony. Now, it works. It works in some cases.

There's another factor I'd like to deal with. In the criminal justice system, we always talk about the adult system, and we don't look at the juvenile system as a part of that.

I think we are missing something that can really benefit us as prosecutors in terms of the juvenile justice system. We prosecute in tandem. The criminal justice system, by its very definition, is not focused in on the victim. We have a victim bill of rights, we have some things that are beginning to recognize the rights of victims, but paramount, it's the defendant who has all of the rights.

You've got to kick in a system that is focused in on the victim. So in the event that the case is lost, and there are going to be some cases that are lost, you can still intervene on behalf of the child. I would recommend strongly that

when you initiate a criminal prosecution, you initiate a juvenile prosecution to have the court intervene on behalf of that child. Why? Number one, you can control issues like visitation. You can deal with issues like protection of that child, placement of that child, long-term treatment of that child. Long after the guy is in jail or gets probation or whatever else, you have to deal with the reality of the victim. I suggest very strongly that you utilize both systems.

In terms of interviewing children, and those factors that affect observation, I would strongly suggest that you become aware of when you interview, how you interview, what you communicate, what your bias is and what your expectations are.

If you do the investigation right the first time, and you gather all of the evidence — I think the speaker before me indicated that they went back out to the house and got more information — if you get that information the first time around, it makes your case much stronger.

In conclusion, I would say this. As a prosecutor, you've got to be innovative. You can't look at traditional ways of prosecuting cases, because the law is changing, science is changing, the state of the art is changing. And if you are going to think the way we prosecuted cases twenty years ago, you're not going to be successful.

Secondly, you've got to use experts and you've got to educate them and let them educate you. You've got to specialize. The team approach in terms of having the social worker and the cop go out and do the investigation right the first time, is extremely successful.

Use the other system. Use the juvenile system to back up the criminal system and vice versa, because you're not always going to be successful in the prosecution of the case.

Finally, it's our obligation here, collectively, to educate those that work within the system. If it's a prosecutor who doesn't know how to do it, then the cop has to train him. If the judge doesn't believe sexual abuse occurs, then it's the obligation of the prosecutor to train the judge. And it certainly is the obligation of the prosecutor to educate the jury. If you don't do that, then we're just going to continue to have some of the problems we're having right now.

Judge Iles: Our next speaker is David Lloyd. David is an attorney with the Children's Hospital National Medical Center. His presentation is entitled, "Preparing the Child's Family for the Case."

David Lloyd received his J.D. and is counsel for the Division of Child Protection at Children's Hospital National Medical Center. He provides legal advice and advocacy to the division staff. He conducts interagency liaison with

the criminal justice system and prepares child sex abuse victims for court and provides court accompaniment.

He also provides extensive training to professionals in law enforcement and the legal system, in addition to those in the medical and mental health social worker system. He tracks each division case through the investigative and court systems and has detailed statistical outcomes in D.C. criminal justice and child protection systems, over 1,200 cases in a six-year period. He serves on a variety of interagency committees to improve case management and is currently President of the Mid-Atlantic Coalition of Sexual Victimization of Children.

I had the wonderful experience of meeting him at the presentation that he made when he was chairing the panel that I spoke at for the Children's Hospital National Symposium on Sexual Molestation in January. And then I got a delightful surprise one night when I turned the television on and he was on giving a beautiful summary of the problems of victims.

**Statement of David Lloyd, J.D.,
Counsel for the Division of Child Protection,
Children's Hospital National Medical Center,
Washington, D.C.**

Mr. Lloyd: I was really interested in the title that was assigned to me for this presentation. This is the first time I've ever been asked to speak not on preparing the child victim for court, but on preparing the child's family for court. And I think that's a very significant title. I think it has significant implications for what we should be doing in the criminal justice system.

It's obvious that we should be preparing the child to testify in court. But we should also be preparing the child's parents for their own testimony in court. All too often, all the emphasis is on preparing the child, not on preparing those other witnesses that are lay witnesses that are going to testify. We need to prepare the child's siblings for the impact of the court procedures on that whole family. And we ought to be preparing the child's friends, other relatives and neighbors, for the fact that this child is going to miss school many, many times, because they're called to go down to court only to find that there's been a continuance and the case is postponed again. Or, the teacher is going to find that the school performance might suffer a little bit during the pendency of these proceedings. There ought to be a way that we can prepare this larger

community without running into the problem of potentially biasing jurors before the jury is selected.

I call your attention to the need to prepare this larger family of the child and not just the child himself or herself. Why do we need to prepare the child? Well, the reason really is because of the adversarial nature of the criminal justice system itself.

There are a number of assumptions that the criminal justice system makes. First, witnesses can protect their own interests fully. Second, witnesses should cognitively function at the level of the average adult. Third, witnesses who do not function at that level lack credibility. Fourth, all witnesses will react to stress, especially that of being a crime victim, in the same uniform, predictable manner. Fifth, the burden of proof is upon the accuser. Sixth, some crimes, for example sex crimes, have unique problems of witness credibility — that is, the accuser lies. And seventh, due process requires that all witnesses should be treated similarly and that any policy disputes have to be resolved in the favor of the defendant.

That's the way our criminal justice system is currently operating. It was designed in the year 1215 for adults accusing adults, under Magna Carta. It was not designed for children accusing adults. And yet we persist in the assumption that all the due process procedures that we have and all of our styles of practice that apply between adults also apply when one of the participants is a child. And in fact, we know that these assumptions don't apply at all when the child is participating.

First, children depend upon their caretakers and their advisers for guidance. They cannot protect their own interests in the courtroom. Second, we know that children function at different levels cognitively, emotionally, and morally, depending upon what their inheritance is, depending on their age, and depending on the social learning that they've had.

We know from experience that child witnesses are no more or no less credible than adult witnesses. Our statistics from Children's Hospital reflect the national statistics that I've been able to find out in conversation from others — that is, only about two percent of these cases really involve false accusations. And in our experience, those are not the young child, those are the adolescent.

We know that child victims of sexual molestation react to the stress, the impact of the victimization, in a variety of different ways. And we cannot have preconceived assumptions in terms of how they will operate.

We also know that child victims are likely to be either explicitly or implicitly intimidated from relating all of the facts, because of the defendant's

statements and his demeanor in the courtroom, and by the strange formality of the physical setting of the courtroom itself.

We know from experience that child victims of sex offenses are no less credible than adult victims of sex offenses. We know from experience that the due process protections that we have fail to protect a child's interests. So we need to prepare the child for court.

The second reason we need to prepare the child for court is that our experience shows that if you do a good job preparing the child, you have a successful case outcome. So if you don't buy the moral imperative on you to do this on behalf of the child, look at your case outcome.

The first question that arises is, who should be doing this court preparation? The District Attorney? We heard this morning that lawyers aren't good at talking to their own children, let alone other people's children. I daresay this also applies to police officers. This also will apply to guardians ad litem, who may be attorneys that are appointed by the court. I think Mr. Bross' comments on the qualifications for guardians ad litem is especially pertinent here.

Well, then, should we turn to the victim/witness counselor? Well, the victim/witness counselor may have a lot of experience in dealing with adult crime victims and may in fact be quite good. I urge you to think long and hard about using any victim/witness counselor attached to either the police department or the court in terms of doing your court preparation.

How about a physician, nurse, social worker, mental health professional? Again, if they have experience in working with children and are genuinely interested in working with children, they'd be terrific people to work with you in the team approach that was mentioned earlier.

When should you do it? As early in the case as you can. The child needs to be prepared. In many jurisdictions, a child has to testify at a preliminary hearing. In my opinion, it is a sin to send an unprepared child in to testify at a preliminary hearing, because you're going to lose your case there. It is a sin to send an unprepared child into the grand jury, because you can lose your case there, with no indictment. And yet I know this happens, in jurisdiction after jurisdiction.

What should the time of day be for preparing child witnesses? Those of you who have young children will recall that there are certain times of the day when children are more alert and active, and can understand better what you're saying, than others.

Therefore, the time right after the noon recess is probably not a good time to prepare child witnesses. That's when they take naps in kindergarten, and first and second grade. That's when their mental processes are going to be the most fatigued. You might want to consider another time during the day.

How often and how long? The first rule of preparing a child for court is, prepare, and when in doubt, prepare, and when in doubt, have more patience, and when in doubt, double the amount of patience. It takes time. You cannot do this simply; you cannot do it quickly. You've decided you're going to do it; you've figured out when you're going to do it. Where should you do it?

Much of the witness preparation goes on in the District Attorney's office. That may be fine for adults who are impressed by your degrees up on the wall, who enjoy sitting across the physical barrier of a desk, who enjoy sitting on a fairly hard chair while you're leaning and rocking back in your chair, who don't mind having secretaries bustle in periodically with case files to be signed or whatever. It doesn't work with children.

The most successful cases that I have seen, in terms of court preparation, come from those few lawyers who genuinely like their own children, and have pictures of their children in the office, and have their children's drawings in the office. And if they don't have any, they borrow some from a lawyer who does have children and have children's drawings. They are the D.A.'s who are willing to spend an evening taking that child witness out to an ice hockey game, just because they want to make friends with that child.

If you don't have a room like that, yours may be one of those few court-houses that has a playroom. You might get a special arrangement with the administrative judge to get the use of a playroom after hours. After hours is good, because for a school child, it means the other children don't have to know that he or she is involved in this process, and they don't miss any school.

I would not start my court preparation in an empty courtroom. I think it's too intimidating. You need to have the child understand who you are and what you are about and have some kind of rapport develop.

Developing rapport: Be careful with the use of ice breakers that you may use. If the child was sexually molested by an approach of candy or crayons, don't offer the child candy and crayons. It happens. It really does happen. Think carefully, and don't have a toy that's designed for a six-year-old offered to a nine-year-old. It's insulting to the child.

You need to assess the individual child's knowledge of court procedures. Some children stay up until midnight and watch Perry Mason reruns. They have to understand that guilty people do not stand up in the back of the

courtroom. That simply doesn't happen. They also have to understand that court is not like People's Court on TV.

You may have a child who has a lot more knowledge than you think, however. I can recall one case where the complaining witness was the 12-year-old son of a legal secretary who worked for the U.S. Attorney's office in the Criminal Division. And he was going to have to testify in a juvenile trial.

And just to protect the record, the prosecutor went through the voir dire for competency. And she came to the point of understanding the difference between telling the truth and telling a lie. And she said, what would happen if you told a lie in court today? And he said, well, that would be perjury. But being as I'd be a first offender, I'd probably get probation.

And the Judge looked at the defense counsel and said, I hope you don't have any questions about the competency of this witness. You cannot assume that the child knows nothing about court. So you really have to try and assess what the child does know about what's going on at court.

With very young children, in my preparation, I use the analogy of dispute resolution by a school teacher, because this is something they may be familiar with. And I ask them if they ever had a fight on the school grounds. And frequently, they do. And I say well, what happens when the teacher comes up, or the teacher wants to know what happened? How does the teacher find out? Well, I tell her what happened. I say, does she ask the other person? Yes. That's what court is about, only instead of a teacher, you have a person who wears a long, black robe, like your preacher at church. And that person wants to find out what happened. So they want you to tell your story.

But because this is really serious and involves a grown-up, we have special people to ask you the questions, instead of the teacher asking them. And then, instead of having the other child tell what happened, because it's a grown-up, he's going to have someone ask questions to tell his side, or to try to get you confused.

So they begin to understand the fact-finding nature of the judge and jury, without getting into the detailed complexities of judicial qualifications and what the exact role of the prosecutor is.

It's after you've had some assessment of the child's knowledge of what's going on and what's going to happen that I think a tour of the courtroom is appropriate. You don't start in the cellblock, however. You start from the back of the courtroom, and gradually work your way forward. Let the child sit in the spectator seats. Let him sit in those uncomfortable jury box seats. Let him sit in the chair, if the judge is willing to permit that, and sit in that witness

stand. And it's helpful to invite some other people in, so it's not just you and the child, so they can see how other people sit in the courtroom, as well.

There comes a time in the preparation of the child for court that you should do a role play, at least a role play of some of the initial questions. One of the things that you need to role play is the voir dire for competency. Now, this is part of the double whammy that a child witness gets. They first have to go through a voir dire to show their competence to testify; and the second whammy is at the end where the jury is instructed that despite the fact we know this child is a competent witness, you have to take their testimony with a grain of salt.

The voir dire is designed to test four things. First, the child's ability to understand questions and to answer them responsively. And that's very important. Particularly, you will find children who are developmentally delayed and retarded. And that is very tough for some of them.

Secondly, the voir dire process is designed to find out whether a child has memory. The questions that you might want to use include such things as, did you always live in your house? Where did you live before? Or, what did you do last year in school that was special? Did you go on any special trips? This is where you show the capacity of the child to think, to remember back.

We had a mentally retarded 12-year-old girl who we were able to successfully have testify as a witness. And we found out that her mother used a technique — an imaginary thinking cap. She would have her put on this imaginary thinking cap. We found out about it and used it in our sessions. And the prosecutor used it in her practice sessions. And when she actually went in to testify in court, she said, Rene, I want you to put on your thinking cap. And she would do it. And then she was able to go forward. A little bit later, she'd stumble — now, Rene, put on your thinking cap. She'd do it again. Well, by the middle of the trial, when Rene was instructed to put on her thinking cap, the judge was starting to involuntarily go up with his arms to put on his own imaginary thinking cap.

It is very important to practice the voir dire for truthfulness because you need to give the child all the synonyms for telling a lie. I heard a defense attorney ask a kid from the inner city who was five years old, do you know what a fib is? In the kid's neighborhood, "fib" went out in 1955, and he'd never even heard the word. So you need to think up all the possible words the defense attorney will come up with for synonyms of lies.

You do need to prepare the child for confrontation. It's a good idea to tell the child, if you see the person make faces or arm gestures at you in the

trial, say right then to the judge, he's making faces at me. That can be addressed in a bench conference at a status hearing, if you think that might happen, particularly with an adolescent incest victim whose father is known to have a temper.

We've had situations where we've had outbursts in the courtroom. You can prepare for that in a pretrial conference. You have to prepare for cross-examination. You have to prepare the child for the loss of privacy — that there are going to be maybe as many spectators in the courtroom as there are here — that there's no law that can prevent the media from publishing that child's name. And there may be a sketch artist drawing a picture. You have to prepare the child for that.

You have to prepare the child for the fact that the defense attorney might have gotten hold of her counseling record from a rape crisis center or a mental health center. And you have to prepare the whole family for postponement after postponement after postponement after postponement.

The final tip of preparation you have to do — you have to prepare them for the outcome. No guarantees. Secondly, that they should not expect an apology from the defendant. I have seen many defendants plead guilty. I have seen many defendants apologize to the judge. I have never seen, in the courts of the District of Columbia, a single defendant turn to the victim and apologize, or even send a letter to them.

And that's one of our issues in working with the judges, in making that at least a condition of probation. It does a lot for those children. When the child does wrong and has to apologize, it means something. If a grown-up does something wrong to the child, why shouldn't he or she have to do something?

You can't just prepare the child. They need accompaniment to court as well. Our witness rooms in Superior Court here are the most barren rooms you could imagine. They're almost sensory deprivation rooms. It's a good idea to have that victim/witness counselor sitting there with them, playing games, learning how to bounce wads of paper off the wall and into the briefcase, learning how to lose at tic-tac-toe so that you look like you're trying hard. It's good for developing their spelling skills that they're missing because they're out of school so much because of these postponements. Anything but telling war stories. And that's the first tendency of the police officer and other witnesses. So you need to have somebody accompanying the child in there.

You can have successful case outcomes without court preparation. You get better ones with court preparation. We know it has a better impact for the

whole family, with court preparation. And we know, also, it's the right thing to do. And I urge you to build the networks in your criminal justice system that will allow you to have court preparation as a regular process.

Judge Iles: Our next and last speaker is the Honorable Charles B. Schudson. He is the Circuit Court Judge from Milwaukee, Wisconsin. His presentation is entitled: "The Role of the Judge in Protecting the Child Witness."

Judge Schudson presided over Branch One of the Juvenile Division of Wisconsin Circuit Court in Milwaukee, Wisconsin. Each year, thousands of cases of delinquency and child abuse and neglect cases come before him. He has initiated several programs to meet the needs of children and families in bold and innovative ways.

Before becoming a judge, he served as an Assistant District Attorney and Special Assistant U.S. State's Attorney for seven years. In the Milwaukee District Attorney's office, he was one of the original Project Turnaround staff members who developed new programs and laws on behalf of victims and witnesses. He developed the first battered women's program in a prosecutor's office.

For the last six years, he has also been a member of the criminal justice faculty at the University of Wisconsin, Milwaukee. He is a graduate of Dartmouth College, where he was a senior fellow, and of the Wisconsin Law School, where he was a member of the Law Review. He has also been honored with a selection for Phi Beta Kappa and a Fulbright Fellowship. He has written several articles on battered women, victim/witness services and white collar crime.

**Statement of the Honorable Charles B. Schudson,
Circuit Court Judge, Milwaukee, Wisconsin**

Judge Schudson: Well, I hesitate to begin this way. But I really have to be candid. I'm very displeased with a number of things, and I want to share those with you.

First of all, I had to leave Milwaukee yesterday. Yesterday was beautiful in Milwaukee. We only have four good days a year. Yesterday was one of them. And then I had to come here into a rainstorm, buy an umbrella on the street — it was probably hot. Get up this morning, there's no hot water.

Assistant Attorney General Herrington, I appreciate your efforts, but frankly, today has really been a disaster. And it has continued since we've

been here. And you know, you may be laughing now, but when you think about what's gone on so far — I have been up since seven this morning. I had to sit through I don't know how many speeches this morning. You put me on in the afternoon when everyone is being seized with the post-lunch drowzies. And then you stick me at the end of the table and, before I get to speak, all these other people get to go first. David Lloyd takes my topic.

I don't know that there's really any possible way that I can communicate with them. (Demonstrating with a puppet) How did you get here? I can't — there's no way I can possibly communicate with this group. There's no way they can understand me. Stop it! All right, come up here, for Heaven's sake. Just — what are you doing here? Frankfurter, how did you get here? On the same plane, with my Visa card? Why — all right. So you're here. Why are you here? You thought they should be warned about my arrogance. All right. All right, sir, you're here. So go ahead. What do you want to tell them?

Frankfurter, who often assists me in court, would like to explain to you that he has perceived that there are times when I have a bad day. And there are times when people come into a courtroom who do not speak the typical language of the judge and the lawyers. And at those times, he, or many of his friends who also occupy the drawers behind the bench, come and provide a good deal of help.

Actually, in truth, this is Frankfurter who is a gift to me today from Attorney General Herrington. My usual assistant is a frog puppet by the name of O. W. Holmes. Not Oliver Wendell, but Obviously Wet.

And to give you some idea of just how important it is that they assist me in the courtroom, you can find out, for example, how Frankfurter, sometimes known as Hot Dog, would help a child tell about a case. There was a time, not too long ago, when we had a five-year-old in the courtroom who wouldn't speak and wouldn't tell about what had taken place.

And the lawyers did their best and the victim assistance specialists did their best. But only Frankfurter could do it, because he has a magic nose. And so he was able to go up to that child and say, "I am very, very sad, because no one will talk to me. But I have a very special magic nose. And when I take my special magic nose, and I touch it to somebody else's nose, then they talk to me." And so Frankfurter could walk right up to that little child and touch noses, and the child, who couldn't be prompted to speak, suddenly spoke.

And O. W. Holmes often assists in that. And there are other little tricks that one only learns by, I suppose, being a parent or a counselor, just being a human being, that are marvelous, not the least of which is the one that seems

to work even more often than Frankfurter and O. W., than any other. It's simply that wonderful step of looking at that tiny little child in that great big oak chair, the witness stand, and leaning over and saying: "I'll bet you'd be a lot happier if you were on Mom or Dad's lap." And giving that child a lap, and an arm around the tummy, to help that child talk.

In any event, there are all kinds of things that can be done. And there are all kinds of innovations that one doesn't have to learn at conferences, but one can simply learn from memory of grandparents and parents, using common sense, and with a slight bit of flair, or boldness, or caring, bring some things into the courtroom that often are not found there.

Today I'm supposed to address the role of the judge in protecting the child witness. And I'm going to move through that very quickly, because I think most people in this room know what the role of the judge should be. The more critical question that perhaps is less known, and one on which I can be of greater assistance, is how do we bring more judges to that point?

First of all, what are the stakes involved? The stakes are very clear. The human terms we understand, and they have been addressed. The legal terms are crystal clear. It's the difference between a conviction and an acquittal, or the difference between the proper charge or an improvident plea bargain.

In 1975, when Milwaukee introduced its victim/witness services programs, through Project Turnaround, within the first year of victim/witness assistance, we brought about a 50 percent reduction in the dismissal of felony charges. All we were doing was taking common sense steps to make sure that victims and witnesses could make it to the courtroom and have support, know of adjournments, and be prepared to testify.

The stakes, then, are clear. And the recommendations that many of you have in the President's Task Force on Victims of Crime, at Pages 72 to 82, are precisely the ones that I would say are the realistic goals that should define the role of the judge in protecting the child witness. I won't go into those now. You have them there, in excellent form.

Furthermore, there are some things that can take place outside the courtroom. As you will address in the next session this afternoon, there is legislative change that's needed. At pages 64 to 66, the materials of your ring binder, there is the description of Wisconsin's laws. We're pleased that Wisconsin was the first state to pass a victim/witness bill of rights. And it added to that in the last session with the child victim/witness bill of rights. That is described in those materials.

The other factor that I would just like to touch on briefly is something, I think, that should accompany every proposal that you will be making. The question that, of course, will always confront you is, "Sounds good. Who pays for it?" And I think that at the top of every agenda should be the proposal to make the criminals pay for victim/witness services.

That not only appeals to logic, but it means that whatever the vagaries in governmental funding will be over the years, there can be in place a permanent program that will forever fund victim/witness services.

The states that have brought this about — Connecticut, California, most recently Wisconsin — have found that the revenue derived from that program exceeded the expectations. And there is available, through Adele Terrell, an article that I wrote on that subject. It's a very realistic proposal. It's appealing to legislators, whatever their political philosophy.

Moving now toward what can be done to bring about more judges who are sensitive and understand the problems of the victims and the witnesses and the children, there are some areas that I'd like to address very quickly today.

In the first place, we have different circumstances, depending on whether your state has a requirement of judicial education, or a judicial college. I hope you know that there is a National Judicial College located at the University of Nevada at Reno. And I attended the juvenile court judges program for two weeks there last June, and found that the program was superb. It was superb, to a large extent, because it did not consist of judges telling other judges what to do; but rather, judges learning from people like Dr. Rosenberg, Mr. Bross and others from outside the judicial framework to say, here are things you should understand about children and sexual abuse and psychology.

And incidentally, the judges on the receiving end of that found the programs offered by the nonjudges and the nonlawyers most beneficial. There is growing recognition in the judiciary that that is true. Of course, that's naturally selective. What kind of judge would go to such a college? But that aside, I think it is important to understand that there is at the national level, through the Judicial College, tremendous receptiveness to all that we are trying to do. And they are anxious to build those programs and educate more judges.

In Wisconsin, we have a Judicial College and a Judicial Education Program. And let me just briefly touch on some of what can be provided. A year ago, Wisconsin became the first state to provide this program to educate its judges. For a three-day retreat, 40 judges and their spouses took a law and humanities seminar. The readings consisted of *King Lear*; *A Jury of Her Peers*,

by Susan Glaspell; *The Secret Sharer*, by Joseph Conrad; a number of other works. And the faculty was literature and law faculty from NYU, Brandeis, and the University of Wisconsin.

And for three secluded days, judges and their spouses decided and talked about and considered the issues of decisionmaking in isolation, the concerns that come about for a judge in both the human and legal sense, situational ethics, and the role that the spouse could play, whether male or female, in bringing to the judge an understanding of issues beyond the courtroom, to help that judge make better decisions and sleep better at night.

The program was so successful that it just had its second year, and they have a waiting list. And we expect that within about four years, every judge and spouse in Wisconsin will have that course.

Let me give you another example. Just within the last few months, in the Milwaukee Circuit Courts, our 37 judges had two sessions provided by the Task Force on Battered Women and the Sexual Assault Victim Advocates within the District Attorney's Office.

The impetus for that came, unfortunately, because some months ago a judge made some very sad remarks to a victim on the stand, and it caused such outrage, understandably so, that it became the vehicle, the catalyst, to bring about this effort from the Battered Women's Task Force and the other advocates, who then were able to say to the judge, we will offer you this program after court hours, these two four-hour seminars, to help you do your job better. Did the judges attend? You better believe it. Why? In part, because they truly, sincerely wanted it. Perhaps, also, because they knew the media would be there to see who would attend.

There are ways that citizen advocates can lead that horse to water and virtually force it to drink. And the potential use of the media is crucial in considering how that can be done. That then brings us to the question of how, how do you get such good judicial education for your judges?

And I want to consider the special nature of the judge as a political beast and as a decision-maker, because, in one sense, the judge does occupy a very distinctive and special role in the entire system, different from any other that we will approach. But as we'll see in a minute, maybe it's not all that different.

There are some things that are important to recognize about a judge. In the first place, the judge is isolated by design. The purity of the system is to isolate and insulate that judge from pressures. Quite distinct from the role of the legislator.

The second factor is that not only is the judge to be isolated but the judge is under ethical isolation to be resistant to pressure group influence. Quite different from the legislator.

The third is that the judge, even in the course of a trial, particularly with a jury trial, must do something, even if it violates his or her own gut. One of the most frustrating things for me, for example, is that after working in the D.A.'s office for seven years, and working so hard in victim/witness support, I found myself as a judge with children on the witness stand or sexual assault victims on the witness stand. I wanted to reach out to prepare them, just as I had done during those preceding years. But I know that allowing that witness' demeanor in front of the jury to be untouched by the judge is crucial to the fairness of that system. The defendant deserves that. And preparation, at least initially, for entering that courtroom, is not to be done by the judge, and would, in fact, be the basis for a mistrial.

Related to that, then, is the fourth factor. The judge, in looking at that precious child on the witness stand, or the sexual assault victim on the witness stand, not only is obligated to guarantee fairness and consideration to that witness, but also must guarantee fairness and consideration for the defendant, who may be falsely accused, who also may be a child. And so it is the judge, and only the judge, who stands in the position of having to protect all children in the courtroom, whether accused or accuser, all persons in the courtroom, whether victim or defendant, and all defendants, whether guilty or not guilty.

That raises one slight footnote. And I think it's so crucial that we keep it in mind. All who have worked with these kinds of cases know that the possibility of false accusation is negligible. We also know it is not unheard of. We also may speculate that during times now, where we are properly raising the consciousness of children and adults, the potential exists for the false accusation.

All I can say is this: let us be mindful of the consequences in our individual communities should there be a major front-page case where all the support systems go to work, and later we find that an innocent person was convicted, that the accusation was as a result of malice, or vengeance on the part of one family or another. That is not to say that we should ever be reluctant to bring such cases. It is to say, as the Sergeant says, be careful out there. Because now, the consequences of such a case could be so devastating to all we're trying to do in the community that we must be ever more vigilant and careful in our review of such cases.

So we see that the judge occupies a very special position. But in another sense, there's nothing special, then, about the theory of approach to the judge. Because all I advise, then, is that when we consider that judge as the target, or the judiciary in general, as the target of our education, all we're saying is, understand your target. Understand that the judge has special roles and concerns. And to educate that judge we must do some things that are not exactly the same as we would do with a legislator or a community leader.

We have to understand that target, understand, also, that sometimes a judge makes a decision that he or she doesn't like. And sometimes a judge sits there and says, oh, I hope they have better evidence. Oh, come on, prosecutor. Do better. Find something better! And it just doesn't come.

I think, on the one hand, we should understand judges and understand the unique approaches that must be taken to educate them and make them better and more sensitive judges. On the other hand, we shouldn't make the mistake of sitting back in incredible reverence for that person in robes. We should be willing to take the chapters from Sol Alinsky and use whatever methods are going to be intelligent and crucial to bring about change.

It means for example, that if you have a victim/witness support citizens group in your community, check your statutes. Is there anything that prohibits you from assessing the quality of judges and reporting that to the electorate? Is there anything that prohibits you from giving annual awards to the judges who are most skilled and sensitive?

On the one hand, it is all too easy and common to criticize judges. That's old hat. It does have some benefits. But on the other hand, I can tell you how to turn judges around in a hurry. If you've got 20 judges in your county, at the end of the year, pick the three or the six — don't limit, make sure you get every good one — pick the eight judges who did it right, and get your media there, and have your press conference, and present your awards. And the other 12 during the next year will fight to get those same awards.

Reinforcement works for judges, because, believe it or not, judges are also human beings. I think, at the same time, it's important to recognize how difficult it can be for a judge to bring a puppet into the courtroom. And let me give you some insight to that, so you have a sense of what a judge can do and can't do, and how we can promote a better performance by judges.

During my two-plus years on the bench, there have been several complaints brought to the Chief Judge of my district about me. The first one that the Chief Judge brought to my attention involved a case where I left the bench

and conducted the proceedings at the table, when the two children there said they were afraid of me up there, but if I would come down, it would be okay.

The two lawyers in the case made a formal complaint to the Chief Judge about that. And you can be sure that the first time I put a frog on my hand in the courtroom, there were complaints.

I also have been in the habit of visiting, unannounced, every residential treatment center and correctional facility for children to guarantee that what I order gets done and to guarantee that we're providing quality services to children. There have been formal complaints to the Chief Judge about that judge who is out there practicing social work, and that's not proper judicial demeanor.

And indeed, in a recent poll of lawyers by the Milwaukee Journal just a month or two ago, 11 percent of the lawyers of Milwaukee County responded to this poll rating judges. I got extremely high marks on work habits and legal acumen, and an almost rock bottom rating, from 24 percent of those who responded, on demeanor.

Children do not vote. The future does not have a lobbyist. We are it. And what we are doing that is so very valuable is coming about an advocacy role on behalf of children. One of the most crucial things that has been accomplished is that, to a great extent, children are now learning to become their own advocates. But they still cannot do it alone.

Realize, as you approach judges, that you have several important expectations of judges. I happen to share those. Recognize, however, that most of the Bar has a different expectation. Most of the tradition of the judiciary has a somewhat different expectation. The finest in the judiciary do not. I don't think Mr. Justice Holmes or Mr. Justice Frankfurter would be at all offended by what I'm doing. I think they would be extremely proud. Recognize that your agenda and mine is not necessarily that shared by the Bar or other judges. So when you do find judges who are doing it right, reinforce that. Use the media. Use the methods that Alinsky would teach, and see how the other judges come along.

I think, in closing, what I would like to echo is really the word of the first speaker this morning. She spoke of the need to eradicate child molestation. And any time that we hear words like that, we often, particularly in the legislative councils, get a big yawn. Some of this is inevitable.

I think that our goal should be to eradicate child molestation, to eradicate the insensitivity within the justice system and the judiciary. And to those who would say that that is an impossible task, I think we fairly respond that when

each of us goes to that Judgment Day, that the question is not going to be, what did you achieve, but rather, what did you attempt.

Judge Iles: Thank you. Are there any questions for our panel members?

Participant: For Don Weber, one of the things I have found in my own clinical practice relates to the Van Hook suicide. It spills over into work with pornography and child pornography as well. It is that it's very important to realize that the psychic stability of the sexual abuser, of the pedophile, depends upon repeated sexual offending to maintain that psychic stability, and upon the delusion that what he is doing is correct.

Once you confront or challenge the veracity of that behavior and that belief system, that individual is going to decompensate or breakdown.

Now, in Van Hook's case, as you've described it, he did not have a support system to support him through that breakdown. But it is very important not to humor the pathology of people who are engaged in this kind of behavior. Until society both confronts this behavior and challenges it so these people have to breakdown because they're unable to find victims to engage in it with, we are in deep trouble.

Mr. Weber: That's the way I felt about it. We got to a point in the Van Hook case where I felt it was more important for him to admit he was guilty to the public than it was to convict him and punish him. So we had engaged in a series of plea bargaining. And we got down to the point where if he plead to a sex offense, I was willing not to make a recommendation to the sentencing judge, but I also would not recommend probation. I just couldn't do that. He refused the plea bargain. And the reason he refused it was that his support system, as you described, was intact. And he had no choice but to do what he did, because he could not turn around and admit what he did. And yet he had been confronted with it. The issue was proving his guilt to the community. He really became secondary to the entire issue in my county.

Mr. Lloyd: Were those victims consulted about your willingness not to make a sentencing recommendation? I think that's a real tough issue, to give up the right to say anything at sentencing, without at least having knowledge of how the victim feels about it.

Mr. Weber: They were. They were consulted all the way on every facet of the case, all the way down the line. And I told them that any decision made on this case was going to be a group decision. And while I preserved the prerogatives of the prosecutor outwardly, inwardly I wasn't going to do anything that they didn't agree to.

Judge Iles: Thank you very much, ladies and gentlemen.

Mrs. Herrington: I was rapt in attention during this last panel. But one thing worries me. We heard the panel members' expertise, their sensitivity, their empathy, and their understanding. I hope people watching this do not think this is the norm, and that there is no longer a problem. I hope that the press realizes that these people are the cream of the crop. There are few people of such caliber.

“CHILDREN’S RIGHTS LEGISLATION”

Moderated by
Dr. Marlene Young

Presentation of Panel on “Children’s Rights Legislation”

Moderated by
Dr. Marlene Young,
Executive Director,
National Organization
for Victim Assistance,
Washington, D.C.

Mrs. Herrington: Our next panel is Children’s Rights Legislation, moderated by Marlene Young.

Marlene is Executive Director of the National Organization for Victim Assistance. She earned her Ph.D. in Political Science. She is also a lawyer and has practiced as a private attorney. She has been Executive Director for two and a half years after a term of President of NOVA. Her commitment to victims of crime is absolutely world renowned. We could not have produced the Victims of Crime Task Force Report without help from her and the NOVA network throughout the Nation. We could not have done the Family Violence Task Force without her help and the help of the network.

Statement of Dr. Marlene Young

Dr. Young: Thank you very much. I am absolutely delighted to be here, I think for several reasons, that I would like to share with you.

The first is that I think that we should pay tribute to Lois Herrington for leading the Federal Government and the Department of Justice in establishing this conference. For a long time, I’ve heard people talk about children being

left out of the justice system, and that children are, as we say, the orphans of justice.

Secondly, it's a privilege for me to be here, because I see a lot of old friends and I see a lot of new friends, I hope. I was thinking as I was talking up here, that I never thought that when I sort of fell into the victims field a decade ago, I'd be talking about old friends and that I'd be living with them for ten years.

Well, indeed it happened. And I say the oldness now is not just simply a matter of speech, the gray is starting to come in, and I think I'm going to grow old in this field. I hope that the rest of you do, too, because I think it's a long-term commitment, and I think we better be in there for the long haul or we're not going to make it happen. So that makes it a delight to be here.

But finally, and perhaps the most important to me, is that this particular panel is special to me. Because I know that what you've been doing out in the field and what you've heard all day today is really important. Programs are important; individual commitment and change is important; within certain communities it's important that you're working. But I'll guarantee that from my philosophical background, I'll tell you the one thing that is going to make this change permanent in this country. And that is to see social and jurisprudential change established by law through legislation in every state and in the Federal Government. And so I think that this Children's Rights Panel is absolutely the most exciting panel that we could be having at the end of the day. And I hope you bear with us for that reason, because we have been able to bring to you in this panel some of the key legislative people, people that have advocated for legislation throughout this country, that have helped to implement it within their states, and that perhaps can serve as a model in your state or your community or else even to work with you and to learn from you, so that we can do even bigger and better things for children through legislation.

And in doing that, in thinking about those things, I'd like to now turn to our panel, because I really am anxious to hear what they have to share with us in terms of that change.

I'm very honored, actually, to have as our first speaker on the panel The Honorable Carolyn H. Spears, who is the District Court Judge in the 224th District in Bexar County in San Antonio, Texas.

And Carolyn, to me, is sort of special. I remember her from the National Judicial College Conference, which we mentioned earlier today, in Reno almost a year ago. And I remember meeting her and being impressed with her commitment and openness to the issues of victim rights. I was even more impressed

CHILDREN'S RIGHTS LEGISLATION

when about, I think, two or three months later, a journalist here, I should say columnist, I guess it's not just here in the District, but nationally, by the name of Richard Cohen, wrote a column that spoke about victim rights. He said that we were going to unbalance the system of justice by bringing victim rights into the system, and was taking to task, to some extent, the various kinds of things that the President's Task Force has been working for.

And Carolyn, within a matter of days, sent me a copy of this article and said, what is this? What were we learning out there in the Judicial College? And I turned around and shot back to her an answer from Lois Herrington to that column. And she took it forth, as I understand it, in Texas, and was spreading it from then on.

And I think that that shows her commitment to this issue as a whole. I'm really happy to have her present her thoughts in terms of implementing the legislative changes and victims rights with regard to children in the court system.

Statement of the Honorable Carolyn H. Spears, District Court Judge, 224th District, Bexar County, San Antonio, Texas

Judge Spears: In discussing with you the impact of victim rights and legislation in the courts, I would like to briefly relate what was and what is now, in the context of my own experiences.

Back in the early 1970's, 1971 through 1973, I worked as a prosecutor in our District Attorney's office. I was trying to see if there were any child molestation cases that I can recall. There were very few, and those that were filed and accepted were filed as misdemeanor cases. There were no felony cases that I recall offhand. There was no special section for child abuse, and I did not work in the Sex Offense Division. But I was trying to remember what I could from what I had seen.

Generally, the defense attorney was a very good friend of the prosecutor and if the case was accepted, then it was continued many times and after it was continued, it was eventually dismissed. And if they could not obtain a dismissal, then it was taken to a judge who would grant probation, and the probation would be for the extended period of time of one year.

I do remember one felony case, which was a murder case, where a step-father had killed his two-year-old stepdaughter. He, apparently in a fit of rage,

had thrown her against the wall, had smashed the door on her, and proceeded to calmly put out his cigarettes on her arm. The jury convicted him and they gave him two years. This was back in the 1970's.

Also in the 1970's, the police department and the prosecutors would not interfere in any family type of violence or quarrels. And I know all of you know that has changed. And I'll mention that a little bit later.

If the prosecutor would, by chance, be a sensitive person and would bring the case to trial, the jury would not convict. And I know that was true as late as 1982, when I was on the County Court Bench, and we had several wife-beating cases or ex-wife-beating cases, and the jurors would not convict. And they would give as their reason that the wife deserved it or she shouldn't have done what she did to aggravate him. In many cases, the wife was in bed sleeping when the man came up and began to beat on her. So I've never understood the mentality of the jury system that will not convict in a wife-beating or child-beating case.

Additionally, cases which fell through the Human Resource Department — or the Child Welfare Department as it was known then — were also difficult to prove, and it was very difficult to have a judge terminate relationships with the parents. It was even difficult to have the children taken out of the home, even though the children were being abused in the home. You could not get a judge to take the child away from the family. And I think most of this has changed, as I will point out in a little bit.

As late as 1977, the District Attorney's Office was still not following through on child molestation cases. This happened in my own family. One of my nieces was molested by an ex-football player. He had coerced my niece and two other girls into his apartment, shown them books, and then proceeded to fondle the girls.

The man who represented him was a very good friend of the prosecutor, and the man had had a previous type offense in another county, and that was also dismissed. About nine months after the charge was accepted and filed, the District Attorney, after several continuances, dismissed the case. Upon questioning, they advised that it would be too difficult to prove, because we only had the word of the little girls.

I guess I've never understood why they didn't go ahead and try to see if they could convict the person instead of just dismissing it with the assumption that they could not prove it.

Now, what about today? In 1984, our District Attorney's Office is using videotape, in accordance with the new law. And also, Mr. Steven Chaney,

CHILDREN'S RIGHTS LEGISLATION

who is on the panel, is one of the persons who helped have that law enacted in our state. And this was recently used in two cases.

It was effective August 29, 1983, and there are two cases of which I am aware. The first one involved a six-year-old girl. And the jury was a hung jury. However, there were 11 who wished to convict, and one for acquittal. So the District Attorney has advised that they retry that particular case.

The second case also involved a little six-year-old girl. The videotape was shown to the jury. And then the defense attorney called the little girl for cross-examination purposes, as a live witness. Under the new law, they're entitled to do that. The little girl, as well you might understand, did not answer any of the questions and could not answer any questions which were propounded to her. The jury did convict, and the jury assessed a punishment of 25 years. I think that was outstanding, considering the track record which we had, a maximum of two years for murder and maybe one year probation for child molestation.

I think all of you understand that a six-year-old child cannot function in our grown-up courtrooms. But this was brought home to me back in 1981 when I was on the County Court-at-Law Bench. It was not a sex-related offense; it was a cat-burning offense. And the eyewitness was a six-year-old child. The man was charged with cruelty to animals. And in order for the jury to convict, it would have been necessary for the little girl to identify the person and tell the jury what she saw.

She was called to the stand. And although she had spoken with the prosecutor and he had been very gentle with her and had worked things out, she could not answer any of his questions.

So if she was that terrified in a case involving an animal, I'm sure that you can imagine she would be 100 times more terrified in answering questions concerning abuse to her own body.

There are certain requirements which must be met in order for the videotape to be shown to the jury. And I'll let Steven review those when he goes over the law with you.

The tapes are made at our Department of Human Resources. It's in conjunction with a trained expert, and the use of anatomically correct dolls. Apparently, it's working very well, from what I heard from the judges and the prosecutors.

In fact, the prosecutor maintains that he will not file a child molestation case unless they do have a videotape which they can use in evidence. So it has proved to be very important for them.

I did ask one of the judges if he felt that the longer sentences which are being handed out by the jury would deter any future child molestation. He seemed to think this would not be a deterrent, because these people are going to do this regardless of what the sentences are. At least we can have some comfort in the fact that the molester will be off the streets for a longer period of time.

In Texas, our 1983 statistics for sexually abused children indicated the following: There were 5,228 reported cases of sexual abuse. Of those, 27.3 percent were perpetrated by the father, 19.8 percent by the stepfather, 8.2 percent by the parent's paramour, and 445 of the cases were perpetrated by the mother.

And when you break this down by the age limit, it was rather shocking to note that 43 of these were victims under one year of age.

I am currently serving as the Civil Presiding Judge. This is something which each of us does for a four month period. We call all of the dockets and take all of the emergency orders. So any requests for temporary orders in an emergency situation would be brought to me. And I think that if sexual abuse has not been advertised in our community, I'm certainly becoming very aware of it, because I see it every day.

Last week before I left, I had a phone call. Under our current law I have given verbal orders to authorize the Department of Human Resources to take children out of situations which I consider to be dangerous to them and not good for their welfare.

There was a situation similar to that last week where a two-year-old girl was hospitalized and diagnosed as having been sexually abused by both her mother and father. The parents were placed in jail, and the Department of Human Resources needed an order to take the child from the hospital so that the child would not go back to the parents once they were bonded out of jail, which I'm sure you all know happens very rapidly. I granted that order, and fortunately for the little girl, the parents signed a relinquishment as to their rights the very next day. We are now in the process of finding a home for her.

There was another case where I signed an investigation on a 14-year-old girl whose father called two strange men from the bar where he was drinking to meet him at a pickup truck where he proceeded to ask them to have sex with his daughter so that he could observe. The two men were indicted and the father is now under investigation. I don't believe he's been indicted at this time. I don't understand why, but that's the status of that case.

CHILDREN'S RIGHTS LEGISLATION

In our courts today, hearsay evidence as to the child's actions and words is allowed through the social worker or the parent, where the best interest of the child is to be determined. And a judge in a non-jury civil trial can talk to the child, if the judge wants to or if either of the parties request that.

In some cases, I will not do this, because I feel as though I have enough evidence to tell me that there is something wrong going on and the child needs some help other than from the parents or from the abuser. And I don't interview them, because I feel like it's another traumatic decision for them. Once they talk to the judge, I'm sure their parents, upon visiting them, will say, well, what did you tell her? Did you tell her this or did you tell her that? And why did you tell them this?

So it's just more trauma for the child. When you do not have a lot of evidence to convince you one way or the other, but where you definitely know the child is being abused, there is no reason to perpetuate or continue what is going on or make the child relive the horror they have already experienced.

I recently had a case where a rapist, who was out of jail, obviously, out on bond, came into the courtroom to contest a paternity case. I've never seen this before and I hope I don't again.

The mother of the child was an 11-year-old girl who had been raped by the man. She had the baby and was giving it up for adoption. The alleged rapist had his criminal case continued and he also continued to try and have the paternity adoption case continued until disposition of his criminal case, because he did not want to plead guilty to the offense of rape of the child.

He would come to the courtroom — and he had done this with various other judges, according to the records — and he would have an attorney. Then he would appear without his attorney and ask for a continuance. So he did this again, and I denied his motion for a continuance. I don't believe that it was violating any of his rights because he had had plenty of time to get an attorney, and did not do so, and I let the adoptive parents proceed. I felt as though, perhaps, this would at least move the situation along for the little 11-year-old girl who did not need to be in limbo any longer over what was happening to her child.

We have a new volunteer group in San Antonio. They assist the guardians ad litem in the cases. They're called the Child Advocates. They will actually work with the children, and with the guardian ad litem. They do investigations; they help counsel with the children. They're trained before they do this. It's strictly a volunteer type situation. But they're very helpful in helping the

guardian ad litem with their reports. So it's something you might think about for your particular area.

In November of last year, I was fortunate enough to attend the National Conference of the Judiciary on the Rights of Victims of Crime. That was held out in Reno, Nevada. The judges did promulgate a statement of recommended judicial practices. You can receive that from the National Institute of Justice. It's a small book that lists all of the recommendations.

There is one paragraph which I'd like to read for you, involving protections — Paragraph 3. "Judges should use their judicial authority to protect victims and witnesses from harrassment, risk, intimidation, and harm."

And Paragraph B: "Judges, in protecting sensitive victims (minors, victims of sexual abuse, families of homicide victims, the elderly and the handicapped) may consider the following: one, expediting trials of cases involving sensitive victims; two, encouraging specially designed or equipped courtrooms to protect sensitive victims, provided that the right of confrontation is not abridged; three, permitting the use of videotaped depositions in cases involving sensitive victims, provided the right of confrontation is not abridged; and four, allowing sensitive victims to have an individual of their choice accompany them in closed juvenile proceedings, closed criminal proceedings and in camera proceedings."

They also suggested that the judges at the trial and appellate levels should be encouraged to participate in training programs dealing with needs, comforts and legal interests of crime victims.

And in conjunction with that, the other judge from Texas, Judge Shraub and I implemented a presentation on victims rights at our Judges College. This is presented once a year for new judges, and it is a week-long conference. The subject of victims rights was included in that conference this year. We would like to see that done also at our annual conference so that the judges who have been on the bench for a longer period of time also would have benefit of that knowlege. And in listening to the previous judges speak, I can see a need for the judges to have some type of education. The majority of judges have had no training in child abuse. They've had no training in how to recognize child abuse. Many of them are not amenable to change.

But if you do not even present this to them so that they can have the option of changing or at least assimilating it and becoming sensitive to the issue, then we have not done anything, either. One of the main things I would like to see is that the judges have some type of training, that they're made sensitive to the needs of the victims.

In terms of impact, I think definitely that victims rights and victims legislation does have an impact. The victims rights groups have assisted the legislature in passing legislation which is beneficial for the victims. And also, that legislation is beneficial to the courts, the judges and the juries because they, then, can obtain convictions and assess longer sentences.

So, in attempting to be optimistic, I think that change can be effected. It will just take a longer time than perhaps we would like to see. But I think, with everyone working together, it can be done.

I was thinking about our conference the other evening while I was watching a mystery show with Orson Wells called "Scene of the Crime." And it was telling a little story about a girl who was terrorized by her baby-sitter. The little girl was about 11-years-old. And the baby-sitter would put her in a room, or scare her into her room, turn out the lights, turn the water off and on, and then she would put on a bloody wig and threaten to kill her with a meat cleaver, until the little girl would say, "I'm not going to tell my mother and father about this." And the little girl would go to bed, and she'd say, "Please make her go away, please make her go away." And she had a little music box which a clown had given her at one of her birthday parties. And the clown said, "Now, if you're ever in trouble and you need some help, just tell this little music box." So she turned on her music box, and sure enough, mysteriously, the baby-sitter disappeared from town.

Well, I think we all know that our children don't have magical music boxes. But I think that's why all of us are here, to help them make the molesters go away.

Dr. Young: Thank you very much, Carolyn. I'm really pleased to move from one Texan to another in this panel. And I am particularly pleased to introduce Steve Chaney who is the Senior Staff Attorney in the District Attorney's Office in Fort Worth, Texas. The reason I am pleased to do that is because I know that videotaping is a growing issue in the United States with regard to special victims, whether they be children or other victims. I also know that it's fairly controversial in certain parts of the United States. And from our analysis of videotaping legislation over the last year, we think that the Texas legislation is one of the most progressive, or the most extensive, depending on which way you look at these things. And I think it will be a real treat to hear Steve give us a brief summary of it.

Steve is considered the architect, the writer of that legislation. And as such, I think he perhaps is the founder of some change across the entire United States.

**Statement of Steve Chaney, Senior Staff Attorney,
District Attorney's Office, Fort Worth, Texas**

Mr. Chaney: I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation indivisible.

When my three-year-old son, two years ago, came home from preschool and recited the Pledge of Allegiance to me, I was proud. All parents are proud when their children accomplish something.

So, as friends and family would come over to the house, I'd say, "Mark, stand up and say the Pledge of Allegiance." Sometimes Mark would, flawlessly, run right through it beautifully. Sometimes, Mark would say nothing.

Now, I don't have one of those videotape machines. That may sound silly for the guy that wrote the law that passed in Texas, but I don't have one. If I'd had one of those machines and could have videotaped Mark, I could show that videotape to friends and family that came over, and would have proven, conclusively, that he could recite the Pledge of Allegiance.

And then I got to thinking about that. You know, things in our private lives and our public lives, and this conference — all these things go together to make up who we are. And I was wrestling with this issue in my professional life. And I got to thinking, videotape would be the answer, because we're asking the wrong question in the courthouse. We're not asking the question, "Was the child abused?" We're asking the question, "Can the child perform for us in the courtroom?" "Can the child come in, under a rather restrictive environment, regardless of fitting this mold of an adult — and I'm going to go into that in just a second — and perform at the moment for us?" And children don't do that well. Adults don't do that well.

So I realized that a videotape could be a tool. And let me say right now, it's not going to solve all the problems. There are going to be cases where you try the videotape and it won't make any difference in the outcome of the case. Most cases, you would still prefer to have the child as a witness in the courtroom, if the child can handle that performance aspect.

But there are, I think, 20 percent of the cases that will be lost without the videotape as a tool. And it has many other salutary features that I want to go into.

First of all, I don't believe the law begins with a big "L." Justice begins with a big "J" and law is a servant of justice. And when we analyze our laws and we find that we're not doing justice, that we're not affording the protection to the children that they have every right to, then we need to change those

laws and, surprisingly, it can be done. I've always thought of Texas somewhere near the caboose on the train of progress. Perhaps it was the oil car right in front of the caboose.

I now have changed my attitude. Texas, in this one area at least, is on the forefront. And maybe that's because we're changing energy sources. We're now the coal car, near the engine.

In any event, let me talk about the rights of the child and the rights of the defendant. Because even within this group here, who I know are sympathetic to anything that can help us prosecute these cases, the first question I get from everyone is, what about the defendant's constitutional rights, and the sixth Amendment right to confrontation? And let me also say we've had a problem with communication. There are probably 14 or 15 states in this country that have "videotape bills." But those laws, in most all the other states, are laws that allow a videotaped deposition to be made, where the defense lawyer is present, and the defendant is present behind a one-way mirror or viewing it on a videoscreen.

What's unique about Texas' statute is three parts. It does provide videotaped depositions. And those have been used, some under our statute. It does also provide a very cumbersome thing, which is a remote live broadcast, where the child is in another room with a child advocate, and perhaps, I think both of the attorneys are in that room, and they broadcast back into the courtroom to the jury. And that has not been used very often. I think there may have been one case where they attempted that or they're going to attempt it.

The third feature is actually in the first part of the bill, and the bill is in your loose-leaf handout. The first thing in that bill, which is what I created, which is unique, I think, is that it allows that child to be videotaped before the defendant is ever arrested. You can't talk about appointing a lawyer for the defendant. You may not even know who the defendant is when that tape is made.

The child goes to someone and reports abuse. It's either to a friend, the day care center, the public school, the neighbors, the mother, somebody. They report it, as our law requires in Texas. And most people are getting pretty much in step with this. They report it to either the police or the Department of Human Resources. And each one of those has an obligation to report to the other.

That child is then interviewed, a very short time later. And the first interview with the child is the one that's videotaped. And that videotape follows

that child, follows the case through the system, and the child doesn't have to testify in most cases, until the very end.

Now, let me talk about children as witnesses, just a tad here. I hear the legal arguments against my legislation, that the defendant has rights in the Constitution. You know why children don't have rights in the Constitution spelled out? Because we didn't even recognize sexual abuse until about ten years ago in this country. Don't you think if the founding fathers had recognized what we're beginning to recognize, they would have put that bill of rights of children in there?

So we have to ask ourselves, in our society, do children have a right to be protected? And the answer has to be yes.

Also, do defendants have a right to a fair trial? The answer has to be yes. So what we have to do in our system is to balance those two rights. And that's my idea of what the law is all about. It is constantly balancing interests, to do equity, to do justice.

So let's look at the constraints that we put on the child as a witness. In the past, the law has only afforded its protection to children if they are able to act as adults. We have ignored the fact that even though a young child may be able to reliably speak the truth, they may not have the abstract reasoning to articulate the difference between a truth and a lie. But I know, as a prosecutor for 13 years, that I haven't tried a case that I didn't have somebody commit perjury. And they were all under oath. I'd rather have a child recite something that I have some believability in, because unless they have actually experienced these things, these experiences are beyond their realm of understanding. I trust a child telling about these things more than I do an adult who takes his hand and raises it and swears to tell the truth so help me, God, and then commits perjury from Fort Worth to Washington.

We have ignored the effect that our emotions can have on our ability to function. How many adults can comfortably discuss sexual experiences? Would each of you right now turn to the person on your right or your left and tell them your last sexual experience, in explicit detail? Now, think about that. Or I'll call on one of you to stand up.

It's not easy to do. But that's what we ask a child to do in the courtroom. And when do we ask them to do it? Two years after it happened. Or a year. Or maybe six months, if we're lucky.

We have ignored the impact that the environment of the testimony being given can have on a person. The courtroom itself is intimidating to most people. Most of you police officers in this room may have been, in your career, lucky

or unlucky enough to testify. When you walked into that courtroom, you were probably, even with all your sophistication and knowledge and experience, you were intimidated by that courtroom.

So these are the constraints we put upon little kids. And they say, you know, run this gauntlet, and if you run this gauntlet successfully, we may give you some protection. And I just don't think that's fair.

Now, let's talk about the defendant and his rights. Where does he have a right? Does he have a right to suppress evidence that's reliable? I don't think so. He has a right to have the factfinder, be it judge or jury, base its decision on reliable evidence — not to keep out reliable evidence.

A method of testing the reliability of evidence is to subject that evidence to cross-examination. And that is a valid tool which has a place in our system.

Indeed, the right to confront witnesses is embodied in the sixth Amendment of the U.S. Constitution and in the Constitution of the State of Texas. Is that rule, is that Constitutional right without exception? No.

What did I go to law school for? I learned the laws and I learned the exceptions to the laws. And there's not a law written that there's no way to get around. Hearsay is what the Sixth Amendment is talking about, generally — the right to confront witnesses. Any time you introduce hearsay, you don't have the right to confront witnesses.

Are there legitimate exceptions to the hearsay rule, right now? Absolutely. The one that I patterned my statute after was the dying declaration. When I went through my Evidence Code in Texas to find a place to put this videotape, that's what I decided to pattern it after, because it already had a format. A statement made by a witness in contemplation of death — he thought he was going to die — made to nonleading questions — questions that didn't suggest the answer — those statements are considered to be reliable enough that even through hearsay, even if the person dies or doesn't die, they can be allowed as evidence in the courtroom.

Res gestae statements are exceptions to hearsay. One of the gentlemen earlier talked about trying a case and never putting the child on the stand. He used a res gestae statement of the child to a third party. That party came in and testified to what the kid had told him. And that certainly denies the right of confrontation. Yet it's legal. Every exception to hearsay denies the right to confrontation of the Sixth Amendment.

And I say that a child is a believable witness. The videotape preserves that child's statement better than a res gestae statement does. At least in the case with a videotape, the juror, the factfinder, can see that child testify for

himself. And he does not have to rely on somebody else to relate what the child said, which many times is admitted in many states.

So I really think if you'll take the issue of hearsay to your judges and to your legislators, if you'll talk about balancing the rights of the child against the rights of the defendant, I don't see that it's a big problem. Bless them, Louisiana, right next door to Texas, and Oklahoma, right above us, have both passed statutes very similar to ours, patterned after ours. They made some changes. Louisiana, I think, improved it a little bit. And Oklahoma didn't quite get here. But they're going to try again. Now, let me tell you about the eight steps that balance these defendant's rights, eight requirements to introduce a videotape in Texas.

Let me first tell you how I got the statute, because I think it's an interesting story.

Ann Clark, who is a DHR worker in Fort Worth, had been working with adoptive services. She began making videotapes of the children to be adopted, and showing those to prospective parents.

She was transferred within DHR to Child Protective Services, started working on sexual abuse cases, and realized that children were being reinterviewed too many times.

I, and the DA's office, began talking with Ann on some other subjects. We were at cross purposes with DHR at that time. I tried a murder case, and I had to fight DHR to get their files, because they had put the kid back in the home, and it was one of the typical prosecutor-social worker head jams. And we started developing some lines of communication. Now we work tremendously, we are great friends.

And I found out about her use of the videotape in that setting. And I began using it before our grand jury in Texas, because it would avoid having the child interviewed one more time by the grand jury. We don't use preliminary hearings, to speak of, in Texas.

And then, one of the grand jurors said, "Why can't you use this in the courtroom? It's compelling testimony, compelling evidence. And many of these children can't perform for us in the courtroom." I said, "Well, it's illegal, it's not the law in Texas." He said, "Why don't you change it?" I said, "You know, you can't just change the law."

Well, I found out you can. And we got some people together and we submitted it to a very astute State Senator, Hugh Palmer, in our state. And he ran with it. I wrote the first draft and came in later on the end of the draft.

CHILDREN'S RIGHTS LEGISLATION

And we presented it to our legislature. It passed unanimously in the House and there was only one vote against it in the Senate.

We thought the first run that we would make would be a trial run, a dry run to get people acquainted with it. We would come back two years later after extensive lobbying and get it passed. But it went through the first time, almost without any opposition. It really surprised me.

In making the presentation to the legislature, I talked about what was happening now and the extensive preparation of the child as a witness by the prosecutor. Children become almost robots when they finally get that well prepared. I had written in the statute that no relative of the child should be present at the time of videotaping, to avoid that question about whether mother put the kids up to it. And they changed it to no attorney should be present when the statement was made. That was kind of unique, in how that snuck in there. So I have never been present when they've made one, and never will be. But that's all right.

The recording is required to be both visual and oral, and videotape is usually used. Videotaped testimony has a distinct advantage over courtroom testimony. Recording equipment is capable of accurately recording a child's statement of the experience in his or her own words as opposed to courtroom testimony which often only allows the child to give responses to questions calculated to lead the child to make a particular statement.

That's one of our biggest problems. Once you've got the law, you've got to train the people to be able to make the tapes so that they will be reliable. One thing I've learned as a prosecutor is that my case is now frozen in concrete on that videotape, to a large extent. So a lot of your case preparation, a lot of the techniques that we talked about earlier, about preparing the witnesses, need to be done right, before the videotape is made, or while the videotape is being made.

The tape, then, is shown to the defendant, when he's arrested, to get a statement from the defendant. It's a very useful tool for the police in that regard. It is used, like I said, in lieu of the child, throughout the system, until you get down to perhaps, the trial. But in fact, in almost every jurisdiction, the majority of cases are going to be disposed of by plea bargaining. And that does not necessarily have a negative ring to it. Everybody thinks it's negative. Plea bargaining is a very effective tool that can reduce trauma to the victim and give a good, swift sentence to the defendant that's appropriate, if used appropriately.

Last year we processed to conviction 160 defendants in our county, of which one-third went to the penitentiary. Two thirds were put on probation. I don't know whether that sounds like a good number to you or not. I found out that nationwide, it's probably closer to five percent who are sent to the penitentiary, and 95 percent put on probation. I don't know. I keep wanting to raise that percentage. But a third, I think, is a good start.

And that was all plea bargaining. So plea bargaining doesn't mean reduction in charges to misdemeanors, it doesn't mean automatic probation.

I realize there are some limitations with the videotape, but, in conclusion, I think it is a very valuable tool, and I think each state ought to have it. And I think that if you'll simply push for it, you may get it passed. I know some states have turned it down, but they just aren't listening yet. So just talk a little louder.

Dr. Young: Thank you, Steve. I think one thing that strikes me about Steve's presentation that I certainly support is his attitude that laws can be changed. I think very often we are set in our minds that both our Constitution and our laws are there forever. And I've had a lot of people say to me, you can't tinker with the criminal justice system. And I say, look, back there when our forefathers made this country, they were tinkering with a criminal justice system. We can continue to tinker as long as we want. That's what our Constitution is for.

I think another state that has shown some outstanding leadership in the field of children's rights and what they can do to help protect the child in the courtroom is the State of Illinois.

When I asked Marty Goddard in Illinois who she thought would be the best person to speak on the Illinois child shield law, she said, without hesitation, Catherine Ryan, Assistant State's Attorney in Cook County. So I thought that was a pretty good recommendation. And I am very pleased to introduce her now to talk about children's rights in Illinois. She is Assistant State's Attorney and Supervisor of the Juvenile Division of the Cook County Office of the State's Attorney in Chicago. She served as Coordinator of the Child Abuse and Neglect Unit of that office from 1975 to 1980, and she has published a number of articles on investigation and prosecution of child sexual abuse cases.

**Statement of Catherine Ryan, Assistant State's Attorney,
Juvenile Division, Cook County, Illinois**

Ms. Ryan: Thank you. I'm happy for the opportunity to be here. And I'm aware that there have been a lot of comments and suggestions about legislation already today. So I'm going to attempt to stay within the allotted time, which as you all know is real hard for a lawyer to do. I'd like to summarize what I think some of those areas are, some of which have been touched on, and then say a couple of words perhaps about those that we have not yet talked about.

The first area, of course, for consideration of legislation, is recognition of the competency of the child to testify. We've just been hearing Steve talk about that and some of the other speakers referring to it. And obviously, the issue that we're all concerned about in maintaining integrity of the process is that we want a truth-finding process. We want to make sure that the information we're getting is reliable.

And I remember being taught in law school, and those of you who had that pleasure of going to law school I'm sure remember, that certain people are simply not competent, whatever it means to be competent. It also means that certain people won't tell the truth. Having practiced law now for a while, I'm not sure that those two things are necessarily related, because what we're learning about children is that they basically don't lie to us. And you know that, many of you, better than I.

For example, I leave a plate of cookies in the kitchen. When I come back the cookies are gone, the plate is still there, and a five-year-old is asked, "What happened to the cookies?" I don't then stop and say, "Oh, by the way, do you know what it is to tell the truth and tell a lie? Can you tell me what is a fantasy, what will happen if you lie to me?" Usually I'm not going to go through all that questioning in real life. I'm starting off with the assumption that this child knows what truth is and knows what has happened and can relate it.

Similarly, if the child walks in the door, face all banged up, black eye, clothes torn, the first question I'm going to say to the child is, "What happened?" And the child is going to probably tell me what happened. And my next question is not going to be, "Well, now, do you know what's going to happen to you if this isn't the truth, how you're going to be punished; do you know the difference between truth and a lie and morality and all that?"

There is going to be some belief of mine in what the child is telling, and furthermore, the child's very demeanor and dress is going to corroborate that.

So that, in a nutshell, and I'm going to spare you all my war stories, speaks to some of the common principles that we're concerned about, that we do believe that we need to maintain the integrity of the truth finding process. But I think we know enough now to say that that's not at all inconsistent with presuming the competency of a child.

We've had the experience in our juvenile court process in Illinois for the last two years of having a statutory provision that says that we will presume the competency of the child with no minimum age.

I think we're at the point in Illinois where we should be able to say we've had a good experience with that. We haven't, to my knowledge, had any abuses with that, and we're even ready to move it into the Criminal Code as well as our Juvenile Court Code. But I think that we need that kind of specific legislation, if it hasn't already been addressed, in each of the states, to say, let the children tell their story.

And that is recognizing, I think, a point that Steve just made, that we're really basically doing more than asking the children to tell the story. We're even asking them, in a sense, to perform, because it's a very foreign setting in which the children are going to testify. And, in addition, we know, in this area of the law, not only are they being asked to testify in a strange setting, but they've got the additional dynamic that they're testifying against a person oftentimes for whom they have some sense of concern, some kind of bond. And we're asking the child to be in this strange setting, to talk possibly to strangers, and then to say things about this person for whom they feel some responsibility. So that's one particular area that I think we certainly need to address, and there's been a lot said today.

A second area is one that's just been addressed as well — the use of technology in children's testimony.

I would like to reinforce the point made this morning that the right to confront certainly isn't the right to intimidate. I think we all agree. But in a sense, for us to talk about it is like preaching to the converted. It needs to be said. We need to acknowledge it. But then we need to acknowledge that there are a lot of people out there who don't agree.

And I suspect if half the room were filled with the defense lawyers, for example, just to take one profession, my own, we'd have a great deal of argument about whether that principle exists.

So I think the first step in that regard is to talk about whether that's indeed the principle on which we're operating. And then the second area is to establish uses of technology that will reduce some of the trauma to the child in testifying.

The third area relates to hearsay exception, and we've heard some reference to this today. Specifically, we all know, from watching television, that for some reason, hearsay hasn't been admitted in the courts, or at least we were told it wasn't from television programs. And you've just heard Steve say that in fact there are all kinds of exceptions to hearsay, and we let them grow every time as we move on with the legal process.

We know that while, on the one hand, we think that hearsay might be unreliable, on the other hand, what's the natural thing to do when something traumatic happens to us? We talk to somebody. And so it's not necessarily unreliable, the mere fact that this child told someone that this terrible thing happened, or this traumatic thing happened. And it may well be interesting. I think it's a very telling thing here about our double standard. On the one hand, we don't let in, oftentimes, the statement of the child, or someone else, that this person did this to me. On the other hand, it's supposed to be a sign that the child is lying if the defense attorney is able to say, well, did you tell anyone? Oh you didn't, huh? And that's supposed to be a sign that they lied.

So I think it's a point we want to look at very carefully. We have also had this area changed for two years in Illinois in our juvenile court statute. These statements are admissible, the child's statements to another person. And indeed, we've found it to be helpful and not to be abused. And I think it's a worthwhile area to consider.

A fourth area that was briefly touched on this morning that I think is very important is the area of privilege. Clearly, we've had a public policy provision for some time to encourage candor between clients and professionals.

However, it seems to me that whenever we look at who's lobbying for this, it's usually not the clients, but the professionals who lobby for these privileges. Be that as it may, they're there in the statutes in every state for different groups.

We have to balance this public policy to encourage candor and services against the fact that most of these offenders are repeat offenders. These people who are revealing it are not only telling about what happened, but may be telling about what may happen in the future. And doesn't this professional have some responsibility not only to do something about the past victims, but tomorrow's victims as well?

So we've experimented for two years, in our Juvenile Court Code again, with a provision that provides that there is no privilege in child abuse and neglect cases in Illinois except for attorney-client. You can see which lobby did maintain itself. But that has not been an area where we've had abuse.

In fact, what we find is that we're getting much better information. After all, that's what a trial is about, about what's been going on in the admissions of the offender. It is an area, I think, that we need to look at for all of our courts as well.

The fifth area is the use of expert testimony. There's a lot of case law that's developing around the country about whether or not states admit testimony about sexual abuse of children. The states are not quite evenly split, but they are going in both directions. The issue seems to be that in the legal process, we only want expert testimony if it's something that we can't usually figure out for ourselves.

We don't want anybody telling us the ultimate issue — that is, whether it happened or not. We just want to know whether or not the context fits. And if there is something inconsistent about this context or if there is something extra we should know, then we can let expert testimony in; otherwise, we don't want it.

Well, the fact of the matter is that this is an area of expertise that some of you have that others of us don't, and you can help us interpret what is happening with the child. And the fact that you say to us, I worked with these many cases and I know children well, and you don't have to say I know better than you, but it's true, and I know that this child's behavior is consistent with a child who has suffered this kind of sexual abuse, is not a threat to the integrity of the legal system. It is, in fact, a help for us to understand better what's happening. And so we should legislate, I would suggest, that this kind of testimony become admissible in all of our states.

Related to these cases, the issue was brought up briefly this morning, is the statute of limitations. I think that is another area that we have to look at. We had the terrible experience in Illinois, where we don't have any progressive legislation in this area, of a psychologist who was treating his patients, children who have been sexually abused, by ordering them to engage in sex with him.

Unfortunately, none of these offenses were found out until after the statute of limitations had passed. So the way that we really got the information was that the registration education system in our state was able to conduct an investigation, since they were not barred by this. They developed a complaint, a very voluminous complaint, that listed 23 victims — children — all of whom had been sexually abused in this manner. And I'm sure you know the 23 were on paper, and having been investigated and corroborated, there were lot more out there.

And the most that could be done was to prevent this person from practicing psychology any more, because it was beyond the statute of limitations to prosecute. And then, I'm sorry to say, the epilogue to the story is that this person has now entered law school, which is another issue that the legal profession has to deal with.

We need to look at the extension of the statute of limitations, perhaps as Colorado has done, to consider either extending it until the victim reaches the age of majority, or allowing the time period to run from the discovery of the crime, or extending the time period to run from the time the crime is committed.

But certainly, it has to be some reasonable period of time. In Illinois, we have the strange situation that if that person, instead of sexually abusing the children, had been handling their trust fund, there would have been no statute of limitations, so we could have prosecuted him. But because he didn't spend their money, instead he had sex with them, we can't prosecute. And that doesn't make any sense at all as a social policy, for us. And if you've got the same, it doesn't make sense for you.

I'd like to suggest, too, that another area of law that we have to look at very carefully is the status offense legislation. In these last two decades, we've undergone some very necessary reform of our status offense laws, runaways, and related areas like this. It's clear that we needed reforms in the laws dealing with the way we should respond to runaways. We've now decriminalized them. We've said, this is not the same thing as a person who commits armed robbery. I think we all agree that's correct.

At the same time, I think we're moving in a direction from decriminalization almost to helpless concern. There's nothing we can do legally if kids choose to act out in this way. And I think we have to make a decision in society — I'm sure you can tell which way I lean — to say that we will protect children from themselves and that we have the authority to do that.

We find this a very great problem when trying to deal with child prostitution. It's against the law to run away, but there's nothing really we can do about it. So how do we then hang on to them and get them some help?

Similarly, I think we have to look at the laws from a preventative stand, that is, children have a right not to have any laws exploitative of them.

That is to say, for example, child pornography is not a First Amendment right. Nobody has a right to that, or a protected right to that. And there shouldn't be statutes that allow it.

Similarly, there is no right to have sex with children just because it's the preference of certain organizations.

When we made a major reform of our sexual assault laws, some people at first got through a provision so that there was no minimum age with which people could have sex under certain circumstances. That was amended, thank God, before the law took effect. But there is a movement around the country to say that there can be consensual sex, whatever that is, with young children. I think that we have to protect our children, not only by passing good laws but by preventing bad ones.

Finally, in the area of treatment and protection of children, I think we need legislation in two areas. One, forfeiture of the items used in the crime. For example, child pornography offenders that we deal with who are using their cars in committing the crime should have to forfeit the car, video equipment, and personal computers used for child pornography. We had one offender who was keeping track of his victims on his personal computer, and the computer showed over 150 victims by the time the police arrested him. He had a key to his pornographic pictures of the kids and he could keep track of what sex he had with which kids.

I think we should forfeit all of this kind of equipment and I think we should put the money into a trust fund for the treatment of the children. We pay for the treatment for offenders; but most of our victims aren't able to afford treatment. Many, I'm sure, get free treatment. But there's no way that you can give free treatment to every child who has been victimized.

And finally, in this area, I think we need to create statutory rights to sue the offenders, because a lot of them have assets. Perhaps that's one reason why it's so hard to convince people it's going on, because they're people like you and me. And they don't do it. It's those poor people that are supposed to be child molesters. In fact it's people with assets and people who know how to wear three-piece suits, or whatever else is the equal, who commit these crimes.

So I think there should be a right to sue. I think it should be statutory. And I think there should be provisions that for those people who cannot afford to hire lawyers, the public prosecutor or some kind of public attorney should be able to sue on behalf of the child to try to obtain money to pay for the child's treatment. That's one important way for us to try to interrupt the cycle of victimization, because we also find that the children, even if we get the offender off the street, become victims a second time and a third time, if we aren't able to get adequate treatment for them.

So I think that there are a number of areas in which we need to watch the legislation, both to provide good legislation and creative legislation — some

of which you've already heard about — to prevent some of the problems that we face, and also to avoid poor legislation that will add to the victimization of children.

Dr. Young: I think that the Children's Bill of Rights in Wisconsin is one of the best pieces of legislation we've seen in the area of children's issues because it has some very unique features that go beyond, I think, technology and go beyond specific legal protection; because it includes issues that deal with having a counselor with the child in the courtroom, mandated by statute, and extending victim rights that are accorded to adults to all those that are children. And as most of you know, we don't include children in our criminal justice system, as we've been saying all day. Making that law was really a major step.

Bobbi Moebius is one of the key people in getting that legislation passed, working with her legislators in the State of Wisconsin. I'm proud to have her here because of what she did there, and also because she's on my Board of Directors of the National Organization for Victim Assistance and is Chair of our Committee on Children.

**Statement of Roberta Moebius,
Milwaukee County Children's Court,
Milwaukee, Wisconsin**

Ms. Moebius: On April 16, 1984, Governor Earl of Wisconsin signed the Child Victim Witness Bill of Rights. And it was a real good day.

As Marlene said, it's a good piece of legislation. There are, however, some problems in it. But we were pleased, because we can fix it. And that was our goal. Get it passed, then bring it back and fix it.

I'd like to give you a little background behind this piece of legislation. Back in 1979, there were about eight people who met to come up with a wish list, if you will, on victims and rights of victims. That committee met in the really early part of September, 1979.

As a result of that committee and that wish list, on April 24, 1980, some seven months later, Wisconsin passed A Victim Witness Bill of Rights.

What I found to be really incredible was, when these people were sitting down and talking, there were as many other people that were having input into this committee. And I was one of them. And one of the things that we discussed was rights of children.

I remember the first time that I walked into a courtroom. I remember the first time I had to say something. And I was scared. And I was on the prosecution's side. I walked in there, and I was really nervous. This courtroom is big; this courtroom is kind of cold and it's scary.

I, as an adult, had some real fears walking into that courtroom. Then I stopped to think about a child that has been either molested, victimized, or has been a witness to a crime. And they have to then talk to the police department, they have to talk to the prosecutors, they have to go through numerous interviews. And they end up walking into a courtroom and they sit there, and they have to tell the truth. It's very scary.

And so I thought well, come on, let's get some rights in here for children. Give victims of crime the rights that they need, but also give the children of this county, of my state, Wisconsin, some specialized rights. They need to have an advocate with them. They should, if the trauma would be so devastating to them, videotape their testimony, have a speedy trial, make them understand the proceedings. We have this legal jargon that I don't even understand, and I work in the system. It is still confusing to me. It's terribly confusing to those children. So put that language in English. These are some of the things that not only I, but a lot of other people in Wisconsin, wanted.

The Victim Witness Bill of Rights was signed back in 1980. Then, for three years, we kept introducing the Child Victim Witness Bill of Rights. And for three years, it kept dying. And it kept dying in budget. We'd go all the way through, and then boom, it would die, and we would have to reintroduce it.

Like I said before, this piece of legislation isn't perfect. I spent Friday afternoon in one of our judge's chambers, kind of moving chairs around. I will be doing a videotape deposition starting tomorrow with a three-and-half-year old victim. This piece of legislation says that if we are going to use this deposition in lieu of this child's testimony, it has to be conducted just as a trial. The right to confront means that that juvenile offender has to be in that room. We're going to do it in the judge's chambers, so I was trying to get a chair so that the defendant could see the victim, but the victim didn't have to see the defendant.

It is just amazing to me that in Wisconsin, we have this Juvenile Code and we treat juvenile offenders differently than we treat our adult offenders. And so we should. But up until very, very recently, we expected our little people to perform like small adults. And they're not small adults. They are children.

CHILDREN'S RIGHTS LEGISLATION

It is very, very difficult when we become victims, when we are hurt, to express our emotions or to talk about and verbalize our feelings. It is virtually impossible for a three-and-a-half-year-old to sit down and to verbalize the fear, the trauma, the anger, all these other things, especially when she or he is witnessing the trauma that's going on in the family. We tend to forget that. It doesn't just affect that little person. It affects pretty much the whole family. The moms and dads, when it is outside the family, become victims when their children, God forbid, our children, are victimized. That doesn't happen — doesn't happen to us. We read about it in the newspaper, but it doesn't happen in our family.

But it does, and when it is somebody outside of the family who has attacked, who has victimized our children, we really don't have anything to fall back on. We don't have anything to say okay, this is how I'll act. Because it doesn't happen to us.

So what happens is that mom and dad, guardian, aunts, uncles, brothers and sisters, they're going through their own private hell. They don't know how to deal with their emotions, let alone the emotion of this little child who's been the victim. So, consequently, what I found to be really amazing is that we, the criminal justice system, expect that child to just walk in and to be able to deal with all of these things.

Another issue that I really wanted to raise in this piece of legislation, was that we, advocates, victim advocates, should talk to the parents, basically refer them to social services — and we put down social service agencies — to address the problems that can occur as a result of the crime, but also that occur as a result of going through the criminal justice system, because that's trauma in itself.

I hope very, very much that our bill will be able to get fixed, because we do not have hearsay. And also, one of the major problems that I see with the bill is a line that I'd just like to take a second and read to you. What it basically says is, "In any prosecution or juvenile fact finding hearing involving a child victim or witness, the court, on its own motion or the motion of the District Attorney or Corporation Counsel, may order taking a videotaped deposition from the victim or witness if there is a substantial likelihood that the child will otherwise suffer severe emotional or mental strain."

I don't think I should have to go in and prove that this will cause this victim severe mental strain. Then we're opening the door. We're opening the door that we have to bring in psychiatrists or psychologists to sit down and to really and truly tell that court that this child will be really emotionally damaged

by testifying. The mere fact of walking into that courtroom, that fear, should be enough.

About three years ago we had a little five-year-old who was sexually assaulted by a baby-sitter. And she did so well. She talked to me. She talked to me in my office. She met with the prosecutor. She talked to him. And she was really good. And we got into that courtroom, and she walked into that courtroom, and she took the stand. And he said, "What's your name?" And she never said a thing. And that was it. She did not talk. We had to leave the courtroom.

There was nothing we could do. The juvenile was obviously acquitted. The case was over. And when we got out she said, "All those people were in there. All those people." She was nervous because he was sitting down in front as well. But all those people. There were 12 people in the jury box. And our courtrooms are closed to the public. It wasn't a crowded room.

We need a child's bill of rights, not just in Wisconsin, not just in Illinois; we need it in the United States. And I want to thank you very much for listening to me, and it's a pleasure being here.

Dr. Young: Thank you, Bobbi. I say again, I think that the really unique feature of the bill is that it proclaims the need for, and mandates, a victim counselor with every child that enters that courtroom. And I think that's unique, as far as I know, in the United States.

Our last speaker today we are very proud to have here. He is renowned throughout the United States for his work with regard to child sexual abuse. Dr. Irving Praeger graduated from Georgetown Law School in 1968 and served as a Federal and State Prosecutor from 1967 to 1981. He's worked to revise laws in several states relating to child molestation, and has published articles on the subject.

Dr. Praeger is currently Professor of Law at the University of LaVerne in California, and is Director of the Children's Justice Center, dealing primarily with laws, once again, relating to child molestation.

So it is certainly appropriate for him to provide, essentially, the closing remarks to a day devoted to that subject by addressing the issue of children's rights nationwide.

**Statement of Irving Praeger, Ph.D.,
Director, Children's Justice Center,
Professor of Law, University of LaVerne, California**

Dr. Praeger: Thank you. I want to speak to you today about some fundamental questions relating to legislation.

I've had the unique experience of becoming aware of the statutes and laws relating to child molestation throughout most of the United States. And I have found out that, while there are some, as you might expect, very common themes throughout the United States, very common problems and defects in the law, there are some notable exceptions. Some states don't have major problems, and some do. As a matter of fact, it's very ironic that we are sitting here today in the District of Columbia, one of the two remaining jurisdictions that in effect has just about legalized child molestation.

In this jurisdiction, you might want to know, a child molester cannot be convicted absent corroboration of the child — meaning usually any eyewitness or physical corroboration. Nebraska is the other. Luckily, we were able to change that law in New York just recently. And hopefully, I understand there is legislation pending in the District of Columbia, about a century overdue, to change this rule here.

There are other notable divergences from the general problem of child molestation throughout the statutes in the United States.

For instance, the Federal Rules have at least arguably abolished the competency requirement for children, which is a remarkable change, because of its impact. I'll talk more about that later.

California, for instance, has enacted mandatory prison, as has Utah, for most child molestation offenses. And that's quite different than most states.

Child molestation is a very, very horrible problem throughout the United States, because we've been barking up the wrong tree on our basic approach to the problem. And our basic approach is, of course, reflected in our legislation. Legislation really does two things. It is our method of properly dealing with a subject in an efficient, cohesive manner. But it's also our symbol of our attitude toward a problem. And that's particularly true in the area of child molestation. Our basic attitude is really what is most important about legislation and is really the underlying problem of all problems concerning child molestation.

But what I really want to say to you might boil down to a question of what all our attitudes are, what some of our secret fears are, whether or not

we really fully empathize with the child or do we partly empathize with the adult; whether or not we are uncomfortable calling a bank president, a Little League coach, a priest, or a minister a criminal; whether or not we are perhaps a little bit afraid of the finger of the accusing child. I don't know. But you know, I'll tell you one thing. And everybody here who is in the criminal justice system, at least those of you who are attorneys, know it. Child molestation is treated entirely differently than any other crime in our society, entirely differently. Not just slightly differently. Why? Why is it so strangely treated, so differently treated?

Well, I think it depends upon what our basic attitude is. I get back to that, and I keep getting back to that.

Present laws throughout the United States are based on an attitude that says in legal terms, "mens rea," which means criminal moral blameworthiness. For every crime except child molestation, you're accountable unless you're insane. You're accountable and you have to be dealt with appropriately. If it's a serious crime, you go to prison for a long time. If it's not so serious, you don't go for that long a time.

We have not indulged in any other experiments in psychiatric criminology other than in the area of pedophilia. We have never bought this idea — which is old, by the way, centuries old — that crime should be treated as a disease. This isn't a new idea. We have never bought that. We don't have burglary psychopath hospitals and robbery psychopath hospitals. Although everybody here who is in the mental health profession can tell you they could treat a burglar and a robber more effectively, probably, than a pedophile. But we don't have that for other crimes. We only have it for child molestation. You've got to ask yourself why, why we take a different approach to child molestation.

Current laws are based on this approach. Let's face it. If you had to put it in one phrase, it's that the crime of child molestation is a crime where the molester has a problem. We don't say it with a robber, you know, this robber has a problem, he likes to rob. But the molester has a problem. Let's do something about his problem. That's the old, archaic way, represented in about 40 states today, that underlies all of our law. And it used to be the law in California. The Welfare and Institutions Code in California said precisely that child molesters should be treated, not as criminals, but as sick persons. That was abolished, and I take great pride in having a hand in abolishing that section and that approach.

What has this approach done to us? You know what it's done to us. There is very little reporting of this crime throughout the United States. I just read

in "Dear Abby", somebody wrote in and said my husband has been molesting for years, what do I do? Should I turn him in to the police? Abby said, "Heavens, no. Get him some treatment, though."

In "Something About Amelia" — remember that movie? It had to end on a happy note as all TV shows do. Daddy got treatment, everybody's happy.

Well, perhaps that attitude, that this crime should result in the offender getting better, and that's what our whole goal is here, perhaps that is what underlies all our problems.

There are a very few arrests, as you know, even when the crime is reported. What do you expect? Do you really expect law enforcement officers to be out there, busting their proverbial rear ends, working overtime on this tremendously difficult crime, to fight a child molester, just to make sure we can get that guy into treatment? They know treatment doesn't work. Do you really think that they work real hard to get this guy probation?

We've talked a lot about improving the system. How hard will any of you prosecutors work if you know beforehand that the man is getting probation? How hard will any of you police officers work if you know that this won't be treated like any other crime? Perhaps that's our fundamental problem. It's a fundamental misunderstanding of what the criminal justice system is about. It's not about treating offenders. The criminal justice system is about accountability for crime. And if you try to use it to treat offenders, the participants in the criminal justice system simply can't play ball. They simply can't understand working day and night so that the molester can go free.

Maybe some of you in the mental health profession understand that. That's understandable. But it's a different perspective from a different profession.

The bottom line is, how can we ever say that we're protecting our children from child molesters when we release them all? Mr. Chaney said 95 percent are not even sent to prison in the first place. That's fairly accurate. I know because I've had a lot to do with gathering the information on which the statistics are based. Statistically, it was about 90 percent in California. We keep statewide statistics, unlike most states.

Child molestation is a most serious crime; all of you here would say it's a crime that knows no equal. While it is important to keep the offender from repeating the offense, it is equally important to alleviate the trauma suffered by the child victim in the courtroom.

We need to devise methods to help the child deal with the court process. Videotaping is a good idea as far as it goes. That's fine. Child hearsay exception is good. Abolition of the child competency rule would be tremendous; guardians

ad litem in the courtroom; closing the hearings at certain times. Giving treatment to victims, of course, is essential. We all know that.

But are we missing the boat here? You know, maybe too many of us have watched too much TV. We watch TV and what happens? There are three stages of every criminal case. Dick Tracy catches the crook. Then, right after the commercial, he goes to trial and gets convicted. Then, he goes to prison. So you have three stages.

Those of you who know anything about the criminal justice system know that the second two stages hardly ever exist. There is an arrest. There will be, then, as you know, plea bargaining. Approximately ninety percent of all criminal cases, even beyond child molestation, are plea bargained in the United States.

At least fifty thousand kids are molested in California every year. Out of the 50,000, about 2,500 arrests are made. Out of the 2,500 arrests that are made, less than 200 cases go to trial. Out of those 200 cases that go to trial, less than 50 are ever directly affected by videotaping.

On the other hand, a lot of the cases that didn't go and that had to be plea bargained were plea bargained to avoid further traumatization of the child. And so the figure is larger than I had first made it sound. On the other hand, compare it to the 50,000.

I certainly have all the respect in the world for the videotape proposal in Texas, which I think is excellent. It deals with a problem that is very important to a child who goes to trial. Maybe it is only 5 percent or a few percent of the cases, maybe 10 percent in some jurisdictions. I don't know jurisdictions where 10 percent of cases go to trial. Even if it's only 10 percent of the problem, it's an important problem.

But that's essentially what we have to deal with, the fact that very few cases go to trial. And so, dealing with the child in the system, the victim in the system, the idea that the child molest problem is in fact the victim's problem in the system, again misses the boat. Because that deals with just this few percent of cases.

We have to deal, of course, with the 50,000. We have to do something about this. That's the missing part of the solution.

The third approach, and, of course, my approach, or else I wouldn't be building up to it like this, is that it's not the defendant's problem. He has a problem, sure, and while he's in prison, which he should be for the length and duration of his dangerousness, I hope he gets treated. And I hope there's a lot of research so that someday we'll find out how to effectively treat him. But

it's not his problem that society should be primarily concerned about. And it's not particularly just the victim's problem in the criminal justice system, although that is certainly a very important consideration.

It's our problem. As the inimitable Pogo Possum said, years ago, "We have met the enemy, and he is us." That's true. It's our attitude that's the problem.

We have simply been unwilling to really and honestly and forthrightly say, child molestation is a crime. It's a serious crime; it's a crime that knows no equal. We should treat it as such.

We have been unwilling to say, as is absolutely true, it's the most common, widespread serious crime against persons in the United States of America.

We have been unwilling to say that child molesters, generally, although not always, are pedophiles and that pedophiles act out of a sexual orientation, and their activity is repetitive, just like a heterosexual's or a homosexual's activity is repetitive.

And we are unwilling to say that the only conclusion to be drawn from this is that, just like somebody who is suffering from a disease that's contagious, we must protect our children from this carrier of this horrible thing called child molestation. We have to do this. And the only way to do that is to forget our fears that might impel us to say, let's treat it like noncrime. You're never going to get anywhere that way. It is a crime and it is a crime that knows no equal.

I hope someday we really will find that magic pill that we can give them. And I know I'm looking at people today who are in the mental health profession, whom I would trust with a major decision on what to do with all child molesters in the United States. What they usually don't understand, however, is that, in the average run-of-the-mill courtroom, the expert who comes in is not Roland Summit; he's not David Finkelhor; he's not any of you people that I've talked to who are obviously so knowledgeable about this subject. He's somebody that can't make a living anyway else except to come in here and testify for the defense and say, I know about this man; I know what goes on in his head; I know I can cure him — and they use the word "cure" — I can cure this man; he won't do it again; it's situational. How many times do we hear that in court?

We hear such nonsense in the courtroom and it's pathetic. And we hear it from the mental health profession. Because the good people in the mental health profession aren't in the courtroom every day. I think, Mr. Bross, you brought up before that we've got to work on them, too. And we've got to improve them. But the point is, will we ever? We've heard suggestions forever

about changing all the attitudes of all the judges. Let's change the attitude of everybody in the mental health profession; every prosecutor. How about changing the law? Let's make it a crime first.

Once we do find, in fact, that there is a magical cure, once it's demonstrably proven, and once it has been proven, then, perhaps, let's take that approach. It needs a lot of research before we'll ever get there. Everybody here who is an honest person in the mental health profession will say that, at best, treatment is experimental and theoretical. And it has not been proven to have been effective to any great extent.

So we need legislation that deals with our basic attitudes. Do you want me to tell you how basic? In almost every one of your states there is no crime called child molestation. Do you know that? Go back to your statute and find it. California, to California's credit, I'll say, has 288 of the Penal Code, a major felony, child molestation. In your state, if a child is raped, that'll go under rape cases. And if a child is sodomized, that'll go under sodomization statutes, perhaps, or sexual assault statutes.

However, what the statutes miss is a separate crime emphasizing society's distaste and abhorrence of this crime, but most importantly, giving us, as a very practical matter, a method of getting statistics to find out. Do you know why the FBI can't tell you how much child molestation there is? They don't have it and they can't get it. They call your state, and the state says there is no such crime. I've done that. And I've called your states. I've called your state prison and said, how many child molesters do you have? They tell me, well, we have rapists, you know, so many rapists. How many of them raped children? Well, we don't know that. Child molestation hasn't even been singled out as a separate crime.

You've got to start with that. Because without statistics, you can't get a handle on what the problem is really about.

You need, as well as statutes that separate it, statutes which in fact make it a real crime. Diversion should be forbidden, as should deferred prosecution. Probation should be forbidden for serious child molestation. There should be mandatory prison. Without that, you're simply not going to have an effective criminal justice system response. You might as well forget about it. You might as well decriminalize it. You might as well say it isn't a crime, we've just been kidding all along. You have to have mandatory prison. You can't rely on each and every judge to know what all of you know about child molestation. There can't be early release.

You have to abolish the competency rule. That's not so radical. California failed three times to have it abolished in legislation that I've written. Federal Rules abolish it, approved by the Supreme Court and Congress of the United States. Many of your states have the presumption that a child under ten years old is incompetent to testify. Do you know how bad that is? Do you know how ridiculous it is? I'll call it absurd. That isn't an extreme statement. Do you know who called it absurd, for those of you who are lawyers? Dean Wigmore, the foremost authority on evidence, called the competency rule as applied to children absurd. Dean McCormick, the second foremost authority, I suppose, also said it should be abolished.

The U.S. Supreme Court said it should be abolished. The Congress of the United States said it should be abolished. And, least of all, I say it should be abolished.

It prevents, as anybody in law enforcement knows, the filing of cases. The police officer says, lady, sorry. Your kid's four-years-old; no way. In some states, your kid's nine-years-old; no way. It prevents the D.A. from going ahead with a case even if the police officer arrests. And it impels the D.A. to plea bargain a case. You've got to abolish the competency rule in each of your states, and that's a noncontroversial position. Do you know who can testify? If Adolf Hitler was here today, he would qualify. The law says, fine. Do you know what? If, today, this man over here was about to take the witness stand and on his way up says, I'm going to commit perjury when I get on that witness stand, he's still qualified to testify. Charles Manson is qualified. Son of Sam. Do you want them? All of them? The most detestable, despicable liar in the world is qualified to testify.

I think if you're going to have a competency rule — and I am an experienced prosecutor, 13 years — and all of you who have been in the courtroom know this, you ought to have a rule saying adults can't be trusted in court. They're not competent. Only children are competent.

There is another assumption, though, behind the present reforms that are being suggested to deal with the children in the courtroom.

There's an assumption, and I've heard it mentioned here, and I happen to have some knowledge of the subject, that juries don't convict child molesters. It's my experience that exactly the contrary is true. Not only my personal experience — I headed the sex crimes section — but I have all of California's statistics. And the truth of the matter is, statistically, the conviction rate after jury trial for child molestation is roughly the same or not substantially different than the conviction rate generally for felonies.

I think those of you who think that there's a major problem in getting adults to believe children in the courtroom in a child molest case are wrong. There is however, some problem in getting the child to testify.

Those of you who think, on the other hand, that it's real easy to convict in the courtroom, and that's why you need corroboration, you're wrong there, too. It seems that statistically it's just about the same.

I think, though, we have to add to the approach — we do have to help the child in the courtroom — but we have to add this new perspective.

Well, how is it accomplished? I'm going to tell you how it's accomplished. It's accomplished through you. There's only one way to really get effective, tough child molestation legislation in your state. Advocates. All of us here are advocates for children in this area. We all know that. Advocates like us have to team up with the Patti Linebaughs and the Bea McPhersons of the world, the people who are involved, the citizens' groups who are concerned about this and who are conscientiously doing something about it in an effective manner, and put pressure on the legislature to make a change.

In Utah, we added one thing that's of great importance, because this is a forum occurring in the Department of Justice. In Utah we made a comprehensive change of the law. I worked there with friends in the U.S. Attorney's office, with some local prosecutors and the Attorney General, with the SLAM group and citizen's groups. And also with the LECC — Law Enforcement Coordinating Committee.

I found out that through the Law Enforcement Coordinating Committee, which is the group of people who represent all the law enforcement agencies throughout the state, that if they push for legislation, they have a tremendous influence in most states.

The Federal government, therefore, can have a key role in this. I think that, in fact, our Federal government has taken the first step by having this conference. I think it should be continued.

I think that I want to implore you to think for yourselves and to ask yourselves if what Lloyd Martin told me years ago is true, that judging from the seriousness and the widespread effects of child molestation, simply, that child molestation is a crime that has no equal.

And if you believe that, as I do, then I think you will be committed to major changes, important changes in legislation for child molestation.

“CARING FOR THE CHILD MOLESTATION VICTIMS”

Moderated by
The Honorable
David Armstrong

Presentation of Panel on “Caring for the Child Molestation Victims”

Moderated by
The Honorable
David Armstrong,
Attorney General of the
Commonwealth of Kentucky

Mrs. Herrington: Our first panel today will be moderated by the Honorable David Armstrong, Attorney General of the Commonwealth of Kentucky. The topic is, “Caring for the Child Molestation Victims.” I’d like to introduce you to Attorney General David Armstrong.

He has actively worked for the prevention of child molestation for a number of years, most recently as President of the National District Attorneys Association. In 1982, Mr. Armstrong was a leader in lobbying for passage of the Federal Missing Children’s Act.

In 1982, as Commonwealth’s Attorney in Jefferson County, Kentucky, he was a founder of the Jefferson County Child Abuse Authority. He was also appointed to the Boards of the National Legal Center for Child Advocacy and Protection and the Adam Walsh Foundation.

Throughout his career, Mr. Armstrong has been a strong advocate for all victims of crime. As Commonwealth’s Attorney he established a program of fast track prosecution of those persons accused of physical or sexual abuse of children whereby these cases bypass District court proceedings and are submitted directly to the Grand Jury.

He established the Kentucky Victims Assistance Network and continues to serve as that group’s advisory committee chairman. He obviously has a

long commitment to victims of crime and I'm pleased that he is here with us.

Statement of Mr. David Armstrong

Mr. Armstrong: We're pleased to have a very distinguished group of panelists this morning, and I'm going to introduce them to you by order of the intervention process.

Our first panelist this morning is Sheryl Bisset Chapman. Sheryl is with the Child Protection Unit of the Children's Hospital National Medical Center here in Washington, D.C.

Sheryl is a social worker and has her degree not only in that but a Masters in Education as well. She is the Clinical Coordinator for the Child Protection Unit at Children's Hospital. She directly supervises the clinical services of a multidisciplinary team that provides short term mental health crisis intervention, comprehensive medical intervention, and long-term children's health care in social services for more than 300 children each year here in the Washington area.

In addition to her monitoring duties in case management at Children's Hospital, she also provides direct services to child sex abuse victims. She also directs the Juvenile Abuser Treatment Project and its group counseling sex education component.

In addition to her special clinical expertise in interviewing and assessment, adolescent maltreatment, and ethnic, cultural and urban factors, she is actively involved in the Division's training and interagency coordination activities.

Statement of Sheryl Bisset Chapman, Child Protection Unit, Children's Hospital National Medical Center, Washington, D.C.

Ms. Chapman: Professional colleagues and friends, it is a significant honor to stand before you this morning and represent the pioneer and exemplary efforts of the activities of Joyce Thomas and the cadre of dedicated child professionals affiliated with the Division of Child Protection, Children's Hospital National Medical Center, here in Washington, D.C.

I've been asked to address a rather expansive topic; the hospital role in identifying and treating the victim. I represent this morning the courageous,

although often sad and terrified, voices of child victims which are often initially heard within hospital settings around this country.

Voices such as those of a 12-year-old who crouches nervously in the examining room of the Adolescent Outpatient Clinic. Her elderly grandmother had brought her to the hospital after numerous complaints about stomach upset and general bad feelings. The doctor diagnosed that the child was approximately four-and-a-half months pregnant. The history revealed an undisclosed rape by an older adolescent neighbor. The clinician was faced with the task of informing the grandmother, initiating legal intervention, and facilitating the exploration of an induced abortion for this child, who had plunged into dangerous depths of depression with the discovery of the pregnancy.

Or the voice of a 14-year-old whose mother involved her in a pornography enterprise. When officials explored her extraordinary pattern of truancy from school and confronted the nature of her absences, the child disclosed what she had been involved in. Despite the child's allegation that her mother had introduced her to the 75-year-old pornographer and encouraged her to generate income for the family in this fashion, the mother denied such knowledge.

The child was removed from the home into institutional care. Referred by the Residential Treatment Facility to our care for mental health assessment and medical follow-up, this child presented an intake with serious suicidal fixation. Feeling ultimately abandoned by her mother, the child was hospitalized for psychiatric care for 30 days before she was sufficiently stable for outpatient care.

A six-year-old was brought to the emergency room in the middle of the night bleeding profusely with an epididymis-like laceration from the vagina to the rectum. When questioned about what happened, her programmed response was, "Something bite me."

After emergency surgery to stitch up the wound, a week of hospitalization, and numerous requests by the child that the sex abuse clinician go home with her, the mother disclosed, upon recognition of the possibility of losing this child, that the father had assaulted the child in the bathroom, not the first of such incidences.

Hampton and Newberger first propounded the notion that the hospital role is truly that of gatekeeper in terms of recognizing, reporting, and treating child maltreatment cases.

Health care facilities are critical, as they often serve as the initial intervention and decision point for sexually maltreated children. Commonly, they represent the first point of contact between sexually maltreated children,

CARING FOR THE CHILD MOLESTATION VICTIMS

their families, and a formal agency, such as the police and child protective services.

These cases are commonly identified in three ways. First, a direct statement that molestation has occurred is made by either the child victim, family member, or neighbor to a health care provider and that medical attention is now being sought as a result of the abusive act.

Secondly, an individual, usually not the child, may be concerned that sexual abuse has occurred and may seek medical assistance to determine whether the child has, in fact, been molested.

Third, the presenting complaint may be unrelated to sexual abuse or molestation, yet careful assessment and investigation may disclose sexual abuse as the underlying source of the complaint.

For example, there is such a high incidence of disclosure of child sexual abuse in cases where children under 12 are brought to us with sexually transmitted diseases, that we now have a protocol in our hospital which requires an investigation into all cases in which the lab cultures turn up a positive culture from a vaginal/penile discharge.

Although it's not required by law, we have found, through our protocol and investigation and reporting to the authorities, a high incidence of disclosure of abuse.

But that involves investigation, and sometimes it takes weeks or months before we can come up with a disclosure or ascertain how these children obtained a disease that we all know is obtained from sexual contact.

The last broad category of cases — those that are not presented as sexual abuse cases at intake — are the ones most overlooked in health care settings.

Since the health care professional's own individual identification of a child as a possible abuse victim is invariably a complex process, the major thrust of my discussion this morning is to argue that this one factor alone has undoubtedly spurred the current development of over 125 — perhaps closer to 150 — specialized programs in health care facilities across the United States. About 35 of these facilities are located in major pediatric hospitals.

It is argued, furthermore, that teams with specialized and multidisciplinary expertise as well as sensitivity in child protection are essential within the hospital and health care settings for these reasons.

Both parents and professionals often have distorted — and I mean distorted — perceptions and unsupported fears with reference to child sexual abuse or the intervention process in the cases or suspected cases. This is an emotionally-laden and provocative area for most professionals.

You hear in the emergency room, this is not a medically acute case; I don't want to prioritize this; they don't even look upset; I don't want to do a pelvic exam on a little girl; I don't understand; why do we have to go through these protocols?

Parents, of course, deny; professionals do, too. The evolving nature of the acceptable standard of care expected by hospital systems in the identification, treatment and management of these cases allows for, first of all, increasing accountability and appropriate screening of children and families at the point of initial reporting, particularly in terms of issues relating to dangerousness, protection and suicide; secondly, the implementation of increasingly complex protocols which establish specific standards of care that should be afforded these families and these children. The failure to comply may result in the hospital's liability for malpractice.

And finally, it has become increasingly apparent to hospital staff that administrative specialty teams are cost effective; that is if they embrace the notion that it's important for us to identify these cases, because many of them do not come into the hospital as sexual molestation.

Typically, sex abuse cases in the emergency room require involvement in addition to medical services. For example, a physician in our hospital will have to walk the cultures to the lab to guarantee that the lab cultures are kept secure and represent the results of that specific examination.

Children who don't want to undergo a pediatric pelvic exam must be prepared for the examination, and there may be resistance in working that through.

All of these things require more extensive involvement of medical professionals. A great deal of time and effort is directed toward establishing immediate linkages with the police, and our public protective service agencies, which often come into the emergency room or into the hospital setting to interview professionals, look at documents or collect evidence.

Careful interviewing of accompanying adults and sensitive professional handling of the child and family in crisis are time-consuming tasks, and unskilled professionals who are not specialized take extraordinary amounts of time to do them, if they do them, in fact, in any semblance of an appropriate manner.

At Children's Hospital, the specialty team, as was indicated by the moderator, serves approximately 300 to 400 cases of child sexual assault through medical, legal and mental health intervention, and the numbers, as is the case everywhere that I've been in touch with, are spiraling.

CARING FOR THE CHILD MOLESTATION VICTIMS

Health care professionals, particularly those in pediatric care, will increasingly play a role in the prevention, identification and treatment of child sexual abuse.

Now, I'm not going to go into specific treatment issues and case management issues because other colleagues of mine on the panel will do so. But currently, only a few opportunities within the field of nursing, social work, medicine and public health exist for formal academic training of professionals in the area of child victimization.

Most individual health care providers continue to obtain their skills by piecing together knowledge gained from conferences, workshops, readings, and on-the-job experience. Fiscal issues, on the other hand, jeopardize most specialized programs, which rely on private and/or public subsidy.

In summary, the development of specialized services in hospital and health care facilities has occurred in direct response to a clear and increasing threat to the health and well-being of our children. The challenge is to develop new systems and mechanisms for supporting specialized program training of professionals in hospital settings so that we may, by hearing those often nearly inaudible voices of child victims of sexual molestation, respond in a skilled and timely fashion.

Treatment begins with the initial recognition of the problem, and it involves us all. It is not any one individual's, any one discipline's, any one community's problem. The potential and devastating impact of child sexual molestation warrants our emphasis and focus upon this problem as a national priority.

When our gatekeepers become adequately equipped to identify and address these unique child concerns, we may all feel more hopeful about our future.

Mr. Armstrong: To present to us the section on diagnosing a molested child, we're pleased to have with us this morning Dr. Bruce Woodling of Ventura, California. Dr. Woodling is a consultant in the ambulatory forensic medicine area, which involves evaluating suspected victims of child molestation.

He is the author of numerous articles on rape, molestation and incest. Dr. Woodling is the chairman of the Medical Protocol Committee on Sexual Assault for the State of California. He also serves as an instructor at the University of Southern California, Los Angeles School of Medicine.

He is a member of the American College of Legal Medicine and has received Board Certification in the American Academy of Family Practice.

**Statement of Dr. Bruce Woodling, Chairman,
Medical Protocol Committee on Sexual Assault, Ventura, California**

Dr. Woodling: I'm pleased to be here today and I'm pleased to talk about the important role of the physician in the input evaluation of the suspected victim of sexual assault.

Children infrequently present the overt complaint that, "I am a victim of sexual assault," but often, in the general clinics of county hospitals and in the private offices of physicians, with other covert complaints like encopresis (soiling his or her pants); enuresis (bed-wetting); and changes in behavior and abdominal pain; not the traditional complaint, "Something's happened to me." A number of children are presented to emergency departments — rather than to specialists — with an alleged complaint by a law enforcement officer that, "We have a sexual assault victim."

I think that a major take-home message for physicians is that until you admit that molestation does exist, you cannot make the diagnosis. A major problem in the medical community is that physicians deny that molestation is, in fact, a problem, and the diagnosis is often doubted when it is staring them directly in the face.

In examining sexual assault victims for the past 12 years, I've seen between 1000 and 1500 victims. In my experience, 80 percent of all these victims will have signs corroborating physical injury or sexual assault. It's unusual for a physician to take the time to perform a careful forensic evaluation, and this is what I would like to discuss today.

When you examine a victim of sexual assault it's extremely important, as the intake physician, that you address the child as a whole person. For this reason, it's important to perform a general physical examination to take the focus away from the genitals of the child and to gain confidence so that a careful examination can be performed.

In talking to physicians, I usually suggest two things. First, many pediatricians who have not been sensitized to the problem of molestation and who do not often deal with genital problems do what I call the "five second genital check." It's a quick peek-a-boo. That's something we can't do in the area of sexual assault. It takes a long look and careful look.

Gynecologists, when referred cases of sexual abuse, in my experience, err on the other side. They feel they haven't earned their fee unless they somehow get a speculum into the child's vagina, another problem that is not a part of the usual forensic examination of children.

CARING FOR THE CHILD MOLESTATION VICTIMS

It's my experience that when we examine children who are suspected victims, the bulk of the evidence is easily seen on the external genitals of the child. When we examine children, it's very easy, if we look carefully and anatomically at the zones around the entrance to the vagina, the perihymenal tissue and the tissue just inside the labia, to define either signs of recent injury which might be small transections, abrasions or erythema with a minimal amount of denudation of the skin, or chronic signs like the presence of small scars — maybe a quarter of an inch in size — that bind the hymen down to its external orifice that are not a part of the child's normal anatomy.

These are findings that tell a story. What's critically important and a charge to the physician examining children is understanding the dynamics of where scars are located and what they mean.

A physician well trained in forensic examinations can differentiate those injuries that are caused by an attempt of a penis to penetrate the vagina just inside the vaginal lips — which is the most common incident that we see in molestation — rather than full vaginal penetration. This can be differentiated from evidence supporting traditional allegations of straddle injury or masturbation-induced injury by the child because of the anatomic location of the scars.

This has been well published, and physicians need to be educated on this as a part of their differential diagnosis.

I like to emphasize to physicians that the bulk of the findings that I just mentioned can be seen with the naked eye if one takes the time to look. If you need assistance, use a magnifying lens. Every emergency department should have one.

But beyond this, optimally what I suggest in the evaluation of child sexual abuse is the employment of an obstetrical instrument called the colposcope, which is mainly a magnifying device ranging from 10 to 30 power on a tripod, totally noninvasive, that can be used to look at the external genitals of the child. It can clearly delineate microscars that cannot be seen easily with the naked eye.

It can corroborate the areas of "proud flesh" which result in synchia, which is a particular type of scar; it can demonstrate what we call neo-vascularization, or the blood vessel patterns that develop in injured tissue that are separate from the blood vessels of normal anatomy; it can also define the deposition of scar tissue in the hymen that occurs with repetitive trauma, even though the penis may not have penetrated beyond the hymen but rather only upon the hymen, which is the most common injury we see in chronic sexual abuse.

The colposcope can even be used to look at the perianal tissue of children who have been sodomized. Acute cases of sodomization will clearly show in many instances petechiae, which are small hemorrhages beneath the skin, or microabrasions.

But I would like to suggest that when a physician sees a child who has been allegedly molested, whether it be sodomy or attempted penetration into the genitals of the child, in some cases there may be no injuries at all. What a physician needs to do in an emergency department, or his office when he sees the child, is to listen carefully to the history, listen carefully to the reports of other investigators, whether they be social workers or police. If the child does not complain of pain during the injury or if the complaint is of oral copulation, one is not going to expect physical injury.

If physicians find no evidence of a sexual assault, for example, no scars or transections, and if the allegation was one of oral copulation, the conclusion in their reports ought not be, "no evidence of sexual assault", but rather, "examination consistent with history given."

And my take-home message to the non-physicians here is to acquaint your physicians with the existing literature, familiarize them with the diagnostic centers like the Kempe Center in Colorado, the Children's Institute in Los Angeles, the Children's Hospital in Washington, D.C. Contact these facilities for protocol and for training, and to help mandate at the state level, a medical protocol to be utilized in the emergency departments.

Mr. Armstrong: Our next panelist is Dr. Theresa Foley. Dr. Foley is the Assistant Professor of Nursing at the University of Michigan School of Nursing. She has been involved in the field of sexual assault since 1976 through work in rape crisis centers where she has counseled victims and families, including adult survivors of child sexual molestation.

She has acted as consultant and in-service educator to residential treatment facilities for juvenile offenders.

Her publication in the field of child sexual abuse and rape, entitled, "Rape: Nursing Care of Victims and the Nursing Intervention in Family Abuse and Violence", and her publication, "Principles and Practice of Psychiatric Nursing", are used on an international basis.

She has presented papers and workshops at national, state, and local symposia, including a presentation at the National Conference on Child Sexual Victimization.

**Statement of Dr. Theresa Foley, Assistant Professor of Nursing,
University of Michigan School of Nursing, Ann Arbor, Michigan**

Dr. Foley: We've heard a lot about many of the ideal programs and the way treatment should be conducted. I want to address the rather dreary side of the condition of this nation and the actual kind of services that I've seen being provided at large.

Responsible case management involves coordination at three levels. The first of these is case identification, the second is case investigation, and the third is community involvement.

Case identification, we know, begins with prevention programming in the schools and in the community. We see this because we have seen the children who have come forward and identified themselves or been identified as a result of the PBS series which brought in 5,000 or 6,000 phone calls.

Unfortunately, we do not have the clinicians to man the cases that we are receiving and we definitely need more funding to provide for clinicians to give services to these victims.

If you're lucky, you will have an astute provider who, after a program with songs and touch and gentle ways of explaining abuse to the child, will recognize when the child comes to them and says, "Gee, I already feel better," that they're talking to a victim, and they will know what to do and where to refer that child.

However, most of the time, the professionals of this nation cannot identify a case of child sexual abuse; they dismiss it and they are entrenched in their denial and their ignorance. A couple of examples will suffice.

The first example is a case in which I testified before a judge that an offender was not safe to be released in the community, that he should not be released on probation, that he was not working in therapy. He had not once discussed the abuse that he had committed.

The judge chose to release this man, and he was returned to the community. The man, being a typical con artist, had engaged another therapist in the community mental health center who testified that this man was safe in the community.

The therapist, however, had not once discussed with the man the abuse that he had committed. The problem of therapists fighting with each other is a condition which Roland Summit has spoken to frequently.

The second example involves a gang rape in an institutional residential facility where a broom handle was shoved up the anus of a young man.

The staff of all disciplines perceived the event as a sexual acting out. The boy received no treatment; he lived in the dorms with the assailants; he had no medical exam, despite the fact that he was bleeding rectally.

He had no one-to-one counseling or interview because their mode of treatment was group. He was withdrawn, depressed, and not talking, and no report of the incident was made to the authorities until two weeks later. The social worker then called the crisis center and said something had to be done. She was subsequently threatened with insubordination and being fired if she didn't stop this activity. It was only when the agency was reported to the authorities by the crisis center that any intervention began in this case.

What you see, therefore, is that the professional disciplines, who are supposed to be informed, are acting like society and the offenders by suppressing the evidence.

I engage in many debates with my colleagues about the fact that this is essential content for the curriculum of students. It's not an option. After long heated arguments with what I consider to be fairly rational, logical colleagues, with all kinds of statistics and evidence, I am able to convince them that yes, indeed, it should be included. I come back in the fall and review the course syllabus to find that there is no course content in the curriculum for these students. These are the undergraduates. They are the people who man our nation. They are the people who cover the waterfront and identify these cases.

This occurs despite the fact that the text they are using has two chapters on counseling sexual assault victims and families of abuse and violence. This is the level of ignorance that we are dealing with, and when we cannot even argue with our own profession that we need to educate each other, we have to resort to other measures.

It's not necessary that disciplines at this level all be trained as expert clinicians, but they should know how to identify a case; they should know where to refer that person for treatment.

This is not limited to nursing. I talk regularly with medical students who have completed their pediatric rotations. They're across the hallway visiting my colleague who is an expert in sexuality — at least we've got that in our curriculum — but they have heard nothing, not one lecture, on child sexual abuse.

And my colleague says, "Oh, by the way, I think you should go across the hallway and talk to Dr. Foley."

They can't believe the prevalence. They don't understand the indicators. And this is the "Big 10." These are the informed people of our nation. And

it's not limited to the Big 10. I have taught in public and private schools, both large and small, across this nation.

In my survey of the professionals in the community mental health systems in the state of Michigan, on a sample of more than 500, they will tell you they did not receive this in their education. If we are to get to them, we have to mandate it into continuing education; we have to require it as a condition for relicensing; we have to require it for certification, and put it on board exams.

Now, I don't see how we can begin to talk about case management when this is the level of ignorance that we're dealing with, because it is this level of knowledge that is directly impacting the care that the victim receives.

I'm suggesting that because these professionals are acting more like offenders — by suppressing evidence, not dealing openly with this information, and handling it in secrecy — that we have to mandate these changes by law.

I cannot go to my national convention and talk with them as I do back in my academic tower. I will receive the same kind of response from that forum as I do at home. It is through legislation that we must bring about this change.

Now, in terms of case investigation, I want you to remember that we're operating at this level of ignorance.

As a nation, we in general do not have a coordinated service system; we have fragmented services. The child and the family are bounced between systems. The right hand doesn't know what the left is doing. They are treated like specimens and cases for the collection of information.

There are two parts to be attended to here. One is case monitoring; what is happening, what is coming up, what is going on next, what should be done. The other involves more of the clinical management of the case.

There is no one person orchestrating what is going on with this who knows that the pretrial is coming up and who is there to say to the family, you don't need to come because the man doesn't have an attorney and they're not going to hear this case today.

Instead, what you'll see is that the child will come to the pretrial hearing, he or she will sit in the courtroom with the assailant, he or she will not know that they can get up and leave. They do not know if they have to stay there all day. There is no one to talk to them, to sit with them or be with them to deal with their fears and anxieties.

They're only referred to a counseling center with an off-the-cuff remark that this service is available and it's really helpful and it might be good for them to try it. It's not the rule of thumb; it's not a standard part of the protocol.

For many families, it just seems like one more thing to do. It should be mandated by protocol and not be optional.

Too often we respond to the adult's concerns; we are adults and we're very sensitive to how disruptive and disturbing this is to them. What happens is that we miss the depth and the intensity of the child's fears, feelings and awareness. When the child is treated with compassion and utmost respect — and I emphasize respect — it is easier for the child to share that anger and fear and pain. We have many techniques which are not being used in many settings to help put the children at ease.

They have gone through a lot. They know, perceive, and understand a great deal. When treated with respect, they can tell you of this trauma and they can begin to heal and alleviate the pain they experienced.

There is no excuse, for example, for conducting a forensic medical exam in the medical examiner's office, or worse, at the morgue itself; to conduct an exam as though it is a procedure; to see the child come away from that exam, after you had established rapport, not talking, not wanting to prosecute, and to be subjected to harassment, to be talked to about this offense as though it is an affair — and the word "affair" is used — and as though they were having sex.

There is no excuse that this child should be harassed in the locker room at school, in the hallways, on the bus, made to sit in the same classroom with that assailant, or have to walk around the entire apartment complex to get to his or her own home to avoid the front door of the assailant who's hanging around outside with a pistol hanging out of his pocket glaring the kid down.

The mother doesn't know that she can report or tell someone about this, and sometimes when they do, they're told there's nothing that can be done.

The child doesn't need to be removed from his or her own school system in lieu of requiring the assailant to leave. What message does that send to the child?

In terms of clinical intervention, there are two things that really need to be focused on a little more heavily. One is that we have a tremendous number of excellent clinicians in counseling services and social services. Many of them are young. You get people who are inexperienced and who are willing to accept a \$12,000 to \$15,000 salary, because that's what beginning positions pay. They desperately need some kind of clinical supervision. How do you talk to a prepubescent kid? How do you talk to a child who won't talk to you? How do you move the child from being immobile with fear, to anger, to righteous rage, to standing up for their rights and getting others to help them with that?

And secondly, how do we make the context of the child's life in the family a healing encounter? With the grants that I'm working on with the families of sexual assault victims, I see how often it is that they were alone in the emergency room.

Before I was at the crisis center, they came in and sat in the waiting room. The child would be seen, and then somebody would come down and say, "Well, we need to see him next week, and he's doing fine." Who takes time now in any of your agencies to talk to those parents? Many of the parents that I see barely get in the door before they dissolve into a state of tears. I don't even bother filling forms out until we're done two or three hours later, and then they disclose their own sexual abuse history to me.

So their reaction is a compounded reaction. They are unable to work, they show many signs and symptoms that you would see with rape trauma syndrome, they have nightmares, can't eat, can't sleep, they don't go to work, they're overprotective of the child, they don't let them out of the home, don't let them engage in normal developmental activities. They don't know who they can trust anymore. They have incredible guilt: "Why did I let my child go there to baby-sit? Why didn't I escort her?" The child is saying the same thing, and neither of them is talking to the other.

They're harassed with things like having sugar put in the gas tank or a three foot fish that's about three weeks old thrown in on the front seat of the car so that a thousand flies hit them in the face when they start to get in the car. These parents are coping with a great deal.

Who is telling the mother of a two-year-old child how to take care of that child, how to provide for healing? And what happens to families who come in seeking some help? We stigmatize them and think something is really kind of bizarre and must be wrong with them if they had this event happen in their family. They have tremendous difficulty talking about it because they do feel stigmatized, just as the incestuous family feels stigmatized. They don't want anyone to know.

And who wants to do therapy with the family who seems a little borderline or dysfunctional and perhaps could be called neglectful, since they let their kids run in the neighborhood and they go over to the neighbor's house everyday?

No one really wants to see that family or to see the possibility of the actual existence of sexual abuse in that family.

Who is taking care of the siblings? I had one victim who was afraid to be at home in the evening with her brothers because her eldest brother's best

friend had assaulted her, and her brother had the same qualities in his personality as the assailant.

She couldn't tell her mother that. The mother was telling me she's just fine. And I'm saying there is something really strange going on here, and we need to talk about it and we need to get together with your daughter, and you've got to do something.

This is a single mom who is working evenings with multiple kinds of problems, which you see with many single-parent families, just trying to cope. She was trying to make a decent living and was unaware of this problem.

What about the father? How sexist is it of us that they don't come in? I'll bet you routinely see the mothers. How often do you see them or go to their homes because they won't come in? We don't do enough home visitations.

The children and the parents have divergent concerns. The kids are concerned about their peers, the community, the school, not wanting people to know. The parents may express concern about sexuality and how this is going to affect the kid in the future.

Discipline; should they be more lenient now, should they lay off the rules? Secrecy; they don't want anybody to know about it. They're crying and depressed and they don't want to burden the kid and the kid doesn't want to burden the mom.

So when do you counsel them separately and when do you bring them together? The family is living their own private hell, and it's hard to help a child heal unless we help the family heal also.

All sexual abuse victims that I have worked with have been under the age of 13. Almost all cases have involved juvenile offenders. Many of the offenders never get to court, and therefore never get to treatment.

Who wants to raise a ruckus in the school, who wants to create a ruckus in the neighborhood when you've got to live there? They don't want to deal with the harassment. The neighbors are coming up and telling them, hey, this wasn't anything so awful, your kid wasn't hurt. That's what you've got to live with.

So they don't report and don't prosecute, and the juvenile offender goes on to repeat the offense as if it was nothing serious. And when they do get referred to court and a judgement is made that they be referred to treatment, what we're finding is that it is difficult to find someone in the community who does effective treatment. If you asked me who in my community could do treatment, I would be hard pressed to tell you.

We don't know who is there in the community, and some of the people doing treatment are using treatment models that don't fit. The psychoanalytic model has many good uses, but it is not the treatment approach to take with this kind of a case.

Many people can't afford private therapy. If I tried to do private therapy with the victims and the families we see, I'd be bankrupt quite soon.

So our services are fragmented. We're not doing enough work in long-term care, so we see the trauma go on with the adult and child, from childhood into adulthood, so that they have to revisit that issue many times.

Although we're beginning to work with treatment of the juvenile offender, it is essentially absent.

So I'm saying that we have to mandate by law that we have a coordinated service program and not have just one agency specified to provide this service. Each community should have some option in deciding which agencies will be involved and how that will be coordinated.

Finally, the third aspect of involvement is the community. We need active community involvement from groups like SLAM; we need the women who go to jail for contempt of court rather than give an offender visitation rights, who watch our court systems, who scream about the poor quality of care. We need those who volunteer time to help where there are no funds to do the work that we need to have done, such as legislation, reading and films.

And essentially and critically, we have got to do public speaking if we're going to raise the awareness of society because the punch line is, these are the people who sit as jurors, who bring back a verdict of guilty or not guilty.

Mr. Armstrong: Our next panelist this morning is Linda Canfield Blick. Ms. Blick is the Executive Director of the Chesapeake Institute, which is a nonprofit corporation located in Kensington, Maryland.

The Chesapeake Institute is a comprehensive childhood sexual victimization program providing evaluations and treatment for the child sex offender, victims and families.

Additionally, the Chesapeake Institute sponsors Parents United, Daughters and Sons United, and Adults Molested as Children Chapters, which are self-help therapeutic group programs for incestuous families and adults molested as children. Ms. Blick formerly served as the Director of the Sexual Abuse Program in Montgomery County, Maryland, and has also been involved as a direct service staff individual in sexual trauma treatment programs in Hartford, Connecticut.

She studied with Dr. Susanne Sgroi and Dr. Nicholas Groth. Ms. Blick is a contributing author to Dr. Sgroi's book entitled, "Handbook of Clinical Intervention and Child Sexual Abuse," and also has written an article on expert testimony, the dynamics of interfamily child sexual abuse, and principles of child development.

Ms. Blick co-chaired the 1983 White House Conference on Child Sexual Abuse and serves as an advisor to Maryland's Governor's Task Force on Child Abuse and Neglect.

**Statement of Linda Canfield Blick, Executive Director,
Chesapeake Institute, Kensington, Maryland**

Ms. Blick: We've heard many of the impact issues throughout yesterday and this morning. But there are really two major categories of them that we need to look at. Number one is the impact on the individual victim and their family, and second is the impact on society.

In terms of impact to the victim, I see it broken down into four major areas. First is the behavioral area. As Dr. Woodling and other people mentioned this morning, we see problems of enuresis and encopresis for children who have been sexually victimized.

We see children with sleep disturbances, nightmares, night terrors and inability to sleep. We see children who regress in their behavior to thumb-sucking, bedwetting, baby talk. And for our teenagers, we see children who collapse into a fantasy world where they have lots of stuffed animals and they create a little world for themselves that's safe and enjoyable.

We see children who suffer from phobias; who run away; who have stylized, seductive or promiscuous behavior. We see children, and more often it appears in adulthood, with eating disorders such as anorexia nervosa or bulimia. We see children with gastro-intestinal problems and children with psychosomatic complaints.

Secondly is the academic area, where we see children with erratic or poor school performance. Usually this drop in performance is at the onset of the abusive behavior, which is an identifying indicator, or there is a decrease in their performance when the behavior changes to a point where it's frightening and hurtful to the child.

Thirdly is the social area. This is where we see withdrawal from peers and recreational activities and we see fear of men or women, depending upon the sex of their own abuser.

Emotionally, we see children who have lost their innocence. This might not seem like much to you, but it's a big point to me. Children who are no longer carefree and who don't have the delights of their childhood, who later grieve for the loss; children who feel guilt, shame and fear because of the abuse, for which they feel responsible.

We see children with extremely poor self-image and poor body image; depression that can often lead to suicidal ideation; gesturing or actual accomplishment of their own death. We see children who dissociate or compartmentalize some of the trauma that they have experienced. Some of that develops into post-traumatic stress disorder that we see later on in life, or it may, in fact, go on the continuum to the development of multiple personalities.

This is a newly recognized problem. I was very fortunate to have attended the First International Conference on Multiple Personalities two weeks ago in Chicago. And if you don't believe the trauma of sexual victimization, you ought to talk to those folks. They described time and again the catastrophic traumas that these children suffer, things that make my hair stand on end, and how they struggle to cope and survive emotionally.

These are just a few of the symptoms that traumatize our children, that impede their own personal satisfaction in life and lead to the loss of productivity of that life or the diminishment of it.

And that leads to the second point, which is society's impact from victimization. Not only do we lose the potential productivity of that individual life, but there is an extremely high correlation between many of society's problems and the root or ideology of child sexual victimization.

There are high correlations in runaways, children who run away from sexually abusing homes into the arms of child pornographers and into child prostitution rings.

We see a high correlation with spouse abuse and the ideology of child sexual victimization. Chemical addiction, prostitution, and factors that we don't even know how to gauge in terms of suicide and death of our young people may in some way be attributed to child sexual victimization.

I think there are recent statistics that showed a four-fold increase in teenage suicide in the last decade. Every teenage abuse victim that I ever talked to has reported some suicide ideation or actual attempts.

Also, we have heard for years about the problem of felony offenses. We have learned that many of our inmates in the prisons were victims of child abuse, physical, sexual or emotional. We know from our colleagues that this

is a transgenerational problem; we know that one in three females and one in four males is sexually abused, somehow, some way, by the age of 18.

At the very least, I hope, if we cannot look at this trauma in the loss of human value, that we look at it economically and in terms of our nation's security. It costs a great deal of money to restrain people who create these problems in our society. It costs a great deal of money to control them or to rehabilitate them.

In terms of treatment, I think I have a very unique opportunity to speak to you as a clinician who came from a private psychiatric background, who served in state service under the auspices of Child Protective Services, and who now has returned to the private sector.

I would be failing in my job if I simply said that I am a clinician who works in isolation. I am, in fact, a member of a team of all of my colleagues who are out here today. It is imperative that we work together in a multidisciplinary approach if we are going to successfully address this problem.

I feel that it is my job as a team member to participate in legal issues. I am a mandated reporter and I take that very seriously. Whether an offender reports additional abuses to me or whether victims do, they are reported.

I believe very strongly in the authoritative intervention and feel that we cannot, as clinicians, do our job without our legal counterparts.

I feel at times that I act as an investigator, which is an important role that I need to play if there isn't someone else there to help validate that case and get protection for the child.

I must work with my colleagues in law enforcement and child protective services so that they can help in the arrest of an offender and protection of the child.

It is my responsibility to participate with the judiciary. I must use my specialized skills to testify as an expert witness in court or to advocate as a child therapist when their hearing comes up.

I have an important role in assisting the child in preparing for court and also to advocate for a child who is frightened or being reinjured in some way, such as examples you've heard in which a child's offender has been violent and is at large in the community. The child can't sleep or is terrified to go out of the house. The family needs an advocate to help get that offender restrained.

It is my job to work cooperatively with the medical community. You heard from Dr. Woodling this morning about how important it is that children have medical exams, not only to detect physical trauma and sexually transmitted

diseases, but from my point, as a clinician, the exam is critically important to help children with their damaged body image.

All of the victims I've worked with, despite the extent of abuse, have felt that their bodies have been permanently damaged, even when no intercourse or penetration has occurred. Unless we help them with that issue, they will go on to continually feel badly about themselves.

And it's not good enough for me as a clinician to say your body is fine. Those kids know that it's a doctor who makes that decision, and they need to hear it from the physician.

Finally, it's important for me to work cooperatively with mental health professionals, whether it's other staff in my own institute who are working with clients from the same family, which I need to coordinate, or cooperating with a clinician who might be treating another part of the family outside of our own institute.

It is imperative, if you are going to treat a child, that he or she be safe and protected. As much as that point may seem simplistic to you, I hear time and again that children aren't protected. How can they concentrate on their own psychological issues if they're fearful for their safety?

It is a formidable task to gain the trust of a child who has been sexually abused. There are many sessions in which I sit with children, and we don't talk about the abuse or anything that is critically important, but I'm giving them a strong message. I give them back their control by letting them talk when they're ready to, and also by letting them know that I'm aware it happened and I'm a willing listener when they're ready to talk.

One important point to note is that sexual victimization occurs on a continuum. Every case is not the same. We need to look at the extent of the abuse. Obviously, a child who has suffered repeated contractions of sexually transmitted disease and has had a total hysterectomy at the age of 13 is going to have to cope with life-altering situations for the rest of her life. That's different from a child who's been fondled.

However, let me not mislead you into thinking that the meaning of the act of abuse and not the extent of the activity is what hurts the child. If you think of this problem only in sexual terms, you are letting that child down.

Our society says we need food, clothing and shelter to survive. Well, that's fine on the physical side, but emotionally, we need trust, protection and love. And when our acquaintances abuse us and our parents abuse us, then we no longer know how to do that. It pulls a psychological rug out from under these children.

Secondly, when addressing the child, it is important that we look at the relationship between the child and the abuser. The closer the relationship, or the more long-term, or if the offender is in a position of authority — such as a police officer or a trusted counselor — then the greater the violation of that child's trust it is.

We must look at the age of the victim at the onset. I hear repeatedly that young children will get over it and that it is not so damaging. I'm here to tell you that I think the younger it occurs, the more damaging it is to a child.

You must remember the stages of child development. What we know about small children is that they are egocentric. They feel that everything that happens to them is a direct cause and effect of their own actions. And when they are sexually abused, despite how it may have come about, they feel that they are responsible. And if those problems aren't corrected in their young childhood years, they carry that into adulthood.

We also need to stress the strengths and weaknesses of the family support system and also of the system outside of the family.

I see Dr. Burgess is here today. One of the things that she has highlighted so much, which is a critical factor, is that it is the family's reaction that is most significant to the victims of sexual abuse. Children whose families are supportive, I find, are treated in a very short time period. But children who don't have supportive families, whose families blame them for the occurrence of the abuse, may never be rehabilitated from the trauma.

We know that 80 percent of child sexual abuse is committed by a known person, either an acquaintance or a parent, and we should look at the fact that many of the acquaintance abuses are just as enmeshed as incest. Many of the victimizers are best friends of the families or have long-term relationships with those children, and it may lead you to have to obtain court ordered treatment for that child if they are showing symptoms that are problematic and the family refuses to get them treatment.

In general, treatment ranges from short-term to long-term. It can be anywhere from two to six months, or two to five years. One of the problems is layering of emotional trauma. You may talk about the same issue over and over again, but it has a greater impact as you peel back the layers.

Many children suppress their symptoms, so clinicians say they don't need treatment. I'm here to say that if a case you read about brings tears to your eyes, gives you goose bumps, or makes your hair stand on end, no child can come through it without trauma.

It is important that we remember those developmental stages. We must give children permission to come to therapy time and again if they need it.

No prepubescent child understands the sexuality of a teenager. Oftentimes you do the work you can with them at this age, but when they begin to date and their partner touches them in an intimate way, they get flashbacks about the abuse they experienced. And if you haven't explained to them that that might happen, and given them permission to come back to treatment, they feel terrible about themselves.

It also happens in milestones with marriages and the birth of children. It is our job in treating these children to educate them to society's problems of sexual abuse and let them know that they may hear time and again that it's their fault, but it isn't. It's the ignorance or lack of education of other people.

You also must help them in the processing of the victimization. One of the understandings or philosophies that I've come to in treating victims of sexual abuse and offenders, or working with people in society who deal with it, is that the pattern follows that of the process of death and dying.

The reactions, in order of appearance, are denial, anger, grief, and acceptance. Many people want to deny or minimize the impact of the victimization. When they finally begin to accept it, they become very angry, and when they realize the altering effects it's had on their lives, they grieve. And finally, if we are successful in helping them through this process, they can accept it as a fact of their life and move on.

I tell my clients about this if they're old enough to understand it in an anticipatory way so that they are not frightened by the intensity of the emotions that arise. I also tell their family members so they're not frightened and think that the child is being traumatized further.

It is imperative in our work with children who have been sexually abused that we still teach them prevention techniques because they may be more vulnerable than children who haven't been victimized. We must teach their families prevention techniques, and we must, please, teach their parents to be better observers and to recognize symptoms that may lead us to believe that the children need more help.

And finally, there are some practical problems in treating children for sexual abuse. First, you've heard repeatedly it's the lack of trained clinicians, not only in the specialty of sexual abuse, but in play and art therapy. Again, it is a reflection of the lack of attention or prestige that children get in our society.

We must deal with the denial of parents who accept or minimize the abuse. We must cope with the lack of financial support to treat these children and a

lack of support in terms of transportation. Many of these children are in multiple therapies — individual, art, family, group — and they need transportation and many of them do not have supportive family members to transport them.

One of the ways you can get around that, if you feel the child is truly traumatized, is to ask your child protective service workers to consider a neglect petition so that you can get a court order to provide treatment for the child.

Finally, I'd like to say that despite all the difficulties in treating this problem, there is nothing more rewarding to me than to see a child who was withdrawn and severely traumatized develop into a happy individual who is satisfied with himself, and who can use creativity to develop into the person that he wants to be, not one with whom he is displeased.

Mr. Armstrong: Our next panelist comes from the Department of Psychiatry at the UCLA Medical Center in Los Angeles, California.

Dr. Roland Summit has been employed full time for the past 20 years as a psychiatric consultant to community agencies, including child protective service programs, law enforcement programs, and child abuse treatment programs.

He has been involved with self-help organizations such as Parents Anonymous, Parents United, Sexual Abuse Victims Anonymous, and in consultation with individuals, at parent, victim, adult survivor and perpetrator levels.

Dr. Summit has been concerned primarily with child sexual abuse, exploitation, and pornography for the past ten years. His activities include consultation, community organizing, speaking, writing, serving as a media resource and also serving as an expert witness.

He is currently the liaison consultant to the city, the schools, therapists, parents and prosecution in the McMartin Preschool case.

**Statement of Dr. Roland Summit, Professor of Psychiatry,
UCLA Medical Center, Los Angeles, California**

Dr. Summit: A number of people have mentioned in the course of our conversations this week the Child Sexual Abuse Accommodation Syndrome, which was written as a tool for therapists and prosecutors working together to establish reality against the typical incredibility of the child witness presentation. I'd like to give you the attribution just in case you should want to use it. It's in the International Journal, Child Abuse and Neglect, and it's Volume 7, pages 177 to 193.

I would like to reinforce and emphasize some issues with which I fully concur. Not only are we not prepared at a systemic national level to receive children of sexual assault, but we are better prepared to assail them, to punish them.

As was mentioned in the Van Hook case and other presentations yesterday, it's not only a matter of denial or repression, it's a matter of retaliation and degradation.

We as a society, in a series of systemic and traditional beliefs, are committed to destroying the credibility of a young child who embarrasses us as the adult community with the tawdry, painful, disastrous implications of this very secret, very shameful, very unforgettable experience.

That's true across all disciplines, within every discipline, and part of my prepared remarks would have illustrated how that's especially true in the fields of counseling and mental health. That's already been hinted at and mentioned many times.

But we do fight with one another. We have traditional beliefs. Many people in positions of traditional authority and power believe and will defend their reputations and professional dogma on the assumption that all children, males and females, grow up in their first five years of life facing the greatest challenge of coping with their own desires and insatiable needs to achieve union with the parent of the opposite sex; that little kids are so driven by sexual insatiability that they create their own problems when those needs are frustrated.

That's a bit of an overstatement of the Oedipus complex, but it's been said this morning that no one is trained in child sexual victimization and intervention or trained to understand the dynamics and the feelings of being sexually abused.

All of us were trained at the most basic, conceptual and theoretical level in some kind of understanding of children who seek special favors and who are frustrated and then potentially vengeful for their inability to seduce people in authority.

If that's a substrata of our training, it shouldn't be too surprising that it's difficult to change, that we're slow to accept this state of the art which is so well represented in this particular conference.

We all seem to agree that we have a serious problem and we would like to agree that the problem is shared with the rest of the world, but it is not.

Rather, it is a problem so assaultive to the rest of the world and to the professional communities at large that there will be active repression and punishment of those who bring the problem to the surface.

A number of speakers in the last day, and now today, have pointed out how the victim suffered, often unwittingly; how our systems prosecute the victim; and the rhetoric of victimology that is currently called "victim blame." It's an easy scapegoat, an easy way of turning the tables to relieve and absolve ourselves, as adults, of guilt or responsibility for trying to rescue or undo the ill effects of molestation.

I would like to propose a corollary. Anytime that we as adult professionals presume to represent the child, to advocate for the child, or bring the child's problems to the surface and to a more active level of intervention, we, each of us, face victim advocate blame.

We will be saddled with the evil that is sort of transposed out of the molestation of children to the punishment that comes to the bearer of bad tidings, the publisher of bad news.

Lois Herrington said yesterday, in what I thought was a brilliant summation of the problems, that sexually abused children, or children who are sexually abused, suffer incalculable harm. Most people don't agree with that tenet; most people argue that children shouldn't be so bothered by what happened; and as Linda just pointed out, the younger the child, the less they're concerned because they're not sophisticated enough to know that it's bad or that they should feel guilty.

We have determinate sentences based on levels of penetration as if a child merely fondled will not be damaged by the experience; or if the child is troubled by that, it must represent a failure of adjustment, because no kid ought to be that upset about just being touched.

I would like to share my knowledge of a young woman who experienced "just being touched." I would like for you to try to understand the experiences of one victim by my sharing little bits and pieces of the life of one person who was a victim of child sexual assault.

She came into my life three years ago when I had given a lecture to a hot line training course and she said later that my topics on the effects of sexual abuse were speaking to her life. She hadn't known that before, so she asked to meet with me.

We spent several hours reviewing her life, and she saw that as a turning point in her discovery that not all of her was bad and hopeless, but rather her feelings about herself were based on experiences in her childhood that she had never been able to deal with.

We hoped that through that turning point, through referral into specific sexual abuse group survivor counseling, she could gain a different kind of control.

The story, as she shared it, was that she was born into an average, rather well-advantaged middle class family in Kansas City. She idealizes her childhood as a time of great happiness, except that when she was four-and-a-half, the man across the street, a good friend of her parents, the man who shared a great deal of the time with her, took her into his life as kind of a buddy. They did projects together down in his basement; they played the organ together — an irony that she notes in her journals — and they swam together. They were, in her parents' eyes, great friends.

He also extracted a price from every contact with her, and that was dropping his hands into her pants and fondling her, holding her, pressing her to his body. He never used the kind of force that would have created a confrontation, never, in fact, was so forceful that the child had a clear idea of what role she could take in seeking intervention.

And she wrote, in a journal that she shared with me, of the confusion and frustration of trying to gain control of this, being certain that it was her problem, that it couldn't be shared with anybody, and it was all the more obvious that it couldn't be shared when she experienced the kind of thing that was illustrated in the Illusion Theatre last night, the child being mauled or mishandled in the presence of chosen caretakers who seem to see and take no heed.

As one example, she was swimming with Chuck, the man across the street. He was groping her under the surface of the water, and she was squealing and her mother was sunbathing or on the deck by the family pool, smiling indulgently at their good horseplay.

When she got old enough to try and gain control and refused to go swimming with Chuck, her mother became angry and said that it was not hospitable, "He is our guest, you go play with Chuck." In her eyes, she was ordered to be Chuck's sexual partner. Yet the parent never had the opportunity to take active intervention.

It's been said that little kids don't suffer from this sort of thing, don't understand what is wrong. It's also expected that if a child were upset, he or she would ask for help.

This child, at the age of five, was convinced the only answer for her was to kill herself, and by the age of seven, she tried. She failed and felt all the more inadequate for her failure; she hid the nature of her illness from a drug overdose from her parents; tried again at nine, again hid the nature of it. By the time she was 11, after she had found a way to make it stop — she simply told Chuck not to do it anymore, and he stopped — it didn't really change the

quality of her life since he kept making obscene phone calls and harassing her from a distance.

When she was 11, she arranged to hang herself from the rafters in the garage and passed out. She would have died except that the noose she improvised broke and she fell to the floor, unconscious.

At that point she was referred for treatment and she went through a routine of diagnostic procedures. In terms of our topic this morning, "Caring for the Victim," she got reasonable care. Her parents, when they heard of the molestation, made it stop. The man was harassed out of town. In those days, pressing charges was not much of an issue for such a "minor" offense, but the molestation stopped.

She got treatment, but she didn't share the nature of her humiliation or her fear. Instead, the treatment was for her drug abuse, for her suicidal inclinations, her sexual promiscuity, and her tendency to mutilate and cut at herself, which was seen as a terribly manipulative attention-getting gesture.

So she went through the inpatient sorting process and somewhere around the middle of her college life, she decided to stop stoning herself, wiping herself out, abusing herself sexually and physically, seeking rape or quasi-rape. She straightened out, went on to graduate school and prepared for a variety of professions. But she never felt authentic, never could get the sense of goodness or reward or adequacy; she always felt bad, always felt estranged from those people who gave her praise and comfort; she thought if they really knew what she was, they would hate her.

Well, when I saw her three years ago, I expressed my interest — as I usually do with survivors of sexual assault — as to whether or not there was a little hurt child inside; whether some of her conflicts had to do with the condition of being assaulted so young and never being allowed to grow up; never bringing together the nurturing, supportive trust, the primary trust aspects that every child needs. In her blithe, reassuring way, she smiled and said, "No, I wouldn't use a baby bottle. I wouldn't do anything childish like that, I'm pretty well put together."

She went on through referral of treatment and eventually didn't make it in the survivor's group. She couldn't confide, couldn't mobilize feelings, and was eventually referred back into conventional mental health counseling to deal with her day-to-day problems and her depression with the use of antidepressive drugs and here-and-now counseling. That was a life-sustaining experience for her, and it allowed her to cope with severe frustrations.

But again, as she dictated in tape recordings she shared with me, it always seemed as if the therapists were bent on dealing with her symptoms and afraid or unwilling or unable to cope or deal with the source.

She took that lead and didn't talk a whole lot about the source; she talks about it a lot more in her private writings, which I was privileged to share.

This entry in her diary is dated August 18th, 1984, "Well, I finally decided what clothes I'm going to die in: shorts, new pair of sneakers, Mighty Mouse T-shirt which says, 'Here I come to save the day.' Yeah, I think it's very appropriate — Mighty Mouse, my hero, my support, my source of strength as a child.

"In fact, when I was a kid I believed I had a little mouse which lived in my stomach. He lived there until around the time I turned age 14 in the eighth grade. I didn't want him to leave. I tried to persuade him not to go, but he persisted, and after many heart-to-stomach conversations with him, we decided it was inevitable.

"We both knew the truth. I had to go grow up, had to abandon my childhood. Here he comes to save the day. Yes, how appropriate to leave this world with him. He was a mouse, a silly little mouse in which I placed my trust, my life. He guided me, comforted me. It was really me all along, wasn't it? He was just a childish symbol of the source of my inner strength. I guess I couldn't find it from the people around me. I'm going to take him with me."

These writings make up a daily journal of her plan to find closure to her life. Suicide had been her security blanket all her life; whenever she faced failure, self-blame, she could reassure herself that she could end her life. She shared with many survivors of sexual assault a sense that they are accursed and a curse to the earth, that the world would have been better off had they not been born, and that they would do society a favor if they would remove themselves from it.

We applaud the awareness, the rising sensitivity to sexual assault among our public media; we often forget that every unresolved survivor is assaulted, or at least presented with triggers which may bring up old forgotten traumas.

I'm not saying that we shouldn't do public media, but we have to be responsive to small clues of distress that this engenders.

This is an entry that coincides with the airing of "The Silent Shame," a very powerful documentary, in which I participated. Listen in this for the behavior of a small child and how a regressed individual would cope with a sense of assault and helplessness.

"I'm crying, I'm hurt. I just can't help it. I just viewed 'The Silent Shame' about child sexual abuse. I saw you, Dr. Summit. I felt comfortable, protected, seeing you. I touched the screen and cried to you. You're my friend. I sat there watching with pain, with anger, with nausea, and revulsion. I'm the one who every day of my life is reminded of what happened to me for seven years. I'm the one who became depressed, suicidal, distrustful, gay, insecure, hopeless. I'm the one who became plagued with a wide assortment of psychosomatic disorders.

"I'm the one who acted out throughout life, who became involved with drug abuse, promiscuity, stealing, physical abuse of others and myself, and I'm the one who is blamed for these very behaviors and disorders that were precipitated by a piece of slime that wanted a perverse sense of control and sexual satisfaction.

"It wasn't all my fault, people. I really was a good person inside. I could have been a different person, a good person."

And she goes on to relate to me the discovery out of that evening's broadcast of memories that indicated that she really had been penetrated, she had bled, and that she was a partner to sexual intercourse in those later years, something for which she had no recall. Later on she comes to full realization of that.

Now, that doesn't make a person better. In fact, it makes you feel more complicit. But she didn't seek help, she didn't reach out within her therapy at the time on those issues. She never changed her occasional stance to me as I would see her in the hall on the way to and from her visits. She'd smile and reassure me she was doing just fine.

But she was working through an elaborate list of pros and cons, whether or not there was anything about her life worth keeping and whether or not she really had the strength to survive the daily assaults of her own poor self-esteem.

The journal takes on a conversational quality just like the little mouse, just like the imaginary companion and the sources of support that survivors have as they feel walled off from human contact.

The journal says, and the date here is September 20th, not long ago, "God, Deb, what are you so afraid of? Me, I guess, Journal, just me. It's sad, Deb, it's very sad, it's always been sad to me to watch the destruction of your soul, you're just going to complete what was done by someone else.

"I know that; I'm just not going to struggle anymore. Yes, but sometimes I wonder if you ever knew what you were struggling for and for the times you were struggling to self-destruct, well, that was the destruction.

"Are you saying that maybe I didn't give life a good enough chance? Yeah, I guess so, but I don't know any other way to live it, I'm so used to self-destruction. You know, I guess the real me died before the age of four. I'll never know what I could have been, having not been molested. It's changed my whole life, probably changed most of my actions and sentiments.

"My parents had their child taken away from them and they didn't even know it. I had my life taken away. Hey, Deb, I'm going to miss you. What are you going to do with me? I'm going to leave you with Dr. Summit. I want him to see what happened to one child who was molested. Maybe he can perform a psychiatric autopsy on me. Maybe it will help others understand the possible long-term effects of molestation.

These several entries are dated Friday, September 21st, a week ago last Friday. "Any regrets? Yeah, I regret I could never accept myself, I regret that."

And then a message from the little hurt child. "Hey, Dr. Summit, do you remember when you asked me if I sucked my thumb or made baby talk or some childish thing like that, and I told you no? Well, let me tell you. I still rub my blanket. I'm 31 years old and I still rub my blanket.

"Hey, Deb, can we go home now? Yeah, let's go home."

With that, she left her apartment, all neat and tidied, all the bills paid, came to our offices and left three packets of journals and other material with my secretary — I wasn't there — and she walked into the bathroom across the hall and blew her brains out.

Just before she died, she wrote a note, "Dr. Summit, I'm sorry to inconvenience you. I died here because this is where I feel the safest. I trust you, Dr. Summit, and you trust Harvard General." Remember, I'd had no clinical contact with her for three years, only passing social contact.

"I've left some material for you. Please read it. This is one kid's story about what happened. I'm compulsive about writing things down and so I thought since I did, I wanted you to read it.

"Two important things: No. 1, I loved life, Dr. Summit, I just didn't like me. No. 2, being gay is not the source of my problem, being molested is."

Those were her last words to us. I think when we decide that sexual abuse is more than a passing trauma, when we decide that therapy has to consist of knowing that trauma intuitively and internally; knowing how it hurts and knowing that it's worth probing for, worth uncovering, worth saving, worth reparenting, and mobilizing resources we haven't even thought of yet. When we know that no child can achieve absolution and forgiveness from the in-

credible badness of inviting sexual abuse — because, remember, that's the message we keep reinforcing and which the child reinforces — no child can get absolution from that sin unless we transfer the badness to the people who do it instead of the people who get it.

It doesn't mean we hate the abusers. It does mean we accept and acknowledge and define them as abusive, and the children as helpless and blameless, and then deal with their reasonable symptoms in trying to heal those deep scars that we don't even want to look at.

And when we do those things, and when it's more than 70 people out of the whole country who want to do something about it, when it's not just the creme de la creme of people who have taken the chance to suffer that kind of victim advocate blame, and when the blame isn't there anymore because there isn't the ammunition to condemn people who understand the suffering of children, then we have the chance to ask the Federal government and the state governments and the municipal governments and private funding agencies and everybody else to treat this as a problem at least as difficult as cystic fibrosis or muscular dystrophy or speech and sight disorders and a lot of other things that we agree are really tough on kids.

And I think we have a lot of the answers we need to know about what it takes to do good treatment and good interagency linking. But we don't have the widespread support to do it, and it's our responsibility to mobilize that support.

Mr. Armstrong: Thank you, Dr. Summit. As I mentioned to you earlier, our order of presentation has been the general order of the process of intervention. We're now down to our final panelist, who will present the victim counselor as an expert witness.

Lucy Berliner is a social worker who has worked at the Sexual Assault Center in Seattle, Washington, for the past 11 years. She has provided direct services to child victims and their families. She has been actively involved in the development of a community network response to child victims, including law enforcement and other mental health professionals, and tying them together as a network of support.

She was the Project Director for a Law Enforcement Assistance Administration (LEAA) funded victim assistance program which, in 1981, received exemplary status from the Department of Justice.

She is involved in research activities and is currently supervising a major National Institute of Mental Health grant to look at the impact of sexual abuse on children.

She has authored numerous publications and has lectured extensively in the field. She has been very active in promoting policy and legislative changes on behalf of child victims.

**Statement of Lucy Berliner,
Sexual Assault Center, Seattle, Washington**

Ms. Berliner: I want to talk quickly about the expert witness role of the therapist, of mental health professionals or medical professionals working with sexual assault victims, and then summarize some of our recommendations as a representative of the clinical or the practitioner community in terms of what we would like to see in our field.

Acting as an expert witness is part of what Linda was talking about. In working with sexual assault victims, you have to go beyond the traditional mental health role. One way of doing that is to make our expertise available to the legal forums where it will be helpful to children.

Basically, all it takes to be an expert in the legal system is the fact that you know something that other people don't know. It's the job of the prosecutor to prove that that's the case or to build that foundation in the legal setting.

At this point in time, there are still things that those of us in this business know that the general public doesn't know. But I think it's important that our goal should be not to need expert witnesses in court. We want the general community, and the juries that reflect the general community, to know the things that we now still have to tell them.

The kinds of things that have been used and successfully accepted in court as expert testimony do not have to do with our telling the court that we believe children. That is not the job of an expert witness. That is the job of the trier of fact, the judge or the jury.

What we are there to do is to provide a context so that fact finders will better understand the facts that are being presented to them. When the defense says, "If this really happened, she would have told," we can tell the fact finders that children delay in reporting these things.

When the defense says, "If this really happened, she wouldn't have liked him," we can tell them that children have mixed feelings about offenders.

We can tell them that children have symptomatic behavior following sexual assault experiences and that simply because they have difficulties in life doesn't mean that they are automatically not credible or are not reliable witnesses. We can tell them that children sometimes take back the accusation of sexual assault because they're pressured or because the consequences of telling are worse.

Those are things that are specific to sexual assault that have been accepted in lots of different courtrooms. I would hope that sooner or later the community will understand those things, because, as many of you know, the problem with experts is that there is always an expert on the other side who will give a different opinion.

Unfortunately, the legal types are on to the fact that we're not very organized in the mental health profession about what we believe, and nothing hurts a case more than to have two experts come in and give different opinions. Juries and judges just say those people don't know what they're talking about.

So I don't see the use of expert witnesses as a primary role in this business, but as a way to get us to the point where the community is better educated.

There are a few other things that we can testify to that have to do with development capabilities. We can say that five-year-olds have memories that are no less reliable than adults, because that is the research. Things like this should be shared with the legal community, not only as expert witnesses, but as consultants and in working with them so that they can do the job better.

But I caution you about using expert witnesses. We got a little carried away in our community when we found we could have them introduced. The prosecutors asked a lot of questions to elicit evidence that they were pretty excited about being able to ask, and as a result, we've had cases overturned on appeal.

So I would caution anyone who is considering using expert testimony to check with those people who have had experience using it. Look for the case law, because nothing is worse than ending up two years down the road having to consider retrying the case because you let your expert go on and on in areas that aren't going to be allowed into evidence. We've had three cases overturned in the State of Washington in which experts testified about categories of offenders, that such and such percentage of offenders are fathers, as if that somehow suggests that because the defendant is a father, he's one of them. I would caution you to pay attention to what we've learned so we don't make the same mistakes in state after state.

I want to talk about professional practitioner responsibility in the medical and mental health field, because that's really the group that we represent, and to summarize the kinds of issues that each of us has talked about today.

First of all, let's begin with a recognition that sexual assault and other forms of domestic violence represent major medical and mental health problems in this community that negatively affect the lives of a substantial fraction of the population. That's why we should care about it.

As has been said over and over again, we need professional education. All professionals who have anything to do with children or families should know about family violence. They should know how to diagnose it and they should have a general knowledge about the problem.

That's going to be addressed in lots of ways in California. I understand the State is mandating training and following of a protocol for all doctors who come in contact with these patients. I think professional associations should be pressured to insist that these be part of the qualifications for receiving advanced degrees in mental health or in medicine.

Second, I think we need to develop a mental health intervention model which is specific to this problem. We need a conceptual framework that is different from the usual mental health model. I think the best model that is emerging is a post-trauma model. We must understand that sexual assault is an externally imposed event which is outside the range of the usual human experience; that in addition, it is an event about which society has mixed feelings, and social attitudes have a strong influence on the perception of that experience by the victim.

We need a non-pathology based model. We are trained to respond to pathologies. That is not appropriate in this situation because that tends to stigmatize and locate the problem within the victim, which is not where it belongs.

Post-traumatic stress symptoms are a normal response to an abnormal experience. They should not be looked on as pathology per se. Early intervention, the kind of intervention we're all talking about, is designed to avert longer term problems and the development of serious mental health problems.

That is not the usual mental health intervention model, so it's unfamiliar to people who are not used to intervening with people who may be asymptomatic.

I think many of us believe if we address the victimization experience properly and correctly at the time, children are less likely to develop serious problems later.

We need to have a clear idea of our professional role and responsibility. We can't solve this problem by ourselves, we do not have the ability or the authority to protect children or to control offenders, and any treatment we're giving a child who is going home and getting abused cannot possibly be effective treatment.

We need the system to protect the children, to put controls on the offender, to get them to us. We need to be more concerned about things that happen outside our offices and not only concerned with what goes on inside our offices.

Even if we don't want to do this for the right reasons, because it's the right thing to do, we'd better do it because victims are going to fight back. There are a lot of hungry lawyers out there who are very interested in representing people suing mental health professionals who fail to act responsibly, who fail to report, or who do not use state-of-the-art knowledge in their treatment recommendations, who see a guy for two weeks and say he's cured.

Well, if that guy recidivates I would encourage a victim to sue that mental health professional, because we know something now, and there is no excuse for that kind of irresponsible professional conduct.

We need to think in terms of direct therapeutic intervention with children and indirect intervention on their behalf as being part of our professional role, because it is necessary in this particular problem area to think in those terms.

We should not be doing other people's jobs; we are not investigators, but we have a lot to offer to support those who are investigators in their work. In other words, we are part of the team, but we have our own area of responsibility, our own job.

Last, I think we need to think in terms of specialization as being a necessary way to think about working in this field. We do know a lot, we have a lot of knowledge right now; there are lots of books, lots of articles, research being done. Not every physician or mental health professional can possibly know all that stuff, nor should they have to.

They should know enough to diagnose it, just like I know enough to diagnose depression or alcoholism or anorexia. But I would be professionally irresponsible if I tried to treat those problems by myself; those are medical problems, and I should know how to refer them.

I'd like to see that same kind of thinking in mental health practitioners who diagnose violence and recognize, hey, I don't know enough about it, but there are people who do.

If you don't know enough, you shouldn't be doing it. Not only that, if you don't feel comfortable working as part of a multidisciplinary team or as

CARING FOR THE CHILD MOLESTATION VICTIMS

part of a community joint response, you shouldn't be involved in dealing with the area of abuse. I think it's legitimate to decide not to be involved in the area of mental health. It's not legitimate to be incompetent or irresponsible conducting mental health intervention.

There are a couple of barriers to our effective involvement. First, there are a lot of things we don't know yet. We really don't know the faintest thing about the outcome of treatment, whether it works or what kind of treatment works. There have not been any studies done on treatment outcome.

And the other most obvious problem is lack of services and resources. First of all, we need some things from the government. Obviously, we need the government to fund research. That is not something that the private community or clinicians can be expected to do.

The government does it for other major social and medical problems. It is a priority in cancer research or heart disease. If we take this problem as seriously, we should put some money into understanding it better and doing the research.

I'd like to ask the government to give us money for services. We regularly ask, but they rarely give us money to provide services. But we certainly could expect leadership from the government in terms of mandating that government funding which goes to the local communities will have priorities or will be expected to devote a certain percentage of their resources to this problem.

That kind of leadership we can get from the Federal government, and we should expect it.

We should be doing that on the local level as well. Government funding agencies or community funding agencies should be forced to address the fact that family violence is one of the really serious problems affecting families. If they're going to support services, they should be able to say, this is a service that ought to be provided.

Let people go to the private practice mental health community and pay for therapy for communication problems, role problems, minor family conflicts, because that's a luxury. Being a victim of violence or spouse abuse, sexual assault, or witnessing violence are serious problems. Any government funded or supported agency ought to be required to devote some of their resources to these problems.

Finally, we need to think of some more creative and more effective ways to get money. The biggest problem we have is that kids don't get treatment because there are not enough people to do it. It costs too much money, and

they can't get there. That's an absurd situation and every practitioner knows that's what is happening.

Some ideas we have come up with refer to, first of all, victims' compensation. We should eliminate the family exclusion. There is no excuse for incest victims being discriminated against and not receiving reimbursement from victims' compensation because they are victimized by a member of their household.

Every state has a recommendation that restitution should be ordered in all cases of convicted offenders. We need to be much more sophisticated about getting money out of those guys. We bill them at sentencing, but communities can come up with better ways to get restitution because it is an accepted practice.

We need to go to the third party payers, the insurance companies, and make the effects of family violence something that is covered by insurance. The professional groups can exert pressure to make post-traumatic stress disorder a covered and reimbursible treatment problem.

There is a growing group of us who are interested and are committed to working with these children and families. We want to prevent the development of the serious kinds of mental health problems that may lead to children's deaths, as Roland has just suggested.

We want to help more victims become survivors and, hopefully, more survivors become U.S. Senators.

Mr. Armstrong: That is the conclusion of this panel. Thank you.

Mrs. Herrington: I'd like to mention something regarding restitution. The President's Task Force repeatedly heard from irate victims about this. One man said he had to sell his car to pay for the medical bills, and he saw the defendant drive to his probation appointments. We still have to educate our judges that restitution is a very viable sentencing procedure and that it must be enforced.

**“EDUCATION AND
AWARENESS:
OUR CHILDREN’S
FUTURE”**

Moderated by
Captain John Collins

Presentation of Panel on “Education and Awareness: Our Children’s Future”

Moderated by
Captain John Collins,
Metropolitan Police
Department,
Washington, D.C.

Mrs. Herrington: Our next panel is “Education and Awareness: Our Children’s Future.” Our moderator is Captain John Collins. He is a 15 year veteran of the Metropolitan Police Department in Washington, D.C. He has had many years of experience investigating sexual assault crimes, including sex crimes against children.

As Captain of the Sexual Offense Branch in the nation’s Capital, he has introduced many innovative, progressive investigative techniques. Captain Collins has been a great help on both the Victims of Crime and the Family Violence task forces. I’m very pleased to introduce him to you as your next moderator.

Statement of Captain John Collins

Captain Collins: Our first speaker is Catherine Lynch. She will discuss who is helping the child.

Catherine is the founding director of Advocates for Victims, a comprehensive victim assistance program in Metropolitan Dade County in Miami, Florida. She has an outstanding list of credentials. She is a certified police instructor, and is certified as an expert witness in regard to battered women and the battered women’s syndrome. She is the Chair of the Committee on Domestic

Violence established by the National Organization for Victims Assistance, and has published numerous articles and periodicals.

**Statement of Catherine Lynch, Director,
Advocates for Victims, Metropolitan Dade County,
Miami, Florida**

Ms. Lynch: When I was told I would be talking about helping the child, I asked for some clarification on exactly what I was supposed to address, since all of us here are helping children. I was told to discuss what it's like to be a victim's advocate and to try to help child victims when you come from a general victim services and victim advocacy perspective. These cases are neither fish nor fowl via criminal justice nor child protective services.

Since I can easily talk for two hours on that subject, I'm going to limit myself to the topics I haven't heard anyone else mention, except Dr. Summit briefly. First, let me note that we do most of the things that Dr. Foley said somebody should be doing. We do them in Dade County, as do many other victim service programs that recognize the reality of child sexual abuse.

One of the things that happens when you respond to victims and survivors of different types of personal crimes, both street crimes and family violence, is that you see child sexual abuse as part of a much larger problem. The child sexually abused within the family is often at a greater risk of violence outside the family, both as a child and as an adult.

Many victims of repeated abuse by an authority figure survive or reduce pain by pleasing and anticipating the desires of the abuser who has power over them and on whom they depend for basic physical and emotional needs.

They may escape their first abuser — let's say it was an incestuous father — but because they don't know how not to be victims, and survival so far has depended on being a good, obedient victim, it is very scary for them, as you saw in Dr. Summit's example, to try out new, non-victim behaviors. They are easy prey for anyone with abusive tendencies.

Much of our counseling of sexually abused children and their caretakers is based upon that premise, that it takes tremendous courage to learn new behaviors. It is a very difficult thing and sometimes a very painful thing for them to do.

Now, we didn't come to these conclusions overnight; I wish we had. When we first began helping victims in 1974, we thought in terms of adult

victims, street crimes and the Bard-Allison continuum of crisis counseling, which is still pretty good.

By 1975, within a year, half of our caseload was victims of family violence and their dependent children, and often those children were also often severely victimized. So we set up a shelter for battered women.

We first began developing specialized services to child victims of sexual abuse soon after that because of four simultaneous discoveries on our part.

First, we discovered that our "seductive, promiscuous" rape victims, the ones that were in a situation where they were at a very high risk of being hurt, had often been sexually abused as teenagers, usually by a family member. That had a lot to do with the way they saw themselves and their sexuality.

Second, many of the battered women in our shelter had been sexually abused as children, both by family members and later by nonfamily members.

Third, many of the children of the battered women in our shelter first revealed the sexual abuse against them, the children, by the batterers of their mothers when they got to the safety of the shelter; where no one got hurt if they talked, no one blamed them for the abuse, and people listened to them caringly.

And fourth — I'm afraid this is going to sound very familiar to many of you — when we tried to refer these victims on to specialized counseling, we were told the emotional damage was slight, and our major focus should be on keeping the parents from overreacting, none of which matched the reality of what we were seeing. The betrayal of trust was obviously severe, and the parents were often denying that abuse had even occurred. They were not overreacting.

As we begin developing ways of counseling the mothers of the incest victims, we began finding that many of them were battered women, the other side of what we had seen in the shelter, and that many of them had been themselves victims of incest.

We also learned how incredibly difficult it is to get the criminal justice system — and I put "system" in big quotes — to define most child sexual abuse and family violence as a crime, although that has improved markedly over the past few years. Now, the police are actually our staunchest supporters in terms of defining family violence and responding to it; but both criminal justice and medical health professionals are too ready to blame the victim and put the responsibility of stopping the offender on the victim. Many of them feel that if it's not the victim's responsibility, then it's the victim's mother's responsibility, but it's not the offender's.

This is not only true in child sexual abuse. It is also true in family violence, marital rape, and in many acquaintance and stranger-on-stranger rapes. It may be more subtle, but the same defense tactics are used, the same tossing back and forth between criminal and misdemeanor and juvenile and family court, and the same lack of interest in even taking an initial report. We could spend two hours on the difficulty of getting somebody to accept the report of child sexual abuse in Dade County.

The similarities between the different kinds of victimization don't make it any better, but we do learn to take knowledge from one area into another and to apply what works with one kind of situation to another.

For example, preparing the battered woman for her mate's promises to never again hurt her, or to commit suicide if she won't return, can be very similar to preparing the incestuous mother for her mate's promises that it will never happen again, or he'll commit suicide if the kid testifies.

Their ambivalence, denial, and need for grieving are also similar, as is their need for help in developing parenting skills.

We also get better at evaluating what's really going on. For example, the rape victim who is terrified to tell her husband may well be a battered woman. We need to explore for that possibility before blithely assuring her that we'll explain it to him so that he'll understand. We must realize the sexy little six-year-old in the shelter who grabs at our male counselors' crotches learned that behavior somewhere, and we need to explore where she learned it and how. Or it may turn out that the eight-year-old who's sexually abusing his four-year-old sister is being sexually abused by mommy's boyfriend. So we're not just working with one victim; we're working with two.

Another thing that happens when you work outside the criminal justice system is that your focus is on the victim you're committed to helping, healing, and protecting, not necessarily on preserving or gathering evidence, preserving the family, or selecting the most prosecutable cases.

This can get you into fights with other agencies. Prosecution may well be the best way to get the offender off the streets or to keep him out of the house, but just as some battered women aren't ready for divorce, some mothers of incest victims aren't ready to prosecute. Forcing them now means losing them later. They simply disappear with the child. Getting her to cut free of him and freeing the child of responsibility for his actions may be the most that can be accomplished now.

We generally work the arguments out, but it takes a lot of determination and time and energy to be part of the team; it's not easy. It's very important,

but it's hard work, especially when you don't have arrest or funding powers over other people.

Another thing that happens pretty fast wherever you work in the system is you see the need to change the current way of responding or not responding to victims. It's a lot easier to be an advocate or gadfly when you're outside the system you're trying to change, especially if people inside really agree with you and agree with what you're trying to do and use you as an excuse for improvement.

We've been used as excuses for lots of very constructive things. People say, "If we don't do it, the women's groups are going to scream, or the victims' groups are going to scream." They want to do it. We're just a nice way of getting it done, and that's great; that's a very handy partnership.

But you pay a price. The powerful people you challenge may try to quietly get your funding cut, submit complaints they won't document because it would violate victim confidentiality, or try to set up competing programs that are more flattering and less challenging to the status quo.

You need a good power base before you rock the boat too hard, and you need to pick your fights, especially when you fight with people protected by membership in the criminal justice system.

I had the misfortune of standing up to a police officer who when drunk would hold a loaded gun to his wife's head and tell her about the people he had killed. He had killed people and been cleared of the charges.

When we accepted her into our shelter, he threatened by phone to kill our staff, bomb the shelter, and kill my husband and children. When I complained to Police Internal Review and took a tape of his threats as proof, I was read my rights and told I was under investigation for criminal charges of wiretapping.

When I pursued the complaint, Internal Review Findings admitted I was helping his wife because he had threatened to kill her, implied I had committed perjury, admitted his threats to my family, and named me as a private citizen complaining about discourteous police behavior, not as a Director of a victim services program attempting to bring criminal charges.

Since I had 12 witnesses supporting my testimony, it was very hard to ignore. It took a lot of strength for them to testify; that was hard on them; they were scared.

The officer was eventually suspended for three days. He took the money out of his wife's support check and filed a civil suit against me which is still pending.

I seriously doubt any of this would have happened if I were part of the police department. On the other hand, I might never have been able to assist his wife if I had been part of the police department, because their response was that she was hysterical; she was overreacting. Their own psychologist testified to that in court without ever having interviewed her and without ever looking at her statements.

Two weeks ago he broke into the house, held a gun to her head again, and threatened to kill her.

Incidentally, I generally get along real well with the police. I have a lot of respect for them and I'm not trying to pick on the police. We cooperate on a lot of projects. They help us get significant changes in legislation passed; they make important policy changes; and they're out there every day helping more victims than we ever see, or any victim services crisis worker ever sees.

But being an advocate and standing up to people who bully victims can get dangerous. You should know that before you start. People who hate women and who are used to getting what they want through violence against women are particularly dangerous.

De-escalation techniques don't always work, especially if they see you with the power that's keeping them from reuniting with their families, ignoring the reality that their families are terrified of reunion and would have left long ago if they had seen leaving as a possible alternative.

It is much easier for them to blame us and punish us, as Dr. Summit suggested, than for them to accept that their own actions destroyed their family. That is too rough, too emotionally distressing for many of them to accept, and their own therapists don't make them accept it, which is also part of the problem.

To wind up, being a victim's advocate is exciting. It's rewarding; because you can really see the positive impact you have on people; exhausting, because there are always more victims than you have staff to help, and you are always denying help to desperate people with nowhere else to go; it can be frightening; it can be frustrating; and it can be challenging.

It is a job you can grow in or burn out in, and I hope it's a job for the future, depending on the support of our individual communities and the pending legislation.

Captain Collins: Our next panelist is Elaine L. Krause. Elaine is a first-grade teacher and author. Her presentation is on programs for kindergarten through 12th grade with parental follow-through.

Elaine is a teacher in the public school system of Oregon City, in Clackamas County. She's been working in that area for five and a half years. While working with child victims of sexual abuse, Elaine became convinced that parents, educators, and other professionals who work with children need to be educated about the problem of sexual abuse of very young children. They must be educated in order to help the child with the problems that they experience.

Elaine has written and produced two film strips entitled, "Speak Up, Say 'No,'" and "For Pete's Sake, Tell," for children from preschool age to grade 5. She has also written two books for adults to read to children on sexual abuse and prevention and has produced two public service announcements. These materials are used for prevention and as intervention tools by many schools and crime prevention units, hospitals, churches, and other support services.

Ms. Krause has chaired the Oregon City School District Curriculum Committee and has been commissioned to write sexual abuse prevention curricula for grades kindergarten through 12. She also does many workshops and training programs for the PTA.

**Statement of Elaine L. Krause,
Oregon Public Schools, Clackamas County, Oregon**

Ms. Krause: Six years ago, I had a little spare time. My children were grown, so I volunteered to work with the Clackamas County Rape Victim Advocate Program, thinking that I could be of service, maybe, to a rape victim. I always had heard and believed that a rape victim was raped twice, once by the actual act, and then again by the system. I felt if I could help in any way, that that would be something that I would like to do. Little did I know how many children were sexually assaulted. I honestly didn't know.

I think I had led a sheltered life, being a mother, being a teacher, working in church, buying groceries on Saturday. I honestly didn't know how many children were being sexually assaulted in my community.

When I'd go out with an officer on a call about a sex crime which turned out to involve a child, I was so distressed and disturbed when I came home.

As a mother and as a teacher of first-grade children for many, many years, all I ever did was tell them about the big, bad stranger. I didn't know any better. So I felt, perhaps if I didn't know any better, maybe my colleagues weren't doing much more, and I realized that we needed to do something.

I marched right up to our advocate office, and I said, "Hey, you guys are going to junior high; you are going to high schools; you go to church groups. Why aren't we doing something about this in the elementary schools?" And they said, "Well, we have enough trouble getting into the junior high and high schools. They'd never let us into an elementary school. Besides, the parents wouldn't like it, and we don't know how to talk to little people."

Well, I didn't think that was good enough, so I thought, I'll do something myself. I'll just go to our film catalog and order some films and do something in my own classroom.

Well, that was a shock. I couldn't find anything to use in first-grade classrooms. I wrote to state agencies, to national agencies, and received reams of paper that, as an educator, I could read, and I used them. I learned a lot. But it still wasn't good enough, because it didn't have anything for these little people.

I'd get these kind of remarks: "Well, won't you make them afraid of every uncle, every grandfather, every father?" We've been telling our children about the big, bad stranger for years. You show me one kid that is paranoid of every single stranger they see in the supermarket or on the street.

It can be done. I was convinced it could be done.

Well, the more racket I made, the more often they'd say, "Oh, here comes Krause with another story." "Here comes Krause with another war story." And finally they said, "Well, you are a teacher. Why don't you do something?"

Well, that's not what I wanted to hear. I was a good "we" person, but not a very good "I" person when it came to doing something alone.

My prayer at that time was: "God, if you can use me, I don't know how to do it, but I know we can do it." Well, I forgot that prayer, but God didn't, because He's been having me run in tennis shoes ever since.

The idea came that I could use my character, Penelope Peabody Mouse, that I have been using for years in my classroom, to write stories. I thought, why couldn't I use her? The children love her. I could use her as a tool and have an incident happen to Penelope that I could use to illustrate the things to these children in a film strip.

Actually, I thought about a movie, but when I found out how much it cost to make a movie, I discarded that idea in a hurry. Actually, it was a blessing in disguise. Now with the crunch in all school districts, a movie would be too expensive, but they can all afford to buy a film strip. So they can't use that as an excuse.

I wanted to make sure that the children know that the shame and the blame always belong to the adult. The child is a victim and should not have to carry the guilt of adult behavior.

I wanted the children to know that they had a right to say "no" to an adult who touched them for their own pleasure. Children needed to be taught about "okay" and "not-okay" touches. Children also needed to understand that the private parts of their body were the parts covered by a bathing suit, and even a three or four-year-old knows where those parts are and can show you.

If assaulted, a child needs to learn to tell a trusted adult. If they aren't believed the first time, then they need to tell again and again and again until someone believes them. They need to know that offenders can be anyone, from strangers to friends to close family members, and children who are older than they. It doesn't have to be a grown-up.

Children need to know that they can easily be tricked, and if they are tricked it is the adult's fault and they should tell. They shouldn't feel guilty about being tricked. Even grown-ups can easily be tricked.

Children need to know the difference between a secret and a surprise, and they need to trust their gut feelings. I still talk to myself when I'm in an uncomfortable situation; "How did I get into this? I better get out of here." Children have those feelings and they need to know if it doesn't feel good, if they don't feel comfortable, they need to get out of the situation any way they can. They need to trust those feelings.

So I decided that I would do this. I wrote the script, took it to school, and had counselors read it. I had psychologists, parents and advocates read it. We put in and we took out. My sister illustrated it. Then I thought something magical would happen, but nothing happened.

I found that if I was going to do it, I would have to do it myself because the companies that I went to were not clamoring to produce this. They said that schools and agencies were not asking for this kind of material, and they thought they'd get stuck.

So, right then and there, I made up my mind that God, the bank, and I would form Krause House. I had my first film strip produced, and then I thought, "Well, how are we going to do this? I had better be able to defend this in my own school district."

So I went to the Elementary Counselors Association. They saw it and liked it. Our assistant superintendent said, "Bring it to show all the administrators in the district." I did that. Then they said, "Go to the Parent Advisory Committee. They have to view it." They said, "Okay, now go back to your

own school and show it to the PTA. If they say you can do it, you can pilot it in your school." So I jumped through all those hoops, and we piloted it that year.

When word got out to the schools in the neighborhood that I had something like this they wanted to buy it or borrow it, but I only had one copy. I knew I either had to put up or shut up, so that's when I went to the bank, borrowed \$9,000 at 18 percent interest, and produced the film strip.

When I had that one paid off, people said, "You need something for older children." So, I waited until my husband was gone one night, so I wouldn't lose my happy home, and I wrote the second script, went to the bank, went back in debt, and produced the second one. And that's how it went on. Then parents would say, "What do you have that I, as a parent, can read?"

I used the pictures and the scripts from those film strips and put them into book form. On every page I put, "Helpful Hints for Parents to Read to their Children." In trying to anticipate what the child might ask their parents, what the parent might feel inadequate about, I tried to fill those voids so they would have a tool.

Shortly after that, my school administrator came to me and said, "Elaine, pick four people and write curricula for kindergarten through 12th grade; others beyond first graders need to know about sexual abuse." So I picked four people and last summer we wrote curricula for kindergarten through 12th grade. The next summer we met again, filled some holes, beefed it up, and now we have a curricula for kindergarten through 12th grade.

Because of the financial crunch in all schools, we tried to keep the cost to a bare minimum. We don't teach it in isolation. Every teacher is already teaching something about safety. In our health curriculum, we have four strands, and safety is one. So we put this curriculum in the personal safety strand. We encouraged the teachers to do their thing on the stranger danger and any other kind of thing that they've always done. But we told them not to stop there; go on and teach another lesson on personal safety. Boys and girls, there's another kind of abuse we need to tell you about. Sometimes people that you know, love, and trust might take advantage of you, and you need to know about this.

We were careful to have different materials, different audiovisual materials, different resource people for each grade level that we could pull in so that the kids wouldn't say, oh, we had this stuff last year, and just turn it off. They need it every single year.

If your community schools and administrators are not as receptive as they were in Oregon City, there might be crime prevention people, policemen, a sheriff's department, social service workers, advocates that want to start this program. That's an excellent way to get into the schools.

If the schools feel they don't have this problem but allow you to come in and do the program anyway, I would recommend that you approach it from three different directions, as we did.

First, we wrote goals that we wanted the staff to know. Staff had to be in-service. I assumed that a lot of other people didn't have the awareness and the sensitivity to even recognize this problem, much less know how to teach it or look for the physical or emotional indicators. I often wondered how many kids that sat in my classroom over the years had been abused and I wasn't smart enough to pick up on it.

We also wanted to train the teachers. They needed to know the state law; they needed to know the district policy; they needed to have a reporting form. Teachers are afraid of being sued if they report child sexual abuse. They need to know that if they report in good faith, that's all that is necessary.

They need to know that they're not investigators. They don't have to know all the nitty-gritty details that the child discloses. Teachers need to have a list of resources as well as a curriculum so that they can implement it, put in some of their own ideas, and change when new things develop.

Then we also needed to have goals for our children, to help make them more aware. First of all, the child needs to be aware that this kind of a problem exists in their world. How can a child prevent something if they're not even aware of the problem? They can't.

They need to be alerted to "okay" and "not okay" touching so they know if someone is using a "not okay" touch, an uncomfortable touch, whatever term you want to put on it. And then we need to teach them to be assertive, to tell, to tell, to tell.

You need to be aware that when you go into a prevention program, you are going to have disclosure. Be prepared. Your police agency should be prepared, your children's service worker should be prepared, and you should be prepared because you will uncover cases.

But lest we think that it's just a child's job to do the preventing, we also need to do a community and parent awareness program at the same time. Parents need to have workshops to make them aware. As a parent, if my child would have said, "Do I have to have that baby-sitter again, Mom?" or "Do I

have to go to Grandpa's today? I don't want to go to Grandpa's," I would just think maybe they had been disciplined or something.

I wouldn't have asked, "Why? What bothers you about going to Grandpa's house? What games do you play?" I didn't know the questions to ask and I have to assume that other parents don't know, either.

So when you do this kind of a program, be sure you do a program that gives parents some of these tools. They need to know the questions to ask.

Parents need to know how and to whom to report. I think some of my colleagues will fill you in on some of these things. Parents need to know the resources in their community. Where can they turn? They need to have some help.

If you're going to do this kind of a program, the police or the social workers need to be trained, too. Make sure that the people who talk to the children as part of the program do not talk down to them, but talk to them on their level so that they understand it.

I get so furious when I hear a school saying that they are showing the same movie for kindergarten through 6th grade. If that was the answer, we're sure spending an awful lot of money developing curricula for different grade levels. We could just feed the same material to kindergarten through 6th grade and be done with it.

That's not where it's at. Take time and do a good job. For little people it should probably be done twice a year. Go in and review it in a few months.

I feel education is so very important, not only because it might help prevent victimization of some children, but because it will also bring about disclosure of the children who are already being victimized.

Here's a new thought. What about those perpetrators? They were first graders, too, at sometime in their lives. Do you know that in Clackamas County right now, we have 615 youths who are in either Children's Services, mental health, or juvenile court somewhere. Ninety-two percent of these people have histories of being sexually abused, and they're between the ages of 13 to 18.

Now, just figure that out. Six or seven or eight years ago they could have been in my first-grade classroom. Now, will this education do something for them, to know the right touches and the okay touches and to feel good about themselves? I don't know. Some of you psychologists will probably have to address that.

Will this kind of training also prevent potential abusers? Possibly, if the boys can report that they are victimized now and they get help. Maybe that will help. We've got to look at it in that respect.

I want to emphasize that we need to have open lines of communication between other services. When a teacher discloses or reports an abuse case, that's all we ever hear about it. We never hear about it again, even though the child is in our classroom for hours and hours each day. We don't know what's happening.

We cannot really be a support system because we're always told that the authorities can't give out confidential information. Well, somehow, some way, we've got to be able to have a better line of communication so that we can be a better support system. We're like a second family to that child. We've got to have some way to be the nurturing support system that they need.

A week ago I attended the Montreal International Conference on Sex Abuse. I was a little disappointed on Sunday when I saw an article which said, "Eliminating child sexual abuse is a difficult task and doomed to fail." It made me mad. I read it and it said that if we save 20 percent of the children by a primary prevention program, we would be saving a million children within the next five years.

The way it said it was, if one million children are abused each year, then 20 percent in five years would represent one million less children abused. Twenty percent may sound small, but the number of children is quite large. I, for one, feel that we need to try something great and risk failure, rather than try nothing and succeed.

Captain Collins: Our next panelist is Jayne Crisp. She is going to discuss *Instilling Caution, Not Fear*. Jayne is the Director of the Victim Witness Assistance Program in Greenville, South Carolina. She was the founder and coordinator of the state's first Rape Crisis Council in 1974 and recently authored "House-wise, Street-wise," a child abuse prevention curriculum which is a guide for elementary schools.

She is a former foster parent, serves on the Youth Crime Prevention Advisory Council for the National Crime Prevention Council, and recently was a recipient of the 1984 Common Cause Public Service Achievement Award for her work in the area of child abuse, prevention and victim services.

**Statement of Jayne Crisp, Director,
Victim Witness Assistance Program,
Greenville, South Carolina**

Ms. Crisp: Ten years ago, I really had no credentials, other than the credentials of life experience and my experience working with victims of crime, and my interest in Nancy Drew novels — which is shared by journalist Ellen Goodman, that does give it some credibility — and a very strong film that was produced and shown ten years ago starring Elizabeth Montgomery called “A Case of Rape.”

She really was the motivator — I’ve never acknowledged that publicly — in my becoming involved with rape crisis services in South Carolina. That movie was very strong; it attracted an awful lot of people who had no idea as to the system’s impact on victimization.

I have two sons of my own and was a foster parent for over a year. My foster daughter was exploited by her parents and forced into a sexual relationship with a neighbor in trade for alcohol. They’d send her down the street with a little cup, knowing that the neighbor would sexually abuse her, but she would return with bottles of liquor.

You’ve heard references today to victim advocates or victim practitioners, and I would like to assume that you know what we are. However, I think many of you do not, and I would just like to say we’re kind of the consumer advocates of the criminal justice system. Our victim witness programs are the “Better Business Bureaus,” if they work well, of the criminal justice system.

We have our anatomically correct dolls here that are made in Greenville, South Carolina, I’m proud to say. We presented them to Assistant Attorney General Lois Herrington during the task force hearing in December on Domestic Violence, and we’re pleased that we’re using them effectively in courts in Greenville and for investigative purposes with child abuse victims as well as elderly victims of abuse.

A natural progression has occurred in victim services, and I think it really started with the true victim advocates, law enforcement officers, who began their crime prevention programs within the police department. It has progressed from that into victim advocacy programs now establishing prevention education information, which began with prevention education concerning assaults and now includes victim/witness information on burglary, purse snatching, and numerous other things.

I think those of us who are in the system are very frustrated with the fact that we are introduced to children and adults after the fact, after they're already injured. We feel fairly helpless in remedying this situation, because as we understood today and yesterday, the trauma is so catastrophic.

When I was asked to come to this conference, they said we're going to do something on the "friendly molester." That's of particular interest to me because we have a program that we developed called "House-wise, Street-wise." We call it "House-wise, Street-wise" because we're trying to teach children how to be street-wise.

Ten years ago nobody wanted their child to be street-wise, they wanted them to be protected. We felt children should not know about the dangers, not know about the ugly people. But now we want them to know about such things, and the challenge in my talk today is instilling caution, not fear.

Of all the programs that I've reviewed, some superficially and some with great intent and deliberation, most are very careful not to introduce fear. But as John Walsh has said, when he talks about the death of his son Adam, "I wish that I had not taught Adam to be so respectful of individuals and so responsive to strangers and so nice and courteous. I wish I taught him to be angry and rude and mean and assertive."

This is what we do with our children. We give them two different levels of how to deal with problems, one that we practice at home. We expect them to carry what we teach them at home to the street, which they do. They treat strangers with respect and, particularly in the South, with great courtesy.

We are now developing assertiveness training programs with our crime prevention models, because many of our children, whether we call them "latch key children" or just anybody's children, are spending more and more time alone at home. They're far more independent than they were years ago, because we have more working parents.

I'm not putting the blame on any one thing. But the fact of the matter is we are leaving our children at an earlier age to go off to the market or to go off to work, and they have to take care of themselves. Some are caretakers for other children and they do not understand the responsibility that involves.

We are also not training them. As a parent, I realize that oftentimes I used to run out the door and not tell my children where I was going, but I expected them to always tell me every move they made.

I'm going to refer to my experience with "House-wise, Street-wise", not because I want to sell you the program, but because that's where my expertise is.

Instilling caution, not fear, includes several different elements. "House-wise, Street-wise" uses techniques to train children to develop survival skills with an emphasis on decision-making exercises concerning abuse and exploitation.

We use role play, games, activities, films and discussions. One great component of the program, and the reason that I'm a co-author, is the fact that we have five other authors. Some of them are parents, some are teachers, and one is an elementary school principal.

It truly was a committee that worked to develop a program that was satisfactory not only to the school district, which we had to sneak it into, but also to the parents and teachers, who are also trainers.

"House-wise, Street-wise" became a third grade project. It's a 12-hour program that runs for six days and it has become part of the social studies curriculum for the third grade.

After introducing the program, we found that 80 percent of the children in the classrooms had some sort of sexual harassment experience by strangers, neighbors, "friendly" neighbors, or family members.

They received annoying phone calls, obscene phone calls; they had incidents that happened to them on the way to and from school. People offered them rides, people offered games, toys, things that we now call child lures.

And they evidently handled it fairly well. But that left them very anxious about the future. Most of these children also told us that they never told their parents about it for fear their parents would go wild, like I would, and say, "Why didn't you tell me?" and, "I'll go after the person," and "Describe them right now," and "We're going to call the police."

Kids don't want their parents to go into a frenzy about those sorts of situations. Also, that is key to instilling caution, not fear. Part of the communication you need to develop in your training programs with parents is how to approach and talk about this subject.

We found that parents and teachers are more paranoid about the subject than the kids are. The kids want to embrace information that teaches them how to survive on the street and how to make critical safety decisions.

Through "House-wise, Street-wise," children are beginning not to feel so isolated anymore. Many of these children felt that they were the only ones that were "flashed;" they were the only ones that were asked for a ride home or asked if they wanted a toy or a game or whatever.

"House-wise, Street-wise," in a very nice way, gets the children to talk about the problems that they have experienced. They're very ready, willing

and able to talk about some of these problems. What it does is reduce the anxiety level of the child by making sure that they're not so isolated.

There are about six elements in instilling caution rather than fear. The primary one is knowledge. Children need to know how to protect themselves; they have got to be given accurate, consistent, honest information, just like our victims and witnesses in the court process. They appreciate the truth, good, bad, whatever; and children do, too. They're smart people.

They want to know about the types of people who are attracted to children. They want to know that there are people who are attracted to children for sexual purposes. We haven't told them that.

They want to know avoidance techniques — how to avoid these people — who to go to, who they can trust. They need also to be encouraged to rely on their own feelings, their own gut-level feelings, as oftentimes we do. When it comes right down to it, we either like people or we do not like them just by instinct, in those first few seconds.

We also encourage them to develop support systems. Another thing we need to do is prepare them for the eventuality that the system is not going to work. We've heard for two days that it doesn't work the majority of the time to the extent that we expect it to.

So how in the world can we encourage children, through prevention programs, to run and tell, tell your social worker, tell your caseworker, tell your parents, and everything is going to be okay, when we know it's not? They may be put in foster care; their mother may sit on the same side of the courtroom as their father, defending the father or the neighbor; the child might not like the program they're in. You know all the horror stories there. We need to be very honest with children about the eventuality that the system will not work.

We also need to provide effective training for parents and teachers who are involved in curriculum planning and curriculum delivery. This training has got to be available so that these people can provide consistent information.

In Greenville we have wonderful police departments and a wonderful sheriff's department. Now that I have said that, I will also say that we have an Officer Friendly Program whose officers go out and tell children that people who abuse children are actually love-sick people. There is no love, and there is no sickness. We can't go around telling children these are love-sick people. We also can't go around telling people that all police officers are friendly all the time, because they're not.

We had a chief who bragged to me last year that he got a complaint from a parent whose child was not waved to by an officer on the street, so he called

that officer in and reprimanded him, and gave him two days leave without pay because the Officer Friendly Program exists to make sure the children know that all officers are friendly.

And what do we do? We tell the children that officers are preoccupied many times, so they're not going to wave. We have false expectations sometimes. This is a good example of the false expectations we put on not only our officers but our children, too.

I'd like now to introduce Tammy Hosanski because I'd like to do something with all of you that she did with us at our National Crime Prevention Council workshop here just about two months ago.

This is a very good exercise for training children and a good illustration of how you can train children to avoid assault without making them paranoid.

I want everyone to stand up. Tammy is from the Safety and Fitness Exchange in New York. We're going to lead you in an exercise.

One of the things I've been noticing about prevention programs is that people are deciding it's very easy to tell children to say no, scream, run away and tell. From my work, training adults in crime prevention, I know that unless we have military or law enforcement training or background, we don't know how to scream. We don't know how to say no in conning and manipulative and forceful situations that children find themselves in.

I have found that parents and professionals are burdened with the task of teaching children skills they never have been taught themselves. If you tell children to scream or say no without practicing and you don't know how to do it yourself, it's a little bit difficult to impart a sense of power and confidence to children.

So we're going to ask you to try this. I'm going to show you the way we teach children so that you can teach children. Bear with me for a moment. If everyone will just put their hands on their stomachs and pretend it's a balloon. Breathe in and blow up the balloon, then breathe out and deflate it. The purpose is to try to relax the chest and throat.

I'm sure you've all talked to children and maybe you yourself have had nightmares where you were attacked and when you opened your mouth, nothing came out because you were not breathing. So breathe in and then exhale. On the exhale, we're all going to say "no."

What we do then with children is called an echo exercise. We ask them to think about something that makes them mad. Then we yell and have them echo. And it is important to teach children to yell things like, "No", "Stop", "This is not my mother", "This is not my father", "My mother doesn't want

me to go with you", "Don't touch me", "I'm going to tell." I was going to have you yell but instead we can say it, which will help. So breathe, and just stand powerfully. Think about how powerful children are and say, "No, no, I'm going to tell, I'm going to tell, this is not my father, this is not my mother, don't touch me, no, no."

I just want to report one success story in Massachusetts or Connecticut that was called to our attention in which a three-and-a-half-year-old was being abducted from a department store and started screaming, "This is not my mother, my mother doesn't want me to go with you," thus alerting security, and the child was rescued.

So there are stories where children do, even at three years old, escape different kinds of abuse.

To wind up, I gave you the consistency of the program; developing better self-esteem is critical in abuse prevention; presenting a good package to the school district, to parents, and to the children is critical in introducing the program elsewhere.

Communication with parents is essential in an abuse prevention program, and the follow-up or the evaluation is something that we're just now beginning to determine. We've always known it was critical, and now we're beginning to develop resources to identify some of the important components of abuse prevention programs which make them effective. Do the children retain the information, how long do they retain it and are they using it?

Lastly, I would like to acknowledge all of you, all of us in this room who have worked so hard. We have single-mindedness of purpose; we have tenacity; we now have energy from the Justice Department in the form of Lois Herrington who has done incredible things just within the last year and a half.

Psychiatrist Willard Gaylins' book, *The Killing of Bonnie Garland*, tells about the case of a woman who was bludgeoned to death by her former lover. The lover was embraced by the Yale University community, and Bonnie Garland was cast off like she didn't exist.

To dedicate somebody else's words is kind of crazy, but something that Willard Gaylin said is so wonderful that I would like to share it with you.

He said, "A system of justice must consider the victim even though he or she can no longer be helped in order to protect others who also may become victims and unhelpable. To be beyond help must not mean to be beyond thought or compassion. Otherwise, we lose the very focus of the very intentions of our law. Justice demands more. A system of justice must speak to the righteousness.

It must not just defend the good; it must proclaim the good. It must announce our moral purposes."

I think those of us here today are really a good illustration of what we're doing to announce our moral purposes.

Captain Collins: Our next speaker is Lynn Dreyer. Lynn is the Executive Director of the Rape and Abuse Center in Fargo, North Dakota. She has worked in the area of child sexual abuse for approximately six years. In addition to providing clinical services as a therapist, her agency has provided professional training and community education in the area of child sexual abuse.

Her agency developed a personal safety program for children which has been an educational prevention model for children and their parents called, *Red Flag, Green Flag*. Our department uses it and it is an excellent book.

She is currently in the process of expanding the model for the disabled population.

**Statement of Lynn Dreyer, Executive Director,
Rape and Abuse Crisis Center, Fargo, North Dakota**

Ms. Dreyer: I want to say that I'm so excited that we are talking about the area of prevention. I really believe prevention is breaking the cycle of violence that goes on for generation after generation.

We talked about system change yesterday, and I think we're giving you an overview of what we are actually doing in classrooms with kids all across the United States.

We are making a change. We see changes in the number of reports we're getting, and in the number of children that are getting intervention and help right away. They're not waiting 10 or 15 years before they contact someone or see a therapist or a counselor. Unfortunately, far away from this convention and back home where most of us will be going, in many rural areas, the idea of sexual abuse prevention and sexual abuse is not talked about a lot. We work in counties where they haven't even prosecuted a rape case, much less a child molestation case.

There are not rape kits in every hospital. Police officers are not using them and do not always feel comfortable interviewing victims.

We feel very strongly about our program, and as other speakers have mentioned, our program is being used nationally and internationally. We've piloted many programs in Minnesota and in North Dakota.

I have to give credit to the Illusion Theatre because they have worked closely with our program, developing our tools and our resources.

We found that by implementing a prevention program in the school system, we saw an increase in the number of reports that came out of the school system.

To give you an example, in 1980, we saw a hundred kids throughout the school system who had been sexually or physically abused. By the end of the following school year, 1981, after we had piloted our first program, we saw over 475 kids who had identified themselves as being victims.

Like I said, though, it's hard for a lot of communities because they are still not able or willing to talk about it or recognize the problem.

I am supposed to focus in on the parents and the teachers. They are very important groups. No prevention program will work to its fullest extent without training parents and training teachers.

By putting all the responsibility on the child by saying, "Okay, now we told you about prevention; next time it happens, you tell somebody," we're actually revictimizing them if the systems involved with the children do not respond, do not feel comfortable, do not cooperate with the children.

I've had a lot of fun working with parents. I've had some very stressful times working with parents and teachers. There are a lot of parents and teachers who still do not want this information given to their kids, and I would like to highlight a few reasons why. Allow me to give you just a brief outline about our program, which centers on the *Red Flag*, *Green Flag* coloring book.

We started in 1980. I wasn't involved directly with the implementation of it, but our agency worked with law enforcement because we saw a need to get a program established in the schools and in the community.

I have to give the law enforcement in our community a lot of credit because they basically directed the program and got it off the ground. Our program is a three-part program. We speak to parents first, then we speak to teachers, and then we go into the school.

We will not go into a school system without educating parents and teachers because we discovered it's so vital.

Because we found some complications in going into the schools for any length of time, we go in for two days, an hour and a half to two hours each session. So we're spending about four hours in the classroom.

We repeat this about twice a year. We do it for grades 1 through 5 right now, and we are working on some preadolescent training books, too, that we will be utilizing soon.

We go into the classroom with a team of three people: a victim service person, a law enforcement person, and a social service/human service person. We think it is essential to have all three in there, and to have both males and females. We found that a lot of children had stereotypes about police officers, had stereotypes about offenders, thinking they're all male, and it was really positive to have both male and female role models in the classroom.

We used the *Red Flag*, *Green Flag* coloring book. We also utilized two films and we did a small group/large group presentation with the kids. The first day after we do the presentations, we break the kids into small groups and do some exercises with them that correlate with the coloring book.

Like I said, the coloring book had been used as a prevention tool. A lot of mental health people and law enforcement personnel are now also using it as an intervention tool. They find that using certain pages of the coloring book also helps identify victims and victims' feelings.

As you can imagine, Fargo, North Dakota, is pretty rural. The state has a long way to go in terms of providing services for victims.

There were a lot of fears about implementing a program like this. If you are going to implement a program in your school system, these are some of the things that you are going to be up against.

We found that most of the programs were started by parents or community groups who said to us, we want this in our school. They went to the school and said, we want this in our school. Then the administrators would allow us to come in and do it as an in-service training.

Once in a while we'd have an administrator who would say, I want this in my school and I don't care what parents say about it, but usually it came from the outside and moved in. The teachers were just supporting roles in this process.

We found out that parents are pretty reactive. We usually didn't get any requests for the program until after there was a reported case of child sexual abuse. Then everybody wanted something that they could use to talk to their kids. Initially, we never got cases unless something happened; then parents would request our services.

Most parents feel very uncomfortable. We don't use the words "sexual abuse prevention," we use "personal safety model." I think there have been other names for other prevention models. Get the word "sex" out of there, because they don't want to hear it.

Compare this model to water safety, traffic safety, fire safety, personal safety. We use the school setting because all of these safety programs are taught

in school. Why shouldn't we teach a personal safety program in school? It's just a natural learning process.

We found that parents thought that sexual abuse prevention meant that we were going to be talking about sex. As we all know, nobody talks about sex, especially not to children. We had to do a lot of desensitization in that area because parents basically were very uncomfortable even talking about sex, much less sexual abuse. So we really had to gear it towards personal safety prevention.

The other thing we heard parents say was, this is going to scare my kids. You're going to talk about this, it's going to scare them, they're going to report things that don't happen, they're going to have nightmares at night. We have to talk to them about age-appropriate material that does not scare kids. As Jayne mentioned, kids want and need this information. If they're not too young to be victims, they're not too young to get the information.

The other thing that we heard and felt from parents was that now people who have healthy relationships with kids are going to be accused of being child molesters.

We use "red flag" touches and "green flag" touches instead of "good touch" and "bad touch," and parents felt like kids would be running around pointing the finger saying that was a red flag touch, and that good relationships would probably be real uncomfortable.

What we teach kids is that a red flag person gives red flag touches. That's very simple for kids to understand. Adults, parents, get uncomfortable with that, very threatened.

But we found that we had a good response. Some of the people that should have been at the parent's meetings weren't; some of the most hostile, suspicious, angry parents at the meetings we suspected, and found out later, were covering up their own guilt or fear about sexually abusing their own kids. You do run into those in the crowd who are really against anything like this happening in the school system.

We spent a lot of time talking to parents. We let parents sit in on one session if they want to watch. We have them sit in the back of the room, though, because we find that kids are really inhibited if their parents are sitting there watching them.

At any rate they're willing to observe. Some schools make us use permission slips so that parents can say yes or no if the kid is going to be in the program. Unfortunately, those who need it usually are the kids that are pulled out. So if we can get by without using permission slips, we do it.

Another group that we need to address is the teachers. Children spend 85 percent of their time in school or at school-related functions. As we're finding out with more reporting, teachers are very important people. They usually are the ones that suspect and report cases of child molestation.

We found out some things about teachers, too. One of the things was that teachers did not, on the average, want to get involved. Their attitudes were, we want to support the program, we think it's great but we don't want to get involved. Why? A lot of them had bad experiences with reporting. They may have reported someone and maybe it never got through. If it did get through, they never found out what happened. The next day the child would be gone or would be back in the classroom, and the teacher had no idea what had happened.

The other thing that teachers fear, of course, is retaliation by parents. A lot of teachers said, I know Johnny is probably getting abused at home, but his dad is so mean and he would know where the report came from, so I just don't want to get involved.

As was mentioned, they need information on mandatory reporting laws. It's amazing to me, when I go out and do presentations, that a lot of teachers are not clear on that. They don't know that they are held responsible. A lot of teachers don't even know that there is a policy in their school, and a lot of schools don't even have policies.

So that's the first step. They need to beef up the policy, get it going, and educate the teachers in how to report. In some situations, teachers report to principals who, because of their own issues, won't take it out of the school. So there are many problems that can exist in a school system.

The other thing that teachers said to us was, "It's really scary having this problem; what's going to happen in the classroom? You're in there and you're talking about all this. What is going to happen?" They were terrified about what kids would say or how they would react.

I remember one of the first programs we piloted. Everyone was nervous because we didn't really know what was going to happen. We were in the classroom and had just finished talking about the word offender. One little girl raised her hand and said, "That's what my dad is, and he's in jail because he touched my sister's private parts." The teacher in the back of the room looked like she was going to faint. Her eyes got real big and she thought, what's going to happen now.

And all the kids around this little girl just started asking her questions. It was no big deal, and we moved on to the next subject matter. We learned

rather quickly that kids can handle this a lot better than teachers and adults and parents.

We do not always have a teacher participate in the classroom, but we always have the teacher present when we do the presentation because when we go through who the support systems are, kids need to identify their teacher as a support system.

We've had situations where teachers have gone out and taken a break or done paperwork in another room while we were doing the presentation. What that says to kids is that maybe they're not interested and they're not receptive.

We find it is most positive when the teacher sits right down on the floor with the kids and participates. Also, we go through with teachers how to identify kids, how to report, things like that.

Let me just share one case which illustrates the need for teachers to be educated.

We had a day care center abuse case where many children were sexually abused. We thought that all that had occurred was fondling. It was a couple of days before the preliminary hearing, and I got a call from the teacher who had a lot of these students in her classroom.

She was crying and she said, "I really don't want to call but I haven't been able to sleep at night, and I think you should see some things that I have seen." So she brought over some pictures drawn by one child. While all the other boys and girls were drawing pictures of flowers and rainbows and things that kids draw, one seven-year-old girl in the class was drawing, with a black crayon, pictures of herself being chained up with a gun pointed to her head. There were several series of these drawings.

The teacher thought it was a little strange — it's not a normal picture for a seven-year-old girl — but she was afraid and kept the pictures for a while and thought maybe everything would take care of itself.

Well, one day, when she found the little girl hiding in her locker because she didn't want to go home or go to the day care center, the teacher knew that she needed to do something. So she called us a couple of days before the hearing and sure enough, there had been a lot more violence than anyone had ever realized; weapons were involved, and things like that.

This illustrated to our agency the need to help teachers feel comfortable, because a lot of times they uncover evidence that can be very important in cases.

I think if you are going to do a prevention program — I have to state this one more time — you must start with parents and teachers. When a child learns in a classroom that it's okay to tell and that parents or teachers or community

people are their support system, it is imperative that when the child goes to tell — and they will, they'll go tell — that the support system listens. If the support system says, I don't want to deal with it, I don't feel comfortable with it, and shuts down, we are actually revictimizing the child.

The only way prevention programs are going to work is if we all take responsibility and all of us get involved. Work with your law enforcement agencies; they're very key people. There are a lot of myths out there about police officers, and a lot of kids, a lot of parents, and a lot of teachers are hesitant to report to social services. Get them involved in the program and you will find that the fears and myths will quickly be dispelled.

Captain Collins: Our last presentation will be by Helen V. Howerton. Helen is the Director of the National Center on Child Abuse and Neglect. She is going to talk today about the National Center on Child Abuse and Neglect Programs to help combat the problem of sexual abuse.

She has been with the Children's Bureau since 1971 and received her appointment as Director in April of this year.

**Statement of Helen Howerton, Director,
National Center on Child Abuse and Neglect (NCCAN),
Washington, D.C.**

Ms. Howerton: The National Center on Child Abuse and Neglect is located in the Department of Health and Human Services. It has been in existence since 1974, when it was mandated by Congress.

Our activities fall into four major areas. One is assisting states and communities in implementing child abuse and neglect programs.

We have, in each of the last ten years, made grants to states not for services as such, but more as what you might call "cutting edge monies," monies that they could use in working with professionals like yourselves and within their own systems to develop and test new methods that might be institutionalized within their own programs. In 1984, \$6.7 million was dispersed in that fashion.

The second major activity of the National Center on Child Abuse and Neglect has to do with the collection, analysis and dissemination of information. Those activities are carried out for us through our national clearinghouse. If any of you are interested in information on child abuse and neglect, there are a variety of services available through the clearinghouse.

The third major part of our program has to do with what we call the generation of new knowledge and service improvement programs.

Each year we have had monies available for research and demonstration programs. In those ten years we have funded a potpourri of projects related to child abuse and other forms of maltreatment.

Just to summarize very quickly, we have funded 14 projects related to the management and treatment of intra-familial child sexual abuse cases; we had something like six projects to develop. We implemented curricula and materials relative to sexual abuse or the prevention of sexual abuse of children which were directed mainly at school-age children, their parents, professionals in the field, and others. Those materials included plays, films, and explanatory information.

We have also funded child sexual abuse treatment training institutes in which they have developed materials and provided training. Additional information about this is available. We have also funded research projects in the area of child sexual abuse.

We currently have two projects underway. The first is designed to assess the effects of intervention in sexual abuse cases on the child victim with a particular emphasis on the controversy surrounding the impact of court testimony, criminal proceedings, and foster care placement of the child.

The second is a project to improve prevention, detection, and intervention in child sexual abuse, including the analysis of current knowledge and strategies for further development.

In our 1984 announcement of these research and demonstration activities, we emphasized the need to improve court procedures related to the handling of child sexual abuse and sexual exploitation of children. We were concerned that the roles and practice in the judicial and social service management of cases needed clarification to reduce any further trauma that would accrue to the child in the prosecution of cases.

We were also concerned that children have appropriate legal representation in criminal cases and that conflicting procedures in the criminal and civil spheres of the court processes be reduced to give better protection for the child.

From that 1984 announcement, we have six projects that were funded or that are about to be launched. One with the American Bar Association focuses on law reform implementation through which expert legal advice, training and technical assistance will be provided in about five jurisdictions. These are projects that are just about to get started this week.

The second project is the establishment of a treatment program for adolescent sex offenders and their victims. The third is a treatment task force involving a community-based multidisciplinary approach. The fourth focuses specifically on criminal and civil court coordination and legal representation of sexually abused children.

The fifth is a project to reduce the trauma suffered by child victims of sexual abuse through a rural community-based volunteer program. The sixth project will develop a multidisciplinary approach to case management where there has been sexual abuse of preschool-aged children.

Now, in addition to these research and demonstration activities, we are this week announcing 18 additional projects that were funded, not out of our State Grants Program, but out of our Discretionary Funds Program. Of those 18, 11 are in the area of sexual abuse prevention. This is an effort to work with states so that they can utilize some of the experience and learning that we've had from various and sundry studies over the years.

We have on the street, as is used in the common language, an announcement which is dated August 23rd. It appears in the Federal Register and it requests preapplications by October 17th. Preapplications are concept papers which are approximately 10 pages in length. All the conditions are stated in the Federal Register announcement.

Specifically, in the area of child sexual abuse, the announcement asks for projects related to the coordination and handling of reported cases by child protective services, law enforcement agencies, and the justice system; projects related to the education of school-aged children to prevent child sexual abuse; and projects directed at the development of public awareness materials on child sexual abuse, which would be directed towards parents and service providers.

I think that we're at an important crossroad in the field of child sexual abuse and molestation. Over the past ten years, we have witnessed the development of a national conscience about the horror of child abuse and neglect across the country.

More specifically, in the past five years, we can probably point to an explosion in public awareness of the difficult problems raised by child sexual abuse and the lack of treatment or prevention.

Now, in just the last three days, both Houses of Congress have passed a bill which reauthorizes the Child Abuse Prevention and Treatment Act, and we expect that that bill will be signed by the President within the next few days.

The new legislation really reflects a growing Congressional concern and national consciousness about child abuse. There are a number of provisions in

this new law which are of interest. One of the important changes in the law — or at least amendments to the law — has to do with the fact that for whatever reasons, either historical or in terms of our interpretation of the law, we have dealt largely with only intra-familial child sexual abuse.

Under the reauthorization, the definition of child abuse and neglect, as I understand it — and you have to recognize that we're just now trying to understand all its provisions — the definition of child abuse and neglect is expanded so that it deals not only with those responsible for the child, the caretaker of the child, but also includes any employee in a residential facility or any staff person providing out-of-home care, which I think explicitly takes us beyond the intra-familial concerns of child sexual abuse.

Now, there is also a broadened definition of child sexual abuse itself. It includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in or have a child assist another person to engage in any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution or other such forms of sexual exploitation of children; or incest with children under circumstances which indicates that the child's health or welfare is harmed or threatened thereby. And that is to be determined in accordance with regulations to be prescribed by the Secretary of Health and Human Services.

The bill also carries an authorization totalling \$30 million for our current activities, for additional work in the area of child sexual abuse, and for the Baby Doe provisions. The authorization is set at \$30 million, of which \$9 million would go to the State Grants Program, \$5 million would go to Baby Doe, \$5 million specifically for sexual abuse, and \$11 million for research and demonstration activities such as those we've engaged in in the past.

The latest information I have — which is not altogether confirmed, but it appears to be very likely — is that our appropriation will probably be \$26 million, divided into \$9 million for State Grants; \$3 million for Baby Doe; \$3 million specifically for sexual abuse; and \$11 million for research and demonstration activities, which could, in fact, include some attention to sexual abuse or related kinds of activities.

We're required by law to publish our proposed priorities for research and demonstration activities for a 60-day comment period. We did that on July 20th based on our existing legislation.

In view of the comments that we have received on those proposed priorities and the reauthorization of our legislation and increased availability of funds,

I think it's safe to say that it is entirely likely that we will be going forward with a second Federal Register announcement to solicit grant applications.

Now, in planning for 1985 and beyond, I am especially concerned that we, the National Center on Child Abuse and Neglect, really bring better order to our research and demonstration programs.

In the evolution of any field I think that there is a need for exploratory research, and exploratory approaches to service delivery. I think over the last ten years what might be characterized as natural experiments have occurred, both on the side of our research and demonstration activities and in the field of practice.

And I think that knowing what we know now, and we have learned a great deal, that without inhibiting some further exploration, we need to focus our activities. We need to inform the field more effectively about what we have learned and how we can proceed with better research, better demonstration projects that will be more focused and will help to answer some of the important questions that we have discussed yesterday and today.

In this connection of trying to bring some better order to what we do and how we move ahead in the field, I'd like to mention that just this morning I very briefly scanned a paper that was done for us by Dr. David Finkelhor. He's entitled it, "Designing Studies on Sexual Abuse Impact and Treatment."

In effect what he has done, in my very brief examination of it, is look at research theory and methods and examine them in terms of what we have done and learned about sexual abuse. I think it will be an extraordinarily useful piece that will help to inform the field on what makes for good design, what makes for good sample selection, and what some of the concerns are in terms of confidentiality.

I think it will help the field think through what they're trying to do, and it will help us assess the proposals that we receive.

Now, as I said, there are four areas in which we have a responsibility. One of the areas included in our legislation has to do with coordinating federal efforts. In the reauthorization of our bill, the Congress has been even more explicit with respect to that.

We have had a Federal Advisory Board on Child Abuse and Neglect which has included both public and private memberships. In the reauthorization, the Congress has said the Secretary, in consultation with the Advisory Board on Child Abuse and Neglect, shall prepare reports on efforts during the preceding two-year period to bring about coordination of the goals, objectives and activi-

ties of agencies and organizations which have responsibilities for programs and activities related to child abuse and neglect.

We in the National Center who have already worked with many of the Federal agencies look forward to a more direct involvement with agencies such as the Department of Justice.

I think we also need to improve our coordination among the various professional and other groups concerned with child abuse and neglect. We need to look not only at how the social service or the public human service agency conducts itself and interacts with law enforcement, but also at how the medical profession and the educational profession can contribute to that dialogue.

From the point of view of the National Center on Child Abuse and Neglect, our principal concern is for the welfare and protection of the abused or neglected child. In this, it's my conviction that we need to be concerned about the apprehension and prosecution of perpetrators; but we also need to be very mindful that the apprehension and prosecution of perpetrators in and of itself is not our role.

We have a responsibility there. We may need to cooperate more fully and to work out better ways of communicating. At the same time, I believe that law enforcement and the courts must concern themselves with the welfare and protection of the child. That has to be a joint responsibility, respecting the judgement of those professionals who know and understand children's and families' concerns.

In closing I'd like to say that I had a friend who wished that he could spend the last ten years of his life living one year at a time in each of ten decades so that he could look back on history and experience a much longer life span in that sense.

When John introduced me, he said I had been with the Children's Bureau since 1971, and that is true. In 1973 and 1974, I spent about a year helping to implement the National Center on Child Abuse and Neglect. We had some foresight that the Center would be established and we were working on that, and then I left it.

As John mentioned, in April of 1984 I took on the directorship of the National Center. I hope, in a way, that my reappointment ten years later is not the beginning of a trend of "one year each decade" concerned with child abuse and neglect, not because I wouldn't want to live for another 90 years, but because I truly hope that we can put the problem of child molestation behind us within the next few years.

Mrs. Herrington: Thank you to this fine panel.

I would like to introduce you to Dr. Steven Schlesinger. I've asked Steve to come over because he is the Director of the Bureau of Justice Statistics (BJS). Among his responsibilities is a project with the FBI to redesign the Uniform Crime Reports.

**Statement of the Honorable Steven Schlesinger, Director,
Bureau of Justice Statistics, Washington, D.C.**

Dr. Schlesinger: Comprehensive statistics of comparable quality on the subject of child molestation and child abuse are not in very good shape at either the state or national levels. What I want to do this afternoon is talk to you very briefly about some efforts that we're making at BJS to improve our data on this very important and significant topic.

The first thing that we have already started to do is a survey of the different states to find out what kinds of state and local data already exist. We have BJS-funded statistical analysis centers in 42 states and we have good contact with the other 8, so we have started to do a survey.

Let me indicate to you very briefly what we found. Arrest statistics on crimes against children, which means mostly molestation and abuse, are collected in at least 45 local law enforcement agencies, in cities like Tulsa, Cleveland, and Harrisburg. But disposition data, that is, adjudication, incarceration and time served, is not easily assembled.

BJS also maintains OBTS, Offender-Based Transactions Statistics. That is basically a group of statistics that are capable of following cases and people all the way through the criminal justice system, from arrest to final disposition, and then through corrections and final release.

State data is available for five states for 1981 and four states for 1980. California shows nearly 3,000 cases of molestation and child abuse for those years. The other states show much fewer, anywhere from 32 to about 300 cases per year, but we think the reason for the small numbers is that the other cases are hidden in other categories. So the actual numbers are probably much greater than that.

Basically, like state records, the data is normally coded to general categories like assault or rape instead of specific categories such as assault on a child or statutory rape.

There are also state corrections information systems in 35 states, and they are a good source of information for those who are incarcerated for child

molestation or child abuse. From these systems, we can find out about the offense, time served, age, race and other characteristics of these offenders.

Statistics on child abuse and child molestation are kept in a great variety of repositories in the states. I want to add that they are often shielded from normal statistical reporting channels, for example, because they are given to the Department of Youth Services, the Department of Health, the Department of Human Services or Resources, whatever it happens to be. These cases would not come up through the normal criminal channels with statistical information. So as I say, the first prong of BJS in this area is to survey what the states have, both at the state and local levels.

The second effort that we are making, as Lois Herrington mentioned already, is cooperating with the FBI on the redesign of the Uniform Crime Reports (UCR).

Very briefly, we are making tremendous progress in that area. What will happen to the FBI statistics if they follow our recommendations, and I'm fairly confident that they will, is that information will be collected for all crimes on an incident basis.

As you know, police officers fill out incident forms. On the incident form you get a lot of information about the nature of the crime, the time of the crime, the circumstances surrounding the crime. Those incident forms will in turn be coded into a computer so that we will, finally, be able to identify child abuse and child molestation as crimes. They will no longer be lumped together in broader categories. This will allow these cases to become identifiable.

If our efforts to redesign the UCR are successful, we are going to have broad national data on child molestation and child abuse as reported to the police; and that, I think, will be a very important step in the right direction.

A third prong of our effort is cooperation with other federal agencies in an attempt to get some national data on the subject. By pooling our efforts, we are hoping to be able to come up with some meaningful, responsible national data on the subject.

And finally, it's my intention in the next couple of months to put together a panel of four, five or six experts to advise BJS as to how to put together a significant national survey of child molestation and abuse, combining the National Crime Survey, UCR, and administrative records at the state and local levels, so that we may finally get a more definite and more specific idea of the scope of child molestation and abuse in the United States.

We will take the recommendations of that panel very seriously. It's my intention, with the help of others, to then fund a specific, statistical study on the subject of child molestation and abuse which would be national in scope.

BJS is sponsoring a special study in Massachusetts. This study is being done by our own Statistical Analysis Center in Massachusetts. It is an ongoing rape study which is funded by BJS. It is picking up a shockingly large amount of data on rapes of children and rapes of infants — it's almost hard to say it. This study covers a recent four-month period and it utilizes questionnaire responses from all hospitals, all rape crisis centers and similar facilities in the state, giving details on each one of the victimizations.

The study deals only with victims who suffered either actual rape or some other bodily penetration. Fondling and other forms of sexual molestation are not included.

The study covered a part of the year when the incidence of rape generally undergoes a seasonal decline. We know that. And I want to note one other thing about the Massachusetts study which I think is interesting and important. Some of the information in the questionnaire responses is so revolting and so nauseating that interns in that Statistical Analysis Center in Massachusetts who were hired by the Center have simply refused to go on working with them. That attests to the serious nature of these cases.

**“OUR CHILDREN’S
FUTURE:
PUBLIC EDUCATION,
ABUSE PREVENTION,
AND TREATMENT OF
THE OFFENDER”**

Moderated by
Captain John Collins

Presentation of Panel on “Our Children’s Future: Public Education, Abuse Prevention, and Treatment of the Offender”

Moderated by
Captain John Collins,
Metropolitan Police
Department,
Washington, D.C.

Statement of Captain Collins

Captain Collins: Our first speaker will be Jay C. Howell. He is the Director of the National Center for Missing and Exploited Children here in Washington, D.C.

Jay is a graduate of the University of Florida and received his law degree from the Southern Methodist University. Mr. Howell is the former Chief Counsel for the United States Senate Subcommittee on Investigations and General Oversight in Washington, D.C. In that capacity, he dealt with issues like missing children, child pornography, child kidnapping and multiple pattern murders.

Mr. Howell has drafted legislation concerning missing and exploited children, including the Missing Children’s Act, and has investigated and assisted in over 300 cases of missing or exploited children nationwide.

From 1977 to 1981, Jay worked as an Assistant District Attorney in Jacksonville, Florida, investigating and prosecuting criminal cases which included child abuse and child sexual assault. Needless to say, he has a wealth of knowledge and information.

**Statement of Jay C. Howell, Director,
National Center for Missing and Exploited Children,
Washington, D.C.**

Mr. Howell: I appreciate the opportunity to be here. For those of you who don't reside here in the Capitol, I don't know if you realize how unusual this kind of a meeting is and what a debt we owe to the Assistant Attorney General for doing this. This is unprecedented, and I think this is a great step.

I think there are a lot of good things happening. We were talking today about innovations in the criminal justice system; and I think there are substantial things that are happening from three primary areas that you should be aware of, either because of the impact they will have on you and on what you're doing or because you may want to serve as a catalyst in your own state and community for some of the programs that are starting to surface around the country to address these issues.

There are some meaningful innovations happening, and they're coming at us from three primary areas. One is legislation, state and federal; the second is community-based and community-wide programs out on the front lines where many of you are; and the third is some significant interest from the private sector.

We've been monitoring these for several months now and trying to keep track of what seems to be the most effective programs on a variety of fronts coming forward through the criminal justice system.

I'd like to give you a laundry list of some of these. A lot of them you've already heard discussed, because some of them pertain to state legislation. Most of the ones I have listed here today have been introduced or passed by various state legislatures.

I'll speak briefly about the federal things and a little bit about the community-wide programs that seem to be taking hold in different places.

First of all, on the state legislation initiative, there are several states, including Illinois, Florida, Kentucky, Virginia, and several others that have passed comprehensive programs, state-wide clearinghouse type programs.

I'll just mention the Illinois law to you to give you an idea because it goes a lot farther than most people would imagine. The Illinois law has provisions in it for state-wide searching and listing of missing and exploited children in various systems, but it is unique in that it goes a little bit farther than that and specifically authorizes state money for local missing or exploited children units in police departments, as well as for profiling of sexual offenders at the state

level and, maybe most uniquely, state funded education and prevention programs tied specifically to the Illinois Department of Law Enforcement.

I don't know of anyone else who has taken those particular three steps. They're very significant and Illinois has backed it up with some funds.

The second area you've heard many comments about is evidentiary rulings in the states' laws. It's worse than you might think, and David Lloyd, over at Children's Hospital, has done some excellent work in discovering that because it's not just states that require corroboration in child sexual assault cases. There are eight or ten other states where as soon as that testimony is impeached or attacked in any way on the stand, corroboration becomes necessary again. I think that's worth considering in your state.

The third area is the criminal code. There are a lot of revisions happening, though I would urge one caveat. If you're going to put in a mandatory minimum for a child molester, do what Irv Praeger and some of the other folks did in California. Key it to certain things, and put some limits in there because, if you don't, a straight mandatory minimum may hurt the incest victim in some cases. That needs to be considered.

A lot of states are introducing record checks. Some are aimed specifically at teachers and child care workers, because of all these day-care stories. Some are aimed across the board at children's services in general and, as you know, that is also becoming a hot issue.

On education and prevention, they're doing things like Illinois did by tying it into the Illinois Department of Law Enforcement or mandating that it be a part of the curriculum, as in state education prevention programs in the schools' curriculum.

Court-appointed special advocates are another thing. There was some mention here about the "guardian ad litem" approach. The program uses volunteers and puts a little common sense into the decision-making process for children who have been neglected or victimized.

There are some intelligent approaches being taken now with respect to child pornography because of the lead of the Ferber Case. People are beginning to realize that you can't try these cases or prosecute these offenders because of certain restrictions.

I once tried a case against a magazine called "Big John Holmes and the Teeny Boppers." I had to try that as a straight obscenity case because I didn't know who those kids were. I knew they were under 18, but I couldn't prove it. Some states are considering progressive legislation to allow expert testimony, for instance, on the ages of the children.

A couple of states do protect children from the media. However, if you watch what is allowed on TV, you'll see some really strange horror stories. In one case, this poor little girl in the western part of the United States who was kidnapped and sexually abused in a real horror story that lasted for several months, came back home and found that not only did most of the people in Northern California know her, but now the world knows her, thanks to Home Box Office. They not only put her picture and her name on the television screen, but they also described all the horrible acts she had to commit to get food and a few other things. They committed what I thought was the ultimate indecency by taking a television camera into that little kid's bedroom while she woke up.

That happened despite the fact that I spent an hour on the telephone with her parents when she came back, explaining to them that they were the only ones who would be able to protect this child.

The media prohibitions that some states have on the name of a sexual assault victim or a child sexual assault victim are something that people are now looking into.

At the federal level, we know about some of the victims' legislation that has been mentioned here today that we are working on currently. There is meaningful legislation on missing children that is currently pending. We hope it comes up this week, literally, in the final hours of the Congress. Congress recently expanded and made its pornography laws much more effective.

Senator Hawkins mentioned something that may come in the future; the incorporation of Racketeering Influence and Corrupt Organizations, RICO, into those kinds of statutes, which many states have used as a very effective, maybe the most effective, prosecution tool.

The second section is front-line community programs that we've seen which really have an impact on these issues. First, a lot of states are looking at missing or exploited children units. We're also urging them, if they don't establish special units, to at least establish an internal task force within the police department to share information.

The second thing that seems to be happening on the local level that we need to advocate is a technique that is very effective. Bill Dworin was up here speaking from the LAPD yesterday. Some of the techniques that he is using specifically address these programs and are very effective. There is a reason why he writes letters to pedophiles. People joke about it, but it is probably the most effective proactive law enforcement investigative tool that there is. We need to share that with more communities.

OUR CHILDREN'S FUTURE

Tom Dittmar talked about how these things go past the boundaries and they certainly do. Chris Montanino is going to talk about an excellent task force prototype which involves state, federal and local officials. Child sexual abuse and molestation cases quickly move into that jurisdictional no-man's-land beyond the local confines of law enforcement.

Even if your state doesn't legislate the team concept involving social services, the District Attorney or prosecutor, law enforcement, and medical professionals, it can easily establish it just by getting together on an informal level in your community to look at these cases more effectively.

Mr. Early, from Denver, very articulately mentioned the scrutiny that is needed in the court system. One way to get scrutiny is to set up a professionally trained — and that's a key thing — volunteer, citizen court monitoring system. All of us know what happens inside that system, and we're not very proud of what happens on a day-to-day basis. But if the community ever finds out what's going on in there, there will be some changes. The biggest lever that that system fears is publicity. A professionally trained court monitoring group that watches what happens in child victimization cases can have an amazing effect.

And the last thing, of course, is training in the techniques and programs we've talked about.

The final point I'll make concerns the private sector. We've had some great help just this week. We held a press conference with the College of American Pathologists. We were going to lend their membership's particular skills in forensic medicine to help fill out the unidentified deceased individual reports that need to be gathered from all over the country. The FBI has an excellent unidentified dead file now so we can begin to determine who some of these thousands of unidentified people are that are buried each year.

Nobody knows the statistics, but everybody who works in the field knows that it's in the thousands. It will probably end up being around 3,000. How many of them are children? We don't know, but we know that there are probably hundreds. They've already found about 50 of them since starting the survey two months ago. But that is the kind of help you'll start to see.

The American Medical Association is starting to reach out and make individual statements. Wouldn't it be nice if we didn't have to read in the McMartin scenario and every other scenario that these kids had monthly urinary or vaginal tract infections and were told that their washing habits weren't proper? You think you're out of the dark ages, but you know you're not when

a pediatrician is seeing that kind of evidence. They are now starting to take a look at this and help out.

The last thing I'll say is this. A lot of the things I'm talking about — state legislation and training programs in particular — we are starting to gather information about these from around the country, and we'll be happy to provide this information. Education, obviously, is the key; the soft, nasty, dirty underbelly of education is that it costs a lot more than it ought to. So we're going to start to gather that kind of information and hopefully provide it free to America, or anybody who wants it.

Captain Collins: Our next speaker is Detective Christopher Montanino. He's been a member of the New York City Police Department for over 15 years now, working both in uniformed patrol and as a detective investigator for the Organized Crime Control Bureau and the Public Morals Division.

He began working in the area of sexual exploitation of children in early 1981. In March of 1983, he was assigned, at its inception, to the FBI Task Force to investigate the problems of sexual exploitation of children. In May of 1983, he was invited to a seminar at the FBI Academy, National Law Enforcement Network. All members met there to discuss the problems of sexual exploitation of children.

Most recently he was a member of the investigating team looking into the highly publicized allegations of child molestation at several Bronx and New York City day care centers.

**Statement of Detective Christopher Montanino,
New York Police Department, New York, New York**

Det. Montanino: One of the things I'd like to address is just how serious and widespread the problem of child molestation can be, and how a heightened awareness of the problem can help. I won't go into details about those Bronx day care centers because I think everybody here is probably aware of them. It was a big media event in New York.

After the arrests were announced on August 3rd of this summer, the media got hold of it, and they just wouldn't let it die. Weeks went by and it was on the nightly news, morning news; it was just going on and on. Well, the immediate result of all that media attention was the reporting of 14 additional cases of child molestation at 14 different day care centers in Bronx County alone.

The Five Boroughs Sex Crimes Unit was just deluged with complaints of child molestation. It became apparent to everybody that parents suddenly began speaking to their children and listening to their children and finding out what was going on with their children.

One of the benefits of that media attention was that the Mayor of New York and the Police Commissioner doubled the size of the Sex Crimes Unit to do a little more pro-active work in the area of child molestation.

There was some deterrent value. I think it's safe to say that the pedophile out there who was molesting children started thinking, hey, I might get caught at this, I'm going to have to stop. And, of course, there were the preventive measures that were taken. Now they're talking about all kinds of legislation to screen day care workers and school workers and that kind of thing. So the media can help, and it does help the problem by heightening awareness.

The second thing I'd like to address is the need for greater cooperation between different law enforcement agencies. It wasn't until about 1981 that the New York City Police Department started looking at the problem of child molestation. From the beginning we knew there were going to be a lot of problems. We had some interagency problems. For instance, the Organized Crime Control Bureau wanted to investigate child pornography. That was their bailiwick and they weren't going to let anybody else help. The vice people wanted to investigate child prostitution. Prostitution was theirs, so they weren't going to let anybody else get involved. The Sex Crimes Unit wanted to investigate child molestation. That was their bag. None of them realized that these were all inter-related; they were all the same crime.

Then, of course, we had the natural problems inherent in any law enforcement agency. Those are the jurisdictional problems, the county and state line problems, the geographical area of employment problems, those kinds of things.

Unwilling prosecutors presented another big problem. Money was also a big problem. John Rabun handed out some copies of a Reader's Digest article that was printed in June 1984. The first paragraph of that article mentions the arrest of two men in New York City for selling child pornography to an undercover officer. They offered to sell the undercover officer hundreds of reels of this film.

I was the undercover officer. The article never goes on to say that we never did buy those hundreds of reels of film because of the fiscal restraints on the City of New York and the Police Department. We didn't have the

\$30,000 or \$40,000 that we needed to buy the film. That film is still out there somewhere, hundreds of reels of child pornography. That was a problem.

At the same time, other law enforcement agencies were having the same problem. The FBI, for example, had federal jurisdiction. The federal laws said they had to have interstate aspects to their crimes. When they did investigate a crime with no interstate aspect to it, what did they do with it? They didn't know where to go, they didn't know the DA's, they didn't know whom to see about prosecuting the case.

Let me tell you an interesting story. I had an informant in New York City who told me about a guy in Washington, D.C., who was transporting children across state lines for the purposes of prostitution. At the same time, the FBI in Washington, D.C., had an informant who told them about a guy who was transporting children across state lines for the purposes of prostitution. Well, it turned out that their informant was informing on our informant, and vice versa.

The Postal Inspectors were out there writing letters to people, trying to get them to mail them child pornography and make deals with them. What happened when the pornographer wouldn't send it to them through the mail? He'd say I'll sell it to you, but I have to meet you, or I'll send it through UPS or something like that. What did they do with that information? It just sat; nothing happened. As far as the Postal Inspector was concerned, there was no federal violation; there was no crime.

The Customs agents are seizing child pornography coming in from overseas by the tons, by the shiploads. The U.S. Attorneys aren't going to prosecute. What they'll do is seize it and maybe destroy it; but what happens to the names of all those pedophiles to whom the pornography is shipped? You heard Bill Dworin yesterday say that the child pornography collector is a pedophile. Thousands of names of pedophiles all over the country are obtained when these materials are seized. What do they do with those names? Where do they go?

We formed a task force to work together. The immediate benefit was the number of people we now had working on the problem. Instead of having 2 or 3 people investigating these cases, we now had 10 or 12 people working together. We had more manpower resources.

We managed to swear in local law enforcement people, like U.S. Marshals and Deputy Marshals, so we could avoid the jurisdictional problems I mentioned before. We go back and forth across state lines, wherever our investigations take us.

OUR CHILDREN'S FUTURE

We have the huge resources of the FBI's network of agents all over the country. If you have a problem in San Francisco, you send a message or teletype and you can get help from anywhere in the country. This type of help was never before available to me as a New York City police officer working alone.

If the Postal people can't get the stuff through the mail because the guy wants to meet them, they bring a police officer along. The officer can make a local arrest.

Customs is now giving us the names of all these pedophiles, and we can index them. We know who they are, we know what they're doing, and we can at least keep an eye on them.

And of course now, instead of each agency having one law to work with, we have federal laws, we have local laws, we have state laws; we have all kinds of laws that we can work with. If we can't get them with one, we'll get them with another.

All of our investigations open with an eye to prosecution, prosecution anywhere. We don't care. If it's federal, it's federal; if not, we'll go to the state court. We'll get them somewhere.

And, of course, we now double the informants that we had. The police have "hip pocket" informants in the streets. We have paid informants by the FBI. We have people, we have resources, we have social workers and prosecutors that we know we can contact for help.

Those were the immediate results of the formation of the task force. It worked out very well. All it illustrates is that law enforcement communities can adapt to overcome problems. We've heard in the last few days about the problems of legislative changes we're looking for and that kind of thing. We can do it; we can overcome the problems.

In summation, I just want to say that the law enforcement responsibility to protect our children, to bring these offenders to justice is not going to go away. We can't throw our hands up just because we don't have the proper law, or for any reason for that matter.

Until you people out there or we people here can get the changes that we need, we're just going to have to keep on going, keep on adapting, utilizing all the resources of all of our law enforcement communities to get the job done.

Captain Collins: Thank you, Chris. Our next speaker is Lloyd Martin, with the Foundation for America's Sexually Exploited Children in Bakersfield, California. He's going to discuss the national problem.

Lloyd Martin was with the Los Angeles Police Department for many years and is now retired. He is an author and consultant and lecturer in the area of child sexual abuse and exploitation.

He is a pioneer and a leading expert in the field of pedophilia and he is the founder of the Sexually Exploited Child Unit for the Los Angeles Police Department, the first unit of its kind in the nation. Detective Martin is also the co-author of *We Have a Secret, What If*, and *What If I Say No?, Hands Off Bill and His Untouchables*, and *The Protection Pouch* for children.

Detective Martin's experience has included communication with over 5,000 child molesters. As a personal note, I might add that long before many police officers and law enforcement agencies were involved in this, Lloyd Martin was out there, one of the lone voices trying to bring this to our attention.

**Statement of Detective Lloyd Martin,
Foundation for America's Sexually Exploited Children,
Bakersfield, California**

Detective Martin: First I want to say it's certainly an honor for me to be here. I've addressed a whole lot of people about this subject matter, but what I saw in the last two days from everybody who has been to this microphone is something called "feeling," a feeling that maybe we all have about stopping what I call the worst sin of all; mutilation of a child's childhood and mutilation of a child's spirit.

I want to start off by quoting from "Natural Life," which is a pedophile publication, if you want to call it that. It says, "The truth comes natural to children; they must be taught to lie. Their imagination is boundless, their hope eternal, and their innocence a gift of God, too often rudely assailed and wantonly destroyed in the world of mature adults."

How many of you in the audience have children? What I'm going to do is address you today as parents. I want to start off with a letter from a child molester. This is what he says:

"Dear parents, I am a pedophile. That's child molester to the layman. I am writing to you to let you know I will soon be molesting your child. Oh, you don't think so? Well, let me tell how easy it is.

"When you don't listen to what your child has to say and regard it as unimportant, childish chatter, you're sending your child to me. I have ears to hear all they have to say.

"When you scold your child, possibly, or belittle your child in front of their friends, you're sending your child to me. I can dry their tears.

"When you don't give your child spending money and teach them the value of the dollar, you're sending your child to me. My wallet contains all the money they want.

"When you don't cuddle your child on your lap or give them hugs, you're sending your child to me. My lap is big enough to hold any child, and I have an endless amount of hugs.

"When you don't give your child praise, you're sending your child to me. I have an ample supply of attention and affection to give.

"Who am I, you ask? I could be your next door neighbor, a coworker, a child's teacher, a scout leader. I could be your best friend or I could even be a relative. You could know me and you may not know me, but your child knows me.

"I am that nice man who is giving your child all that attention and affection you denied him or her. In return, all your child has to do is comply with my sexual wishes. I cannot be stopped, either.

"Your pride that your child could not be molested, your unconcern that your neighbor's child might be molested, your ignorance about how I operate, and your lack of interest to find out, makes it so easy for me and others like me to prey on your children."

That is a letter from a child molester who is incarcerated. He's a girl lover; he likes little girls, six, seven, eight, nine years old. He gets his sexual enjoyment out of little girls.

We've talked a lot about child molestation and we've talked a lot about pedophilia; but I want you to understand that sex is only a small part of the relationship between a pedophile and your child.

How do pedophiles seduce children? With attention, affection, rewards, approval, and love.

My friends, that's exactly the way most pedophiles work. You can best spell pedophilia "l-o-v-e" because pedophiles do truly love children. I've been criticized many times for saying that, so I invented another term — I didn't invent "pedophilia" but I invented a term called "mesoped" which means "child-hate."

In my opinion, 40 percent of your children — I'm talking about your kids — 40 percent of them will be sexually assaulted in some manner prior to their 18th birthday. If I told you that 40 percent of your houses were going to be

burglarized, that would be an epidemic; but I say 40 percent of your kids are going to be sexually assaulted, and we bury our heads in the sand.

Why is something wrong? Well, I told my children we'd name the parts of our body, and I'd say, "Son, you've got an ear, you've got a nose, you've got an eye and an elbow." But when I got between his legs, I couldn't think up what I wanted to call that, so I called it a "worm whirl woo-woo." And my daughter had a "muppin." And because I gave these names to those things, there's something wrong with them. I hope someday that parents will tell their sons they have a penis and their daughters they have a vagina because there's nothing dirty about that. But when we change the names, something's wrong.

The sexual exploitation of children, in my opinion, is the most under-reported crime we have in this country.

I will tell you the reason for this. It is because children are not a priority. Yes, I know they're a priority to the first 25 rows on this side and the first 25 rows on that side. If they weren't a priority, you wouldn't be here. But when we go outside this room and you go across the street, they aren't.

I'll show you a newspaper article. "A man was sentenced in Superior Court on Thursday to four years in State prison for stealing a television set, 400 pennies, two bars of soap, a bottle of after-shave lotion, and a handbag full of hair curlers." I think that is a very just sentence for those things.

The same paper, same day, same court system but a different judge — it certainly wasn't Pam Iles — "A 43-year-old man was sentenced Thursday to a year in jail for molesting three girls in a licensed day care home which his wife operated."

Tell me that children are priorities. Children are second-class citizens. They don't vote; they're not Republicans, they're not Democrats, they're just children.

I hope this conference results in our letting go of our egos and letting go of our jealousies and working together to make children the number one priority in this country.

It is my opinion that the primary cause of the sexual exploitation of children in this country is the lack of attention, affection, participation, and education by parents.

My friends, I will tell you that if you don't show your children attention and affection, somebody else will. If you don't participate with your children, somebody else will. If you don't educate your child or children about this crime, I can almost guarantee you somebody else will.

OUR CHILDREN'S FUTURE

I'll lie to get out of trouble; maybe even you will lie to get out of trouble; but do you lie to get into trouble? When children tell you about this crime, they are getting into trouble. Children are the most honest people in the world. We adults have to teach them how to lie.

When you leave the conference and you get home, if somebody has pried open your screen door and gone into your home and burglarized it, I guarantee you there would be plenty of burglary investigators to handle that crime in your city.

Let's say they took your brand new 25-inch RCA X-100 color TV with remote control. Or let's say when you leave the conference, before you get home, before you drive up to your house, you stop at Seven-Eleven to get a carton of milk. When you come back outside, somebody puts a gun in your back and robs you.

Well, I can guarantee you that the police in your jurisdiction, sheriff, whatever it may be, puts a high priority on robberies, and you'll have somebody investigate that crime.

But I want to tell you something. If somebody comes in and burglarizes your house and takes your television set, I bet you can go back to that same store and find one just exactly like it with remote control.

And when you walk out of that door at Seven-Eleven and somebody puts a gun in your back and robs you and takes your money, I bet you can go home and write another check or borrow some money from the neighbor.

I want you to tell me, my friends, what you're going to do if I, the pedophile, sneak into your house, or your child, son or daughter, comes down to my house down the street and I steal your son or daughter's attention and affection. You tell me how you're going to replace that.

One of the toughest cases I ever worked, and it's probably the main reason I'm here today, involved the son of a police officer. The boy was ten years old from a broken-home situation. The little boy lived with his dad Monday through Friday. Friday night his dad would drive over to the mother's house. The little boy would get out of the car and go inside. Mom would say, here's five or ten, I'll see you later.

Mommy had a boyfriend. The boyfriend wanted to do something to impress the little boy and to impress mom, too, I guess, so he said, "I'd like to buy him a present." This is when CB radios were very popular, and the mother said the boy had been talking a lot about CB radios.

So the man buys him a CB radio, presents it to him as a present, and Sunday night, when dad, the police officer, stopped in front of the house and blew his horn, the little boy took the CB radio outside, got in the car, and left.

Well, to make a long story short, the little boy set the radio up at his house and started talking on it. The next Friday night when daddy stopped at the curb, the little boy jumped out, and went inside. Mom said here's five or ten, I'll see you later.

This time he goes back outside, but a little red car is waiting for him. He gets into the red car and drives off.

The man driving the little red car had met the boy through the CB radio and found out where he would be Friday night. This man's handle was "Chicken Man."

We took the boy into protective custody, brought him down to the station, started talking to him. Not only had he been molested by "chicken man," but also by two other adults.

Then we brought mom and dad down to the office to tell them why it happened. When we finished talking to the little boy, as I would to your son or daughter, I talked to them. I sent the boy home with his dad. Before he left, I gave him my business card and said to him, "If you ever think about getting involved again or running away, before you do it, call me."

This was on a Thursday night. The following Tuesday night I was in my office. At 9:30 at night, my telephone rings, and it's this little ten-year-old boy who is standing in a phone booth 40 miles away from me.

And he said to me, "Officer Martin, my mother is a prostitute and my daddy doesn't love me. Can you find somebody that will love me?"

I want to tell you something, my friends. I never had a higher honor paid to me, nor will I ever. But it taught me the best lesson, and it's probably primarily why I'm standing here today. If a ten-year-old boy will go to a phone booth, drop a dime in and ask me to find somebody to love him, then all I say to you is how hard would it be for the "good guy down the street" to put an arm around his shoulder, look him in the eye, and say, "I care." How hard?

I'm going to tell all of you parents one thing and ask you a big favor as your friend. When you get home from this conference — I don't care how many kids you have — I'd like you to line them all up against the wall, walk over to them and put your arm around their shoulders, look them in the eye, and say three magic words, "I love you," because my friends, I do know that the lack of attention and affection to children is one of the ways that pedophiles

work. Once a pedophile gets his grip on your son or daughter, you and I as parents cannot compete.

Captain Collins: Lloyd, they have an old saying that the best speeches come from the heart, and that was certainly from the heart.

Our next speaker is Ann Wolbert Burgess, Van Amerigen Professor of Psychiatric Mental Health Nursing, University of Pennsylvania School of Nursing, author and frequent lecturer at the FBI Academy in Quantico, Virginia. She is going to discuss our children's future.

Ann Burgess is a registered nurse and cofounder, with Linda Little Holstrom, Ph.D., of the Victim Counseling Program at Boston City Hospital in 1972. This nurse-directed program continues to provide crisis intervention services to children, adolescents, adults, and elderly victims of violence. Clinical research continues with child victims of molestation, incest and rape under the direction of Dr. Burgess. She also provides consultation and evaluation of child victims for criminal and civil court proceedings.

**Statement of Dr. Ann Wolbert Burgess,
Professor of Psychiatric Mental Health Nursing,
University of Pennsylvania School of Nursing,
Philadelphia, Pennsylvania**

Dr. Burgess: We are witness this month to the national perspective that is focusing on the problem of child molestation. Two weeks ago the final report of the Task Force on Family Violence was presented to U.S. Attorney General William French Smith, and this week the Department of Justice's Office of Justice Assistance, Research and Statistics is sponsoring this national symposium.

I want to thank Assistant Attorney General Lois Herrington and her exceptionally competent and dedicated staff for making this all possible, for taking national leadership on this issue.

I also thank you for convening the symposium in this Great Hall of Justice, for giving dignity and priority to an issue that threatens our children.

The Task Force Report clearly emphasizes that intervention in the problems of family violence and child molestation cannot be limited to the criminal justice system. There must be a strong, coordinated effort by the criminal justice system, victim assistance agencies, and the entire community.

It is essential that the community itself respond as aggressively and firmly as the criminal justice system. There cannot be one without the other, states the Report; all must assume responsibility.

I think the urgent call for action regarding the problem of child molestation is to demonstrate that professional collaboration and cooperation is not only possible and practical, but that it strengthens each individual agency and it serves as a collective force in combating child molestation and reducing the number of child victims.

We can coordinate through a direct-service approach and we can expand our knowledge base by sharing what we learned pragmatically as well as empirically. We must maintain the momentum that has been engendered from this national level to state and local levels.

Toward this goal, I wish to now outline some of the early findings from a research project funded through the Department of Justice that is looking at possible linkages between child sexual abuse and exploitation, juvenile delinquency, and criminal behavior.

I wish to present some data from one child molestation case that looks at the impact of the event, not only in the traditional area, but in the area of cognitive organization and informational processing of the traumatic event.

I also hope that this case will pull together many of the very profound, powerful and excellent reports that previous speakers have made, and above all, I want to present it from the child's perspective.

That's what we're all here about, and I think I would like to give that perspective. So the drawings you will be seeing a little later come from the children.

There are a series of basic assumptions that have guided our study of the conceptual framework for the impact of traumatic events. Those specific to child molestation are as follows.

First, there is a growing body of literature that supports the premise of the sexual victimization and exploitation of children as a traumatic event, and I refer you to David Finkelhor's work in this area.

Of special interest in our study is the quiescent period of a continuing molestation where the symptoms subside and certain adaptation occurs in functional life activities. Defenses develop through the process of this adaptation. One of the functions of the adaptation is the encapsulation of the trauma which silently and slowly drains developmental energy needed by the child.

Second is the defensive structure of dissociation. We believe that a major adaptive mechanism used by the child to cope with the molestation is disso-

ciation. This process carries with it more complex notions of how the child's dissociations, for example, the impact on internal self — sense of self and personality makeup — and a splitting off of personality that leads to defenses that are more reality distorting, such as denial or projection.

Splitting occurs as a process of dissociation, and it can be examined in two ways: Internally as "good self/bad self," about which we heard a very powerful presentation by Dr. Summit, or externally as "good people/bad people," and that's oftentimes what you see more with the offender.

Third, one way to view the cognitive behavioral impact of a traumatic event is through the model of informational processing. In Horowitz's research on whether intrusive and repetitive thoughts after experimental stress are characteristic of certain individuals or if they represent a general stress response tendency, he concludes that the symptoms of repetitive imagery, thoughts, feelings and sounds are part of a general stress response tendency and, further, can be understood by the model of informational processing.

In terms of child molestation, the continued manifestation of intrusive imagery indicates that the child, overwhelmed with new information, is attempting to place important information in storage, the first being recent memory storage.

It is only relegated to long-term memory when more important information takes its place. You can begin to see, as the molestation goes on over and over, that this process is not occurring.

So based on Horowitz's proposition, symptoms can now be understood as part of a process of cognitive disorganization.

Fourth, disclosure of molestation has both a personal meaning for the child and a social meaning. The social disclosure means others now must react to the disclosure of the event, and the child may now have to manage informational processing by parents and other authority figures.

And fifth, intervention by professionals who are experienced with this type of stressful event presents a challenge. One task is to assist the child in the integration of the molestation as a life event, maintain on-going developmental tasks, avoid a diminishing sense of self, and facilitate reality-respecting defenses.

Let's move on to the school bus case. The selection of this particular group of sexually molested children is an attempt to carefully describe some of the variables that speak to the cognitive behavioral organization of the child in experiencing a traumatic event.

The way we are beginning to explore this aspect of child molestation is to divide the concept of the event — the molestation — in the various phases that the children go through when we are confronted with the news of molestation.

Retrospectively, we are paying particular attention to the event itself in terms of what happened to the child and how he or she coped.

Two attempts to organize our exploration of this have been through the use of children's drawings and exploring their beliefs as to how come this happened to them, how this particular person happened to do this to them, and what thoughts they had and have now regarding the molestation.

Our methodology was to ask each child, in the series of the interview, to do seven drawings. I'm not going to show you all of the seven types. The first was favorite weather, which asks for affect. In other words, the child can draw anything they want about the weather.

Second is a picture of herself at a younger age; third is a picture of herself at a current age; fourth, a picture of the family doing something; five, the event; sixth, a house and tree; and seven, a free drawing.

Let me tell you a bit about the case. This case involves a 43-year-old school bus driver who is charged with molestation of multiple children in December of 1982. A criminal trial was held in April of 1983; he was convicted and sentenced to, I think, something like 105 years.

In April of 1984, there was a civil suit that was brought against the school board in the particular county. That action has been completed.

What are the common characteristics of this case? By "common" I mean things that are not any surprise to anyone who works with these types of cases.

First of all, all of the girls involved in both the criminal and civil suits were sexually abused by the same offender.

Second, the child molester continued his victimization of the children for over three years before arrest. His access to the children was through his legitimate employment as a school bus driver. He was skillful in gaining the confidence of the children and the parents. As one mother said, "He came to our house and he introduced himself to make sure where to pick up the child. We thought that was very fine of him to do."

Third, the child molester had a 20-year history of complaints of child molesting. Court testimony from a 23-year-old woman revealed that the offender, in 1966, then employed as a school custodian, had molested her.

Her complaints had gone unheeded when reported to a teacher. In 1971, complaints by children were again made against the offender. He was dismissed

by the school board, claiming that the reason was failure to keep the school clean.

What the children had really complained about was that the custodian would come into the girl's lavatory, watch them, and fondle them.

This offender is also an incest offender.

Fourth, parents had to organize as a collective group to gain the attention of officials in order to have their complaints investigated. Even the teachers complained about this man bringing the school bus to school early, which made the children very anxious. They would run back and forth to the bathroom; they would try to get ready to get on that school bus. She had complained that he shouldn't come that early. It went unheeded.

And fifth, some children verbally told their parents; some did not; others had very clear behavioral signs that something was wrong.

And sixth, there was escalation of aggression. One of the symptoms that really came to the attention of people was bleeding from one of the little girls. Clearly, there was a change, if you will, in the molestation.

One of the unique features of this case is that the children involved in the criminal and civil suits were all at the same grade level. They were all in kindergarten when this occurred. So from a research standpoint, that reduces some of the measurements on that. The difference is in the time post-molestation, because there is a three-year period.

The molestation was interracial. The offender was black, 12 of the children were white, and one was black. So it was predominantly interracial. The sexual abuse occurred in a public setting, the front of the school bus, with the driver and all of the children present. It is a rather unique feature that not only the children being molested, but also the boys, who supposedly were not molested, had full view of this.

What are some of our findings? I'd like to move very quickly to attributional data to give you a little understanding of where the child's attributions are regarding the event.

One of the questions asked is, "Why do you think this happened to you?" We're looking at data two years post-disclosure; only one little girl clearly put the blame on the offender, only one.

There were four little girls that were confused or blocked when asked the question. You begin to see the real pattern of confusion, dissociation, whatever you want to call it. They were not even able to give a response.

One little girl put her fingers in her ears and just stared at the ceiling. They would just shrug; there would be tears in their eyes; they clearly were very anxious about that.

Six girls blamed themselves, for the following reasons. "I wore dresses," "I was a little girl, he didn't like little girls," "I was white," "I was a child." In other words, anything that spoke to the characteristics of the child was a reason that they gave.

Only one girl clearly blamed the offender, "Because he's dumb and he's got a problem."

The second child, whom we did put in the category of blaming, actually felt a kind of quasi-blaming. This little girl said, "I think he's the one who caused it," and what made the difference for this little child was watching a program called "Different Strokes" that had had an episode on child molesting. She said to her mother after watching this, "Momma, I think it happens to others, too."

The mother said after watching that show, there was a dramatic change. Evidently she had really blamed herself and so forth, and could now see that it did happen to others.

When asked, "Why did he do it?", six of the girls were confused or blocked on this question. They answered, "I don't know." Five were able to blame the bus driver; interestingly enough two had a negative view of the man — he was nasty, he did mean things; two thought he might have done it for fun or because he just wanted to; and one saw him having a problem, maybe he was on drugs. One little girl, interestingly enough, thought he did it because her mom liked him and said he was nice.

What happened to him? Only seven of the 12 girls clearly related what had happened to the bus driver. It is very important that two years later, there is still confusion.

Five of the girls blocked or were anxious or confused in answering. One said, "Well, I think he's still in jail." So again, you do not even get a clear picture there.

How do you feel about it? Seven girls were able to say they felt better — happy, nice, superb, good — but five girls were still fearful, and the focus was on the offender, "I think he should stay in jail for the rest of his life."

Some of them saw the civil case as a way to put him in the electric chair, and they were able to say that. It was very interesting to see how they viewed that whole second trial.

What thoughts did you have when Mr. So-and-So was doing this? Six were unable to remember anything about their thoughts, a clear example of dissociation. Four were able to say they wanted to take action when he molested them but were unable to because they feared what would happen.

In telling, four of the girls told a parent; three of the girls talked about it among themselves, one seven-year-old said her cousin knew about it because he sat next to her and watched on the bus.

Let's move quickly to the drawings because I'd like to give you quick examples. Many of you, hopefully, can identify from your perspective what this all states about what we call self-representation.

The second and third drawings required drawing a younger age versus drawing yourself now. Of interest, six drew themselves at the age of the event. Only four drew themselves younger. Four drew themselves as babies and one as a toddler.

Okay, the first little girl draws herself younger with a swing set. She has a sister in it that says, "We used to have a swing set, but we don't have it now." It is interesting that she uses a lost object for drawing herself younger. She also draws herself under the swing and puts her sister on the swing set.

The current drawing is herself in the exact outfit she wore to the interview, a very concrete, good, appropriate kind of drawing.

The second child is an eight-year-old child. She draws herself much younger, at age one or two; she draws a crib, herself, a ball, and her mother. At her current age, she draws herself at current age, but draws herself and her sister. What's important there is the stick figures. This is regressed for that age.

The third child, eight years old, draws herself at age five and says, "That's the very best I can do." What is important about the two of them — and you can see where the younger one is just slightly smaller, but there are very similar kinds of characteristics between the two drawings — is she does a very interesting thing. She makes transparencies.

You can see the body and then you see the clothes. That is considered an unusual feature, especially with a sexually victimized child. It's that "seeing through," it's the vulnerability. That's one possible interpretation.

The fourth child draws herself at age five and then draws herself currently. What is interesting about this child is the low dress bows on certain areas. There is a quality, if you will, to that particular drawing of self, sense of self.

In this, the child is eight and draws herself in terms of being in the house, a protective kind of thing, and draws herself as a much younger child; and then herself currently, again in a house. She really emphasizes extensively on

this. If I had time, there is a long dialogue that goes along with each drawing that gives tremendous insights into some of the ways the children represent themselves.

What is particularly interesting in this is the good separation or differentiation between younger age and current age. This youngster, now ten, gets very concerned about the flesh color, makes all kinds of comments about that and draws one leg clearly larger than the other.

In this particular case, you've got a younger and an older child — four and seven-years-old — with the four-year-old actually larger, if you will, than the older child. This particular case is quite interesting because you can hardly see the figure. There's a lot of shading, which according to art therapists usually means anxiety, possible repression. Look at the difference between younger and older, again, very tiny little drawings.

This particular eight-year-old, interestingly drew the body first and then the head; then at present age — and she draws herself at age six — she draws her head first and then the rest of the clothes, and draws only one item that she's wearing at that particular point.

What is interesting here, I'm told, from an art therapist's standpoint, are the legs pressed together in somewhat of an unusual, unnatural stance.

This one is interesting, because you can't see her. Very transparent, if you will. The color she chooses is yellow. You really see in the second drawing a more helpless and vulnerable youngster. She draws herself at age five in the upper part of the picture, and then, at age nine, looks much more regressed.

In this particular case, eleven, the child has drawn almost identical drawings. There is very little differentiation between the two.

And in this last one you have, again, very tiny, small figures which gives you a lot of information about the helplessness and vulnerability.

Now, we'll move quickly on to social support and family. Many of you are interested in family, and we can get a reading from the child as to how they see themselves within the family. I'll just go quickly through these.

Several of the pictures have them eating at a table, in other words, the nourishing and needing of that. This one in particular paid a lot of attention to dad, and the family cat is brought in.

The next is a drawing at a restaurant. They are eating cheeseburgers and french fries. There is an extra car or storage area upstairs.

This is a particularly interesting family. This drawing — look again at the aspect of transparency — shows the child up in the tree picking apples. She has herself very isolated, if you will, from the rest of the family. This

particular child had told her parents about the school bus driver, and they said he was such a nice man that she must have been mistaken. This child was very angry. Clearly, this came through in the drawing.

Here's a picture, which is supposed to be of a family, but all she really draws is her father. She really obsesses extensively in drawing this picture.

Here is one in which the mother and father are on one side and the girl is on the other having a party.

Here is one in which all of the family members are drawn. It's pretty hard to get too much differentiation, but you can certainly get many people involved.

This is rather curious. It's a huge table and you really can't see people, but they're all there. I'll let you make your own interpretation of that, but it's quite an interesting perspective.

Here is mother, father and child, and the beach ball again. This is interesting because some of the family members are kind of tied together, and yet one is separate. They all are about the same in size. Some are less distinct than others. Here you get another interesting drawing in which the son is present and again, look how far the seven-year-old daughter is from the mom. That's mom and three sisters.

Here's another picnic in which the family is present, and a table. Sometimes a child does not even put herself in the picture.

Now we're moving to the event. This was the fifth drawing the children were asked to draw, and this is where you start to see, from a cognitive standpoint, some of the disintegration and the disorganization.

The first child chooses to draw the courtroom event. They could pick whatever they wanted. Their instructions were to draw "the reason we're meeting today," because they pretty much knew that it was about Mr. "S."

So she draws, in a very protective way, herself in the witness stand testifying — that's up in the lefthand corner — and there's the judge. I guess that was the prosecutor standing in front of a podium, and then the offender. You get a quality of what impacted on her in terms of the courtroom.

Here is a school bus. Most of the children drew a school bus, but you will see that there are all different qualities; she drew it in yellow, which is a very transparent type of situation.

And this child said, "Oh, I can't draw that," when asked to draw what happened. And then trying to encourage her, we said, "Well, we'd like you to draw the very best picture you can." "Well, I can draw the bus." That's where the children sit. You can see the seats through the windows. She identified the bus driver, and she was asked, "If you could put yourself in the bus"

— because she had not — “where would you be?” She pointed to the back, saying, “I used to be able to sit up front.”

So already you have her moving back, perhaps from a phobic response or whatever. But there is the bus without the people in it.

Here is bus number 60. What's interesting in this is that the bus driver is in front, but look at the child at the very back. There is lots of distance between the child and the bus driver and no other children in the bus.

Here is another child that draws the bus and has “Stop” on it and doesn't have any children in it. The avoidance of putting themselves back in the situation is very clear in some of the children.

This is another one where you can see that. The bus driver is there and I think one child is in there.

This is the child that told him to stop, and she puts the bus right up by the school. She has clouds in the area, which is a sign of anxiety, and has all the children, all kinds of faces, in the picture.

Here is another perspective on the bus in which only the driver is present. Here is one in which, again, only the driver is present; and this is one in which it is not the school bus but it is the offender with the child. Look at the boxed area where the children were molested.

And here the child even says, “He told me to zip up his zipper.” She even put that in. That must have been something that was uppermost in her mind when she started to talk, so she put what happened right in the picture.

Here is one who puts herself very much at the end. It kind of links all the children together.

There is another one in which there is only the child and the school bus driver.

The last series I think will be interesting for those of you who are in court with the children.

We asked them to draw — after the civil suit, which was in June — the “meeting” in the courtroom. Look at that. Nobody is in the picture; she drew an empty courtroom. Of course, they never saw it empty, but it's interesting that that's what she chose to draw.

Look at the child and look at the judge. You begin to get some perspective.

Again, you get a real feel for how intimidated and scared the children feel. Look at that one. Again, the child is not in the picture, but this child was the one we felt was the most integrated on the event.

OUR CHILDREN'S FUTURE

Do you know what that basket is in this picture? That's the one little child who came out and was so upset testifying that she drew the bucket for her to throw up in.

And that one shows lots of anxiety, if you want to take the shading and so forth. Look at the judge sitting way up there; look at how big that bench looks.

There's another one in which there is a lot of coloring and shading and so forth.

This is the last one. There's something in this for everyone here present. This is a picture by one of the children in which there's a seal that's over the courtroom. So the child focuses in on the seal.

Does anybody know what is in that righthand corner?

It's the FBI Most Wanted List. And interestingly, there are how many little faces? Twelve little faces; there were 12 little girls. And that's what she's in; that's the FBI Most Wanted List.

In conclusion, I would just like to reiterate what many previous speakers have said. I think that we have a tremendous task before us. Lois Herrington has demonstrated national leadership in the fight against child molestation, in the service of protecting our children.

I urge you that we all use the energy from this symposium and this conference to go home and strengthen the momentum.

DISCUSSION PERIOD

Discussion Period

Mrs. Herrington: Thank you very much.

I would like to have people who did not have an opportunity to speak up here talk to us a little bit about areas we did not cover or points you want to emphasize.

It's unfortunate that we could not hear from everyone during this two-day conference, but there simply wasn't the time.

Ms. Naitove: I'm Connie Naitove, and I want to thank everybody, and particularly Ann, for illuminating my point. You've seen drama; you've heard about play therapy; you've heard the diary of the young woman, the literature therapy or writing therapy, whatever you want to call it; but the arts, verbal and non-verbal arts — you saw the drama last night — these are instantaneous, vital, volatile media.

They are very useful for you in getting information in spite of the injunction, "Don't talk about it." The child can always draw. A lot of what you saw I've seen over and over again, the armlessness, the helplessness, the inability to function against the situation.

I urge you to get more familiar with art therapy, with the art therapist in your area who can help you, who can provide you with tools, who can help you in understanding what you're seeing, how to ask the questions without

leading the child toward your own particular interpretations of what you're seeing.

Please make use of these media; they are very helpful, very quick for assessment, diagnosis and treatment.

Mrs. Herrington: Thank you, Terry?

Mr. Thomas: Just two points of particular interest to me. I thank Dr. Foley for bringing out the point. I have to confess, with shame, that the examination of child victims at the coroner's office occurs in my jurisdiction, and I say that because I want something done. I'm fighting to get something done on our level, and hopefully, we can get it done through the Justice Department with assistance and help.

There is nothing that makes my blood boil more than to spend hours trying to get a child victim to speak to me, a three-year-old who is bleeding vaginally or whatever, and get this child to sit down and talk with me and give me everything I want to know and then retraumatize this victim, deliberately re-traumatize this victim, because in my jurisdiction my state attorney says that my victim must be examined for a physical by our coroner. Something has got to be done.

That is a sad commentary on how far we've come, when we retraumatize our victims by taking them to a coroner's office for an examination with the stench of formaldehyde and the whole connotation of the medical examiner's office.

My second point is, and I direct this to everybody here because we're all practitioners in one way or another, and sadly enough, we're all victims. Everyone of us is here because we believe in what we're doing. The commitment of everybody here is obvious. We believe in what the victims are saying, we feel their feelings, consequently, we suffer their pain, at least to a certain degree.

So we all need somebody to turn to to air the grievances, to air the feelings. Find somebody, whether it be a peer or whether it be a friend. If they do nothing but serve as a sounding board, utilize that so we can maintain our own sanity and continue on with the strong cause that we all believe in.

Mrs. Herrington: Thank you Terry. Are there other people who would like to comment?

Mr. Davidson: I'm Howard Davidson and I work at the American Bar Association dealing with children's advocacy and protection issues.

There has been a great stress in this conference on the criminal justice system, and rightly so, because of the need to take swift and firm action against

DISCUSSION PERIOD

offenders. But there are other systems of the justice system that deal with child victims of sexual abuse, and I think stress needs to be given to those systems as well.

I'm speaking of the Family Court System, the Domestic Relations Court System, where we are hearing, and certainly I'm getting calls regularly at the ABA, from parents who in the context of custody or visitation disputes are trying to convince judges and attorneys who won't listen to them that their children are being victimized during visits or during custody periods. Because it's in the context of a custody dispute or a marital breakup situation, the parents and the children are simply not being listened to. It's written off as a vindictive spouse trying to get back at the other party. There's an incredible need for education of judges and the family bar in the domestic relations and family court systems about these problems. If we just talk among ourselves of prosecutors and judges in the criminal justice system, we will miss them.

The juvenile court system also involves a very unique set of personnel. There has been a lot of talk at this conference about juvenile sex offenders. They are likely — certainly if they're under 17 years of age — to be processed through the juvenile justice system, if their cases are processed at all in the court. I spent five years working exclusively in that system. There is a great need for further education of judges, attorneys, and police who work exclusively in the juvenile justice system about the problem of sexual abuse of children and adolescents.

It sometimes comes up in the context of a case other than a sexual abuse case. It needs to be taken seriously. I'm afraid that over the five years that I represented children for a variety of things in court, I didn't know the right questions to ask as an attorney representing children. I would suggest that even today, most of the lawyers who practice in the system don't know the questions to ask, most of the judges don't know the questions to ask, and most of the people who are responsible for presenting the government's case against juvenile offenders in juvenile court don't know the questions to ask.

The last point I wanted to make has to do with the lawyers who are appointed for children. One of the major things we do at the American Bar Association Child Advocacy Center is work with state and local bar associations to increase the sensitivity and awareness of lawyers.

Don Bross does this as well through the National Association of Counsel for Children. But a large amount of work has to be done in your communities to educate lawyers about the issues of child abuse, and child sexual abuse in particular.

Lawyers are willing to listen, lawyers are willing to work with other people in the community. There's a woman at the conference here who handed me a couple of pamphlets that were developed in Tennessee on sexual abuse prevention, both for parents and for children, and I was pleased to see that the pamphlets were paid for through the Young Lawyers in Western Tennessee.

Lawyers are willing to be a part; they can be sensitized. I hope that all of us who are not attorneys will go back to our communities and work with them, particularly the younger lawyers who, I think, do have an interest in the public service area.

It has concerned me that we're talking among ourselves at this conference, and we have to find ways to reach out to new people.

Dr. Rosenberg: My name is Donna Rosenberg. I'm a pediatrician. I think all of us here came, in part, because of our own frustrations with the criminal justice system, with which most of us have been intimately involved.

I think part of the problem that we run into in court, for those cases that do go to court, are issues of evidence. I know that all of us are very anxious to seize upon items of evidence and to be able to present them to the court as diagnostic of whatever kind of abuse, physical abuse, sexual abuse, etc.

I would urge people to be cautious in their interpretation of everything ranging from physical findings to art therapy in terms of making distinct, diagnostic interpretations of these things unless there have been good comparative studies done to show that it is, in fact, what they mean.

Intentions, I think, are very good, but sometimes we get swayed by the desire to prosecute a case or attend to a child's needs, and I think that we have to be scientifically honest with ourselves and say, well, what does the physical finding mean; does it suggest sexual abuse; is it diagnostic of sexual abuse? How do we know what it is?

The only way to know is to do proper studies. I think the same goes for all kinds of videotapes, art therapy, conversations, etc. I think that we have to have good internal scrutiny of how we're interpreting data.

I would also like to address the issue of asking children leading questions. We talked about this briefly last night. We are always urged not to ask leading questions of children and, as far as possible, we try not to. By "leading questions" people really are referring to, I think, close-ended questions. Did so and so touch you? Did he touch you here? Did she put this over here?

I think also we have to keep in mind the issue of what is developmentally appropriate language for a child. You can attempt to ask a two-year-old or a three-year-old open-ended or non-leading questions, but you're unlikely to get

DISCUSSION PERIOD

anywhere with that because, developmentally, they haven't reached that language milestone.

So I think the first thing you have to do when you're asking children questions, which is what many of us do all day, is establish the developmental stage this child has reached linguistically, how sophisticated this child's language skills are, what kind of questions this child understands, and realize your questions may not be age-appropriate. You have to ask age-appropriate questions in the language that the child understands.

When I have patients that speak a language that I don't understand, I have to get an interpreter; if I have a patient who is hard of hearing, they either turn up their hearing aid, or I scream. You have to speak to somebody in his own language, and I think insisting that the questions not be leading is a bit misleading in dealing with youngsters, because they don't understand open-ended questions.

They also have a very hard time understanding the question of why someone did something until they reach a certain age. It's not because they don't want to tell you. It's because they don't know how to express it in language which we can understand.

Mr. Dumond: My name is Bob Dumond and I'm a victim advocate in a prosecutor's office. I have two brief concerns or strategies I'd like to share. One is an educational one. We've heard about a lot of primary prevention programs this morning, and I think they're very valuable. Something that I think we might want to consider, however, is that in the educational facilities there are often disciplinary measures which may put children at risk.

Keeping children after school, for example, making them miss school buses, making them walk home, are the kinds of things that I as a parent am concerned with. I think as we examine educational policies, we might want to consider primary prevention at that level, as well, by educating principals and teachers that disciplinary measures should not put children at added risk, which they may do.

A second issue, more of a personal one, is the issue of burnout. We've talked about it, and a number of people have mentioned it.

I'd just like to share two things. Burn-out is a phenomenon that we all know. We're all underpaid, overworked. We don't have enough resources. There aren't enough people out there to do it, and there are too many cases that just keep coming in.

I suggest that we sensitize our employers and administrators and management people wherever it be, whether in the private sector or the public sector,

that it is a phenomenon that exists and that it is something that has to be reckoned with.

On a more personal note, I would like to suggest a good way to deal with the burn-out, if you will. Most of us can't really share our work with our spouses or with our friends because they don't want to hear it. They don't want to talk about it; it's something they can't deal with.

We, in our area, decided to have a "burn-out group" among the social service people, the law enforcement people, and the victim advocates. It's a good way to network. We all get together, we tell a few horror stories, we get into a little sick humor, if you will, but I think it's necessary.

We have to have that outlet. Sometimes the only people who we can really share with are the people who feel the same frustration and who feel the same hurt and who feel the same pain.

Dr. Lewis: I'm Dorothy Lewis. I do research on violence, and I'm a psychiatrist. I wanted to raise a few points. One point that occurred to me again and again was that it seems that the issues we are dealing with are more complex than could simply be explained in terms of child sexual abuse. I wanted to underscore that because very often youngsters who are abused come from families with multiple problems. If the father is the perpetrator of the crime, simply removing the father does not address the whole complex issue of pathological interaction that has been going on in that family. Rarely does a single event, such as sexual abuse, or even a single experience lead to suicide unless there are a whole lot of other factors that are also playing into the ultimate outcome.

I just wanted to add how complex the issue is, that we're not just dealing with sexual abuse.

Also, I think blaming parents for not loving enough is shifting the blame to the parents, where I don't think it belongs, instead of blaming the perpetrator, and I think that's a bit unfair. I think any of us who are, I hope, very loving parents could have a sexually abused child. It is not usually the fault of the parent for being unloving toward the child.

Another issue that came up early in the conference was the question of whether these people are sick or bad. I think we would be doing a disservice to the whole question of sexual abuse if we came away from here feeling the perpetrator must be bad, that he can't be sick. I think what makes much more sense is to say that it doesn't matter, he's dangerous.

You know, as a psychiatrist, simply because I document some of the psychiatric, neurological, and experiential correlates of violence and try to help

DISCUSSION PERIOD

explain why certain people do what they do, doesn't mean that I advocate letting them out to keep doing it, simply because I understand why they do it.

But at the same time, we shouldn't disregard this group and just say lock them up and not study or find out some of the causes of this kind of behavior. We must recognize that it is usually pathological and it is dangerous and we have to address both issues.

Finally, I think that the increase of sexual abuse or, as far as we know, prevalence in incidences of sexual abuse in this country is also related to the increasing violence in general in the country. It looks as though one can trace back at least some of this to 1954 with the invention of Thorazine.

At that time, we started to empty our hospitals. As has been studied again and again in different countries around the world, as hospitals are closed, jails fill up; as jails are closed, hospitals fill up.

Thorazine allowed a great many very marginal people to begin to function in the hospital, to go out and to stop taking their medication, to marry, to raise, or attempt to raise, many children.

What we see in the juvenile courts, with sex offenders and other violent offenders, is that very often they are being raised by families who are in and out of state hospitals, in and out of jails, in and out of both.

As you close your facilities for the mentally ill, you increase your rate of violent crime. I think it would be a shame to go away without recognizing that as a major factor in this.

Sheriff Gianoli: I'm Sheriff Louis Gianoli. I'm the president of the National Sheriffs' Association. I came out here from Wisconsin. I should be running for my fall two-year term, but I feel this is a very important conference. I'm here more or less as an observer for my association.

First of all, I want to compliment Lois Herrington and her staff for the outstanding production, if you will. It's really quite an impressive effort to get this many experts together.

I also want to tell you that the National Sheriffs' Association, which is about 50,000 members strong — we are the largest law enforcement association in the world — will certainly be doing our part. It will take a year or two to get our effort off the ground, but we certainly have a lot of expertise within our membership to assist in attempting to settle the problems at hand here with sexual offenses against juveniles.

The responsibility falls upon us to attempt to remedy this because society has become so permissive, if you will, that many destructive things occur without so much as disapproval by society — let alone sanction.

We have a problem on our hands, and I'm glad to see this organization, under Mrs. Herrington's leadership, attempting to do something about it.

Mrs. Herrington: Thank you very much.

Judge Wood: I'm William Z. Wood, a resident Superior Court judge in West Salem, North Carolina. I've really learned a lot here this week. I'm particularly interested in how children can testify in court without becoming even more victimized by the criminal justice system than they were by the criminal who attacked them.

My friend from Texas over here, Mr. Chaney, has given me a good idea, but I think we all must realize that no Supreme Court in this country, no state Supreme Court, certainly not the Supreme Court of the United States, has ruled on these novel ideas of hearsay.

I want to say to you folks who are not in court as we are that we may have to make a few trial runs all the way to the Supreme Court of the United States in order to get the answer to that.

This means that a victim, a child who has been abused, may have to come back again and again to testify. I hope that this doesn't happen. I like the approach that Mr. Chaney has been using and I hope that it passes muster.

I've learned a lot here this week. It's been a real pleasure, and I hope that all of us who have been here will go back to our communities and our churches and tell them about this. My church right now is taking a very vital interest in victims of crime. I hope that we'll all go back to our communities and be catalysts to help not just the child molestation victims, but all victims of crime.

Mrs. Herrington: Thank you, Judge Wood. Can we hear from some people who have not spoken yet that were in this symposium?

Dr. Cohn: My name is Anne Cohn. I'm the Director of the National Committee for Prevention of Child Abuse, which is a volunteer-based organization which has chapters across the country. It is made up of concerned citizens who want to do something about child abuse.

The concern of the committee is obvious from its title, and that is prevention. It's certainly exciting for all of us to see the incredible explosion of different kinds of preventive programs in the area of sexual abuse.

We've heard about *Red Flag*, *Green Flag* and Penelope Mouse, and we saw Illusion Theatre. There is a comic book that the National Committee is coming out with within the month. We've put it together with Marvel Comics. It features the amazing Spider Man who, incidentally, was sexually abused as a child, as he reveals in this comic book.

DISCUSSION PERIOD

It teaches kids how to say no, and it's a nice example of how the corporate community has gotten involved to help with this problem.

I think what concerns me and what concerns a lot of my colleagues is that for all of this incredible enthusiastic energy in the area of prevention, it is all directed at the potential victim; it is all directed at putting the burden of the responsibility of prevention on the shoulders of small people, and we as a field have really done almost nothing — in fact, I'm not really aware of anything to date of any significance that focuses on ways in which one could stop potential perpetrators from becoming perpetrators.

I'm not sure that we collectively could even come up with a good list today of what possible demonstrations would look like in this area, because we really haven't had a chance to catch our breath and focus in on it.

But I would invite all of you who are researchers and program schemers and dreamers to begin to think about this facet of prevention. What can we do? Are there things that one can do to help ensure that potential perpetrators don't become perpetrators?

Mrs. Herrington: Thank you, Anne.

Mr. Wilson: Charles Wilson from Tennessee. I think there is probably a group of people we haven't put on the hook well enough yet. Jay Howell talked about three growth areas coming in the next few years relating to the communities, community efforts and the private sector, and we've seen some of the issues around legislation and discussion there.

We have seen the emerging role of the Federal government, but I think if we don't hold the other people in the state capitals accountable for what's going on in this area and put them to work on the problem, too, we're missing the boat.

There are a lot of people who have responsibility for child protection in the Attorney General's Office, the District Attorneys' Associations, the child protection agency, and corrections and parole boards, and so forth. The Governors need to hear from this group as well as from concerned citizens and put the state government on the line to do something about this problem.

We can, in state agencies, do a lot of facilitation, a lot of judicial education, attorney education, child protection education. A whole host of things can be done through the state agencies if you hook them into the process and make them accountable, make them feel that they're responsible for bringing about change.

Mrs. Herrington: Thank you.

Ms. Robinson: I'm Mary Jo Robinson, Director of the Women's Resource and Rape Assistance Program in Jackson. I'm the dreamer and the schemer.

There are a couple of things I'd like to say. I think the area of prevention is probably one of the most vital areas that we've been addressing. We must never neglect the victim. We must provide good services for the victim, and continue to explore ways that the laws can help victims deal with what's happening to them; but we must also begin to put more emphasis on prevention.

I think what we've done is let the tiger out in the room. The problem is already here, it has already been here for a long time. One of the things that I see us doing is putting Band-Aids on that problem. I think we're going to have to not only put the Band-Aids on, but go back and find out where the sore started in the first place and start digging and getting at that.

If you stop and look at it, the little kids back in the preschools are the kids who are growing up to peddle the pornography. They're growing up to abuse children, they're growing up to be the persons who also do the good work that these folks in the room have done, and also the people that are going to be pushing the buttons to do things in this world.

I think the most destructive force we've got in this country today is the sexual, the physical, and the emotional abuse being suffered by children in this country. We as a country must start taking a risk educationally and look at what's going on with the preschoolers back there. They are smart kids and they are sharp kids.

They not only need to know the personal safety end of things, but they also need to know how to handle stress, how to handle anger, how to handle fear, how to make good decisions, how to be good boys and girls, and how to grow up to be healthy women and men.

Some of Linda Sanford's ideas in *The Silent Children* are simple. We can start with those parents before those kids are born. Maybe we could start creating kids less likely to be victims and less likely to be offenders. I'm willing to take that risk with my children.

It's not just sexual abuse. It's raising healthy children in a healthy world because we're going to be old people one of these days and our kids are going to be running things. Who do you want running this country?

Mrs. Herrington: Thank you, Mary Jo.

Ms. English: I'm Sharon English from the California Youth Authority. As a token corrections person, I want to do three things. One is to make a plea, then give you a commercial, a commercial for one of the things we've been doing, and then make a request.

DISCUSSION PERIOD

I think that you need to be more proactive in networking with criminal justice people. There are publications and journals that corrections people read, and we need to have more articles about victims in there. We need to do some more training on victim issues for correctional people and we need to rely on people like you to do that.

If you need contacts within the correctional world, I'd be glad to give those to you, but you probably already know who some of those people are in your own states.

We have been doing clergy training on victims of violence in California. We've done three seminars already, and I have some of the information back at the hotel if anybody is interested in how we did that and how responsive they've been. They've been very responsive in all denominations, and I have that information for you.

We're trying to take a look at how we can better profile sex offenders — meaning rapists and child molesters, juveniles in particular — and I'd like to know if any states are doing that kind of profiling, have a central registry or something of that sort.

In California we have a very active system of identifying gang members. We know all their tatoos and their beanies and where they go on Friday nights. I think we could probably expand that system to sex offenders. If anybody has any ideas on how we might do that, I'd like to know what those ideas are.

Mrs. Herrington: Thank you, Sharon.

Ms. Lemp: My name is Pat Lemp, and I'm from the Kingbridge Victim Service Agency in New York City. Listening to all the comments today and yesterday about the criminal justice system, I realize that New York is really behind in this, and we've got a lot to do. This has really been energizing for me.

I have another concern, though, and that is the child victim, particularly the young child victim. We're helping them and we're learning ways of helping them through the criminal justice system, but what I'm seeing, particularly in the Bronx, is when it's not on the headlines of the newspaper, and when it's not on page two, and when it's not even on page six anymore, people are forgetting about it.

I think people like the people here today and the people we work with have the perfect opportunity to say to the parents, "Is that child getting counseling? Are they getting long-term counseling someplace?" You need to say it several times. The parents may take the child one time, or they may take the

child two times, and then other priorities come up or other crises come up, and it dies down.

We really need to make sure that these children are getting the counseling they need and deserve. It's not something, as we all know, that children forget about.

I asked a little seven-year-old boy who I had been working with for about six months, "Robbie, are you thinking about it a lot anymore?" He proudly said to me, "Pat, I'm not thinking about it a lot anymore at all."

I said, "Well, how much are you thinking about it?" And he said, "I only think about it five times a day now. I think about it when I wake up in the morning; I think about it when I eat breakfast; I think about it when I eat lunch; I think about it when I eat dinner; and I think about it before I go to sleep at night." For him, that was better than how he had been feeling.

I think we really need to remember that these children deserve long-term counseling. We must make sure that they get it; we're all in a position to follow up on that.

Mrs. Herrington: Thank you.

Ms. Sanford: I'm Linda Sanford, and I have a concern about some of the primary prevention programs. I think it's really fine to tell children to say no, and it's fine to tell mothers to listen, but I think we're missing a piece if we have not created a community pressure that tells men not to do this anymore and that we're not going to tolerate or excuse or understand their behavior anymore. Why not have someone like Bruce Jenner do a public service announcement that says, "Real men don't molest kids!"

I don't have any fantasy that that's going to make an offender stop in midair, but what it will do is give kids and nonoffending adults a message that the behavior is the problem of the offender and he's the one who's wrong. It's not that the child has failed through not saying no or that the mother failed for not listening.

Mrs. Herrington: Thank you. About a year ago I was traveling in a van to Virginia Beach. In the van was a man wearing alligator boots. We were both going to appear on the same TV show. I said, "You've got an alligator boot, so you must have a very special foot," and he said, "Well, as a matter of fact, I do."

He said he was a kicker. I said, "I work for victims of crime. That probably doesn't mean a lot to you." But he said, "As a matter of fact, it does."

He then introduced himself as Mark Moseley and he said his sister had been murdered.

DISCUSSION PERIOD

He was going to go on Pat Robertson's Show, "The 700 Club," to talk about football. I was going on Pat Robertson's show to talk about victims of crime. When we got there I said, "Do you realize what it would do for those people out there to have somebody as macho and as masculine as you are to come out and say something about the victimization and how it affected you and your family?"

He said, "Let me think about it; I've never talked about it publicly." When I walked off, he came up to Pat Robertson and said, "Pat, I'd like to talk about victimization before I talk about football." And his story made a real difference.

And I think that I made a bad assumption. I assumed that this person who looked so terrific and macho was not going to want to talk about victimization. That was my error. I think if we start approaching some of these people with the "tough-guy" image, we might get their help.

Ms. Horton: I'm not going to say very much. I'm Ingrid Horton and I'm with SLAM and I'm very active in this area. I have been involved with this issue in this area for about three years, and the network of professionals with whom I have good rapport and communication is very small. I'm pleased to see so many people who really are interested in this issue.

But I still ask myself, if I talk to you in the way I try to talk to some of the professionals that I deal with in Maryland and D.C. and elsewhere, can I really make you understand what the child victim is suffering and what the parent of that child is suffering? I see and hear all the time the agony of the mother and father of the child who has lost his or her childhood.

And when I'm looking for an attorney for a woman or a man — I have fathers, too, who are seeking custody of their children and seeking to protect their children, and they're treated in exactly the same terrible way that women are treated — when I'm looking for an attorney who will work on a pro bono basis for a woman who's desperate to help her children and I can't find one, I think to myself, well, I'll try a woman attorney; maybe I can get through to her a bit better than I can to the men attorneys.

So I try a woman attorney and I get an answer like, "I think a child has a right to see both parents." And I say, but this is an incest case, and the father is molesting the child. Doesn't the child have the right to say, "I don't want to see my father."?

One of the favorite things I've said to several of these women attorneys is, "If you were raped, Miss Smith, would you want to be forced to have tea with your rapist every Saturday afternoon?"

I try to talk to them. My approach is very common sense. My approach may be totally nonprofessional, and may be emotional, but I was a victim of child sexual abuse and I do know what it's like.

I'm 36 years old; I've been married; I have a child of my own; I've had an interesting series of experiences with male friends. I would say that I'm pretty well adjusted, but it's been very hard work. And it hurts me very, very much to see the way that today's child victims are being treated.

You talk about dissociative behavior of the child, the child victim. I see an awful lot of dissociative behavior on the part of professionals who refuse to identify with what the children are going through. Please cooperate with us. I know I'm only a volunteer; I know I don't have any training, but I do know what I'm talking about.

Mrs. Herrington: Anyone else?

Mr. Melton: I'm Gary Melton of the University of Nebraska. I wanted to elaborate just briefly on the research agendas that Don Bross and Lucy Berliner suggested in their talks.

I understand Senator Spector added an amendment to the Missing Children's Act to give the Justice Department authority to do research on children in the legal system, which I hope that we use. It seems to me that there are several things that we know virtually nothing about that may have substantial policy relevance.

The first is something that hasn't come up here and may be as reflective in terms of state of the art as in terms of individual differences. The Supreme Court gave a very clear message in *Globe Newspaper versus Superior Court* that procedural reforms, and I would argue also evidentiary reforms, that are designed to protect witnesses will pass Constitutional muster only if they're very narrowly drawn, on a case-by-case basis.

This means that for that purpose, we need to know which kids are most at risk and will be most protected by which procedure. That sort of thing obviously is very useful simply in terms of preparing kids for court as well as in terms of knowing which kids are most at risk for victimization by the legal system itself.

The second point is that we now have what amounts to a series of natural experiments going on in the states with respect to some of the procedural reforms that various states are using in the hearsay exceptions and so forth.

We really don't know yet whether these reforms will make a difference in reporting, whether they make a difference in kids' experience of the system, whether they make a difference in how many cases go to trial, and so forth.

DISCUSSION PERIOD

In terms of the traditional federal role, it may be useful to do interjurisdictional comparisons and time series comparisons based on those states that are changing their procedures in child cases in one way or another.

The third area is particularly germane to the sort of thing we've been talking about today, but actually crosses over all the areas in which children get involved in the legal system through custody, delinquency, witness in nontraumatic situations, and so on. We really know very little about what children know about the legal system and the developmental sequence with respect to that.

For example, what does it mean to a seven-year-old to say, "I'm your attorney and I'm going to represent you."? Those are basic concepts about the legal system on which there is, again, no information. There is a developing literature on children's decision making in legally relevant tasks, but in terms of actual conceptualization and experience of the legal process, particularly the trial process, there is very little. Again, it seems to me to be something that the Justice Department could help to stimulate.

I suppose the last point is that I wanted to reiterate a point made yesterday. Most kids, even if an arrest is made, even if there is a conviction, don't go all the way through the legal system in the sense of going to trial.

I've already said we need to study the effects of procedural reforms, but that's really not the ballpark. What we need to know, again, is how kids experience being talked to by a policeman, being talked to by a lawyer or a social service worker, and how you can best prepare kids so that they can make affirmative use of the legal system.

We've been talking about the legal system victimizing kids; there's an equally legitimate way of thinking of it in terms of the legal system being an avenue for victims. How can you shape the system so that kids experience it as a way of putting the experience behind them rather than as one more thing to go through?

Mrs. Herrington: Thank you.

Ms. Pierangeli: My name is Marilyn Pierangeli, and I'm from Albuquerque, New Mexico.

I came here as an expert; I leave as a person that learned a great deal. You've all taught me a lot of things. You've also showed me where we've come from. I identify with this man, with the gentleman up here. Having been in law enforcement for 13 years, we've been handling these cases for 13 years to the best of our ability.

The courts wouldn't listen; the parents wouldn't listen. It bothers me somewhat when people say, look what law enforcement was doing. We were doing the best we could. There were no training schools; no one took us by the hand and said, this is how you handle sexual assault cases.

I remember my first sexual assault case. I had just been made a detective. I was given a little kit that contained a comb, a little blot of paper, a stick, and a copy of a book from Ann Burgess.

Had I not taken the time to read her book, I never would have known how to handle a victim. I didn't want sexual assault. I wanted narcotics; that's where it was at.

I have testified for many years in many courtrooms. When you tell me about the tykes, the cute little guy who sits there with his parents, you didn't see him the night I arrested him.

The people sitting in court in the morning have had their coffee break, and must now make a decision. They do not see the offender as we saw him the night we arrested him. They do not see the little child who was brought into the hospital, three years old, four years old.

All they see is a nice man, an upstanding citizen of our community, sitting in court with his wife, who knows about his behavior but has covered up for him for years, and his children. They base their decision on what they see, regardless of the actual facts of the case.

Once every three to four weeks in New Mexico, as Chief Investigator, I must take the children from the State of New Mexico who have been sexually abused to the State of Texas for their abortions. I don't believe in abortion; to me, that's everyone's own decision.

Unfortunately, many of the children that are raped in New Mexico are intimidated; they're told, if you tell your family, I will kill you, I will kill the members of your family. These children never say anything.

When it is finally reported or something comes out, the child is usually more than 16 weeks pregnant. These children are eight years old, they're nine years old, they're ten years old; they come up to my waist.

In New Mexico, we cannot perform abortions after 16 weeks, so the State says the child will have to have the child. Many people who sit there and make these determinations do not realize the horrors that these victims and these families go through.

I have a six-year-old child; may she never have to be a victim. But I have never had a victim say to me, I knew I was going to be a victim, or I knew my child was going to be a victim.

DISCUSSION PERIOD

We've all come here with a lot of good ideas, and now we all feel we're ready to go. We're going to go back to our respective areas; we're going to make all the changes; we're going to do a lot of good things.

When you leave here, even if you just go back and tell ten people about what you have heard, it will be ten more people that will better understand that child molestation is a problem.

Mrs. Herrington: Thank you. David, please come up and explain your new research.

Dr. Finkelhor: I want to tell you briefly about a study that I conducted recently. On a grant from the National Institute of Mental Health, we conducted interviews with parents in a random sample of 521 families in the Boston Metropolitan area.

There were many things that we asked them about attitudes and knowledge, about sexual abuse, and their own experiences of molestation when they were children.

But one of the things I think was the most interesting to me concerned what they found out from their own children about their own children's molestation experiences.

A lot of our discussion here in the last two days has been about what we do with kids once we find out about a case of abuse, but we all know that probably less than one in ten cases of sexual abuse gets reported to anyone.

There are two obstacles to cases getting reported. Some of my research estimates about two-thirds never tell even their parents about having been abused. But there are a great many parents who themselves never alert anyone else to the fact even when their child has made a report.

Of the 521 parents in this sample in Boston, nine percent — almost one out of ten — said that a child of theirs had been the victim of a molestation attempt or actual molestation at some time.

Those were the experiences the parents had learned about. Interestingly, those were mostly experiences at the hands of people outside the family, the kinds of things that you would imagine the kids would be more likely to tell the parents.

Of these families where the parents had learned about an abuse situation, it was interesting that half of them had never reported it to anyone beyond that. Of the ones who had reported it, three-quarters had reported it to the police and the rest to a variety of other people, mostly physicians and clergy and people of that sort. Then there were 50 percent who had never reported it to anyone.

I was particularly interested in what the issues were surrounding why they didn't want to take it any further because that may be a place where we can really make a difference.

First of all, they were concerned about privacy. Many of them thought it was something they didn't want other people to know about.

There was a fair amount of sympathy for the abuser, believe it or not. They didn't want someone who was a neighbor or someone who was known to the family to get into trouble and there was a strong belief that they could handle it by themselves.

Many of them mentioned not wanting the neighbors or other people in the extended community to find out that this abuse had occurred. Another thing that came up very often was that they wanted to forget about the incident and put it beyond them.

Interestingly — and I don't know what to make of this — but actually rather few of them said that what deterred them was that they were afraid of further frightening or traumatizing their child.

One conclusion that I think I draw from this is the importance of communicating to parents and other adults who have contact with children about the importance of taking this kind of report beyond the family situation and actually alerting someone.

I think parents need to be mobilized to the concern that the people who have abused their children are likely to abuse other children and that they may be a very important link in breaking the chain, saving other kids from becoming victims. I think they also need to be alerted to the fact that their kid may need a chance, and they may need a chance to talk about this kind of experience with someone else.

I think that is an aspect of this whole process which has not been given sufficient attention.

Dr. Herman: I'm Judith Herman, I'm a psychiatrist from Boston. I'm concerned that even though we cherish the value of protecting children, our focus has been on the child molester, who is not a cherished and valued person to us. We haven't really come to grips with the fact that very often protecting the child brings us into conflict with another very cherished value that we have, which is protecting the family. When those conflicts come up, that is, when the perpetrator is a family member — as he is in many, many cases, if not most — then the value of protecting the child begins to take second place.

It's okay if it's a stranger; it's less okay if it begins to be a respected member of the community; but if it's a parent, forget it. The rights of families,

DISCUSSION PERIOD

the values of protecting the family and keeping that family united tend to take precedence over the value of protecting the child. I don't think that we have really come to grips with the conflict ourselves.

There are some situations in which one cannot do both. One cannot always save the family, however sentimentally committed we may be to that notion, and protect the child.

Mrs. Herrington: Thank you.

Judge Daffron: I'm John Daffron. I'm a judge in Virginia. It's not debatable that children are our dearest treasure; it's not debatable that throughout society, there is no group more deserving of or entitled to our protection. Even judges believe this.

The reason I make the point is that in the exhortation to marshal the community and to effect change, there is another group that can help you, and that is, institutionally, the judiciary.

Last year in Reno there was an amazing conference, the first conference of the judiciary on the rights of victims of crime. The conference was attended by two judges from each state.

As a condition of attending and getting funded, judges had to conceive and implement in their states a plan of victim assistance.

The judges at that conference drafted a rather remarkable document, the Rights of Victims of Crime, and recommended judicial practices to assert these rights. The introduction stated that the purpose of the judges was not to take away the rights guaranteed to defendants by the Constitution or by statutes, but, rather, to assert the rights of victims of crime.

Now there are in every state at least two judges who are actively involved in victims' rights. The list is public. Mrs. Herrington's office has it and NOVA has it. I have the list, and I'll put it on the table tonight before the dinner.

There are two judges, at least, in your state who are willing to help. Call on them, they want to do this.

Mrs. Herrington: That's an excellent idea, thank you. It reminds me of a speech I gave before the American Association of University Women and General Federation of Women's Clubs, in all a group of about 350 women volunteers.

I happened to mention that I had this list of judges, two from each state. One of the women said, "Will you make it available to us?" I said, "Certainly, I'll be happy to."

So I sent out 350 copies of this list, one to each person. About a month later I had calls from these judges asking, "Who did you give our names to?"

We are being called and asked, 'What are you doing about victims of crime? Can we help you? Can we come watch in your court? May we help with the witnesses?' " Never underestimate the power of concerned citizen volunteers. Let's do more to enlist their help.

Mr. Robert Miller: As the president of the National District Attorneys Association, if I can, just to underscore some of the things that Lois has said, I'd like to tell you for just a moment the impact you're having on us.

I've had the opportunity in the last couple of years to really travel this country to represent the prosecutors. What I have seen is a growing national dissatisfaction with the entire criminal justice system.

I think this is evidenced by the fact that life sentences today are seen as a fraud, with early paroles that literally mock the dead and jeopardize the living by trivializing the offense of murder; it dilutes the indignation that we as a society need for self-defense.

We see movement by Senate committees to eliminate juries and punishment hearings, which effectively removes the public's voice in the courtroom. We have seen death penalty delays that take periods of ten years to try to culminate jury verdicts.

In the Barefoot murder case, we have just now had our sixth execution date set for the 30th of this month. Thomas Barefoot, who was convicted of killing a police officer, was also an escapee from jail in New Mexico for the rape of a three-year-old child.

We are acutely aware of your problems. I can well remember 16 years ago when there was no MADD or SLAM or Save The Abused Youngsters (STAY) or Mothers Against Violent Crime or Families of the Victims of Crime.

We feel that you, as clients of ours, are now expressing your dissatisfaction. I am convinced that if I go to a state legislature as district attorney and testify to a committee of defense attorneys in my legislature, they may not listen. But I'll tell you, if you, as victims organizations go and testify, they're going to listen to you. I can assure you, as elected officials, that we as DA's are going to listen to you.

We certainly are sympathetic. We understand and we'll try to be active participants. Lois, with your help and the help of the Justice Department, we are going to see that we become active participants.

Mrs. Herrington: Thank you very much. Dr. Schlesinger is here and I would like to let him answer questions on data collection.

DISCUSSION PERIOD

Dr. Schlesinger: I've brought with me Don Manson, who is a law enforcement and computer systems specialist who will assist me in answering your questions.

Mr. Terry Thomas: This may be a far-reaching question, but in our department, in conjunction with the Florida Department of Criminal Law Enforcement, we are currently developing a computerized program for dealing specifically with crimes against children and rape.

I'm curious as to how you're going to tie all this in with 50 states going in different directions. Our program isn't even implemented yet; we're not on line yet. We have the line printers and the computers, but the programs are in the process of being written.

We've got people going to Tallahassee to draft programs. How are you hoping to get a nationwide program, or what are you going to do, design a supplement form or an offense form for law enforcement which all agencies will be required to use?

Dr. Schlesinger: I think probably our best bet for getting an ongoing national series having to do at least with reported crimes, is to reform the Uniform Crime Reports.

The second best bet is through the state Offender Based Transactions Statistics. These are statistics that follow cases and people throughout the system. We can use those as a way of tracking cases that specifically have to do with child abuse and child molestation.

For that purpose, we would want to deal with you in order to get your ideas on how to plug your system in Florida into OBTS.

Mr. Manson: I came from the Florida Department of Law Enforcement so I know the situation.

We have already started. We have right now various national standards that we pass to the states who in turn pass it to the locals.

Florida is one of the states that has been very active in criminal justice information systems. For the arrest side of that system, of course, we use the NCIC standards.

We don't tell you how to design your system to meet your local needs. We give you the national standards so that if you include these in your design, you will not only meet your needs but you will meet the needs of others.

Ms. Lynch: Two questions. In Dade County, Florida, where I'm from, at least half of the reported child sexual abuse cases go through Human Resource Services, the State Child Protection Services. Are you going to be able to track that kind of data?

Dr. Schlesinger: It seems to me, based on what I've been hearing, that we had better make an effort in that direction because that's where a lot of the statistics are. We had better be pretty broad-minded in terms of not restricting ourselves just to criminal justice statistics as they are narrowly understood.

Ms. Lynch: Dade County is collecting data; however, it is often difficult to then retrieve the necessary data from the computer.

Dr. Schlesinger: It seems to me that the survey we're doing of the 50 States turns out to be incredibly important. I'm amazed that we're having more "hits" than I thought we would. We've got more to work with, for example, in Florida.

Ms. Lynch: Yes, the Governor's Task Force on Sex Offenders recommended and approved standards of data collection. You're coming in at a time when many people in the state are beginning to listen to us in terms of the need to do that.

My second question deals with another concern of mine. Are you going to be able to track, for example, on your offender data, the juvenile offender who first commits a Peeping Tom kind of incident and then commits a lewd and lascivious act and then commits another Peeping Tom and then commits a sexual battery? His record is sealed at 18 because he was prosecuted as a juvenile. Now he is an adult. Are you going to be able to track that? What happens with the dispositions when he gets out and recidivism data and those things?

These are things I have been stewing about for ten years. Again, in the State of Florida, one of the things that drives me crazy is I can't get our own state HRS to take a look at the correlations between victims of physical and sexual abuse who then become delinquents. I would love it if somebody somewhere along the line would be able to develop a system that would also track how many of these kids who are reported as victims of child sexual abuse and physical abuse later turn up in the system as delinquent offenders of those same kinds of acts.

Mr. Manson: I think the first thing to recognize is that OBTS, Offender Based Transactions Statistics, is designed to track offenders through the criminal justice process starting with his or her arrest, as the case may be.

The linkage comes from the enhanced UCR, which we hope will be up in a few years, which will provide data on the offense. It will provide what we call instant-base data in which we will have victimization kinds of information.

DISCUSSION PERIOD

We won't have the names, we won't have the addresses. What we will have is the general characteristics, age, race, sex, things of that nature.

We will have an incident number which will be tied to an incident number on an arrested offender. Now, at this point, OBTS is limited to an adult offender as defined by the state law. In some states it may be a juvenile certified as an adult, so you could have some juveniles in it. In others, it may be offenders starting at 16; in others it may be offenders starting at 19. We have no control over the state definition of an "adult."

But the point is that when this mechanism is built, we will have the offense and the characteristics of that offense tied to the offender and what happens to that offender as he goes through that state criminal justice process. From that, we should be able to get the kinds of data that you're talking about. We will not have information that specifically identifies an offender; we will have what we call an encrypted ID number that the state will maintain and the state will be able to link through the encrypted ID number.

Now, what we will be able to do is tie those numbers together to build a pattern of an individual, but we won't know who that individual is.

There is a very big concern about privacy and security and building criminal history files, and we certainly don't want to get into that arena. What we want is to at least have the capability to collect enough data to look at state recidivism. Then, from there, we hope to be able to expand to interstate. It will be a few years.

The major need is to provide statistics that can be used, and then you can justify further expansion. That's the route we're taking.

Dr. Schlesinger: I just wanted to say one thing. I think you all ought to have some understanding of how difficult it is in many states to start the OBTS for adults, to say nothing of children.

In the last couple of months I have been in touch with the Governors in all 50 states to encourage the states in every way I know to start it for adults, then children, and then we can hook up among the states. I want you to know that we're working on it.

Participant: I appreciate the opportunity to mention to you, as you set out to look at child deaths and child sexual abuse, that you might want to be aware of the work at the Center for Disease Control. One of their epidemiologists, Janine Jason, has done a study of child fatalities.

The other source of information that I would mention to you is the Venereal Disease Branch. While it is true that many children who are sexually abused

do not get a sexually transmitted disease, I think this information would be a very useful tracer for you to use in the 50 states.

Participant: There is a piece of legislation that has been winding its way through the Hill called the Justice Assistance Act. A part of that legislation would affect the Bureau of Justice Statistics. There is a section in it that I just became familiar with that suggests that the Bureau of Justice Statistics specifically address vulnerable victim populations in its collection of data and statistical analysis. However, I was disturbed to find that children are not listed in that legislation. The elderly are listed, but the word children does not appear. Now, some efforts have been made at the last moment to add the word children to that legislation, but those efforts have been made very late, within the last few weeks, and it is probably too late to get it into the legislation.

My question to you is this: If it doesn't go through with the words, "and children," would your office consider children to be a sufficiently vulnerable population, despite the fact that children don't appear in the legislation, to put the special focus in the Bureau of Justice Statistics on the collection of data on child victims?

Dr. Schlesinger: I can give you a one-word answer. Absolutely. It makes no difference whether the word "children" is in there or not. They're not only victims, but they're particularly vulnerable victims.

Dr. Lewis: I want to share with you another possible data base. I'm not sure it would be of interest or not, but about eight years ago we did very comprehensive assessments of 97 extremely violent teenage males. They were incarcerated in secure facilities because they were very violent.

Among that group were 18 or 19 violent juvenile sex offenders. At that time, we compared the picture of the violent sex offender with the clinical picture, family picture, experiential picture, of the other violent offenders.

What I should say is that they were very similarly impaired. If anything, the sex offender was more severely impaired.

However, we are now in the process of a follow-up study of the whole group of 97 youngsters and my tentative impression — again, this is very, very early — is that our juvenile sex offenders are more violent eight years later than our other violent group.

If you would be at all interested, I'd be delighted to share some of this data. It's on a smaller group but an unselected group which would give you some of the clinical data of the early sex offenders.

Dr. Schlesinger: I'd very much like to have that available for the panel to look at.

DISCUSSION PERIOD

Participant: I have an agenda item for your list by the year 2000, after you get it in place, and that is to go and try to get into the administrative reports of the regulatory boards that are looking at such things as day care centers, which may not show up in police reports because they may be an entirely different group.

Secondly, try to find, through the administrative and disciplinary reports of state youth service authorities, staff who are molesting kids in juvenile detention facilities and group homes.

You need to have your system on-line, but again, it's one of those occupations that people who have both the propensity for physical violence as well as sexual molestation of children pursue and you will find incidents that do not get reported to the police.

Dr. Schlesinger: Let me talk for a minute about how not to do it and how to do it. How not to do it is to march in and say, "We are the Feds. We demand this information. Give it to us or else."

The first problem with that, of course, is that we don't have the statutory authority to do that.

The way to do it, I think — and you're talking basically about administrative records — is to go in and say, "This is what we need. Ultimately, if you and others similarly situated can give it to us, this is what the information can do for you. These are the ways in which this kind of information will help you fulfill your mission."

That is the approach I think we would want to take with the kinds of administrative agencies you're talking about.

Ms. English: The Youth Authority, again, sets standards for all of the detention facilities in California — juvenile halls, ranches and camps, anything that is a custody situation. Those standards do not mandate that they report to us any incidents of abuse, but we know how many toilets there are in California and we know if they serve snacks after six and those kinds of things.

My suggestion is to write a letter to the director of the Youth Authority and ask that we become a model agency by revising our standards and starting to collect that information.

Mrs. Herrington: Thank you very much, Steve, and thank you, Don, for coming in. Judge Iles, I know you would like to comment.

Judge Iles: Thank you very much, Lois. I do want to say one thing. Thank you very much for having the conference. I didn't get an opportunity to do that when I was moderating the panel.

We've been talking today about access for children to court. Generally that's what we've been talking about — how we get those cases prepared, how we protect the child, how we protect the family, and the kinds of priorities that we want to put on these cases, which among us is going to be very high — but we have to communicate this information to the general population.

The figures I hear most frequently quoted on TV and the news, and I hate statistics, so I don't read them, is that one female child in four and one male child in ten is a victim of abuse. That's a quarter of our female population and at least a tenth — I think that it is probably a low estimate — of our male population.

I might ask why there are only 75 experts in this room instead of 7,500. We could have a much greater effect; I hope that we all take this back.

I want to thank the judge in the back for mentioning the conference in Reno last year for the National Judicial College. I'd like to tell him and all of you that the judiciary is listening, and they're holding another conference. It's going to be held in October. I know because I'm doing the component on Child Witnesses.

I would also like to report to you that even in California we have gotten the idea that this is an important thing to teach to the judiciary. We have an extremely effective Judges College in California. For the first time in history, victims' rights and the issues of the child witness are going to be presented as learning conferences to judges from all over the state.

If you do not have a judges college in your state, please make use of the Reno College or try to get your local judges association to put on a conference. There are more experts in this country that could help the judges than you may be aware of.

If you don't know of any or if you want help, please call me. I'm the chairperson for NOVA for the Judiciary Committee and I'd be happy to help you.

Mrs. Herrington: Thank you.

Dr. Summit: I didn't know just where to fit this in before. It's more or less a response to our last panel. All children who are sexually abused anywhere need to have their credibility recognized and to have advocates working for them. Among the things that is most damaging is the sense of being alone and having no one to talk to, and when you do reach out or when somebody discovers the outcroppings, you are telling something that nobody will believe.

We are prepared as helping professionals to believe only those things that fit some conceptual framework that has been handed to us. We still kind

DISCUSSION PERIOD

of think that children have a lot of fantasies and they're likely to exaggerate and feed us things that we shouldn't believe.

In our conceptual framework these past couple of days, we've heard a lot about networks and systems that sexually abuse children. That's been the whole concept, as if it's been a sexually motivated crime, and we've talked a lot about males who have a sexual predisposition to children.

I have no quarrel with that, except that it isn't the only story. It isn't the whole story, and it isn't even the precipitating story in terms of what we're hearing from some of these preschool environments where children are molested in concert, and it's important to know that that it's not the whole story.

In isolated cases, classic cases for many years, there are patterns of molestation that don't fit the simple sexually motivated crime. So when you hear stories or hints of extremely sadistic, humiliating practices that don't fit an affectionate attention model, when children are brainwashed into ideologies that are alien to the mainstream, where good becomes bad, evil becomes a virtue, where children are forced to eat feces and drink blood and participate in blood sacrifices and in sexual ceremonies with robed figures and people in costume, where those are the outcroppings, don't assume that that's just a child's nightmare. It may be; I don't mean that we must find everything equally credible. But when you get ten, fifteen, a hundred children independently describing the same thing, don't hop to the assumption that you're dealing with something that can't be true.

We've had the courage in the last five years to define something of the prevalence of sexual abuse as a fairly simple phenomenon. Now we're privileged, if that's the word, to hear from children about the other things that they have kept secret, knowing we wouldn't believe it. It's our job to develop new conceptual frameworks as the children lead the way.

Mrs. Herrington: Thank you.

Ms. Naitove: I would have been less than responsible if I hadn't spoken to Dr. Rosenberg and found out that we were totally in tune with each other and fully concurred on our attitudes towards art therapy's various uses.

I would still be irresponsible if I did not assure you that there is a considerable body of research, but because we are in between — we are neither purely arts nor purely science nor purely rehabilitative — we don't fit. Monies to do the kinds of research that are needed in this particular area are very hard to come by. So don't condemn us for not having enough research; give us a chance.

I've spoken with lots of people here. Those of us who don't come from a legal background have very little training in how to get into court and how to be an expert witness and what the whole procedure is about.

Please, develop some programs for us that we can incorporate into our training programs so that we can have the skills to protect and intelligently inform our clients.

Mrs. Herrington: We have learned much from the first National Symposium on Child Molestation. The participants here have been grappling with the issue long before it catapulted to the national forefront. Without support from their communities and often without approval of peers, the people here have cared for a very long time.

At last the rest of the nation is beginning to realize what they have known for years: the magnitude of child molestation in America is staggering. It is a horrific crime about which little has been done, and even less has been documented.

There are no reliable national statistics. Most experts believe that a vast majority of molestation goes unreported, while that which is reported is difficult to categorize because it is included with child neglect, desertion, non-support and abuse. The victimization survey, which measures unreported crime, does not interview children under age 12, and yet this is the age group most vulnerable to the crime. We must continue to strive to improve our data collection processes to accurately determine how many children in America are victimized by this treacherous crime.

While we cannot quantify molestation with reams of statistics and studies, we recognize its prevalence and many permutations. We know there is often a difference between molestation inside the family and outside the family. The motives of the offender may be different, and so may be the effects on the victim. We targeted the symposium on molestation outside the family because there has been very little examination of this type of sexual abuse.

This symposium has also focused primarily on the justice system's response to the victim because we have found that the inequities adding to the pain of an adult victim of crime are compounded when the victim is a child. We must be aware of the impact of repeated questioning, forcing youngsters to testify in a public courtroom, requiring them to face the accused, bombarding them with embarrassing questions phrased in language beyond their comprehension, and continuing the case for months and even years. All of this exacerbates the trauma of children who have already suffered too much.

DISCUSSION PERIOD

But again, we have seen there are no panaceas for these problems. For example, videotaping at first may seem to be a solution, but it also raises new issues. When should a tape be made? Who should conduct the examination? Should it be used at trial or only at preliminary hearing? Do leading questions hurt or help the case? When a child receives therapy before the trial, does it taint the evidence or help the child cope with the difficult procedures?

In addition to examining new procedures for the legal system's handling of molestation, we have learned of clever and caring ways to prevent the crime from occurring in the first place. Symposium participants presented ways to instill caution without fear in children and parents, and these prevention measures should be initiated in all communities.

There are many complex issues to be wrestled with — and thank goodness the committed people at this symposium have been doing so. No one wants to turn our 200-year-old justice system upside down. There are important safeguards for protecting the rights of the accused. But these safeguards for the accused should not become a barricade to justice for the child victim.

Children learn by example. It is incumbent upon us to show them that the responsibility for violence in this country lies with those who do it — not with those who suffer it.

I want to thank every one of the symposium participants for their thoughtful and knowledgeable presentations. I hope what has begun here will be built upon in the coming years, so we will truly protect our children.

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