

WORKING DOCUMENT

REVIEW AND MONITORING OF CHILD SEXUAL ABUSE CASES IN SELECTED SITES IN RURAL ALBERTA

Studies on the Sexual Abuse of Children in Canada

Donna Phillips, M.S.W., Research Associate and Joseph P. Hornick, Ph.D., Executive Director Canadian Research Institute for Law and the Family

July 1992

WD1992-14e



Research and Development Directorate / Sous-direction de la recherche et du développement

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D.P. J.P.H.

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1.0 INTRODUCTION

1.1 Background of Study

The purpose of this study is to examine how cases of child sexual abuse are processed and treated in the child welfare and justice systems in selected rural communities in Alberta since the implementation of Bill C-15, An Act to Amend the Criminal Code and the Canada Evidence Act. Three rural sites were chosen to provide information which could be compared to the results of a larger study conducted in two large cities, Edmonton and Calgary. Thus, this reports represents findings related to these rural sites and should be read in conjunction with the larger report, Review and Monitoring of Child Sexual Abuse Cases in Selected Sites in Alberta.

1.2 Description of Sites

The three rural communities included in the study are: (1) Bassano, (2) Peace River and (3) Gleichen, three very different communities. Bassano is a predominantly Caucasian farming community with a population of around 1200. It is approximately 200 kilometres east of Calgary. Peace River has a population of 6043, and is also predominantly Caucasian with a significant proportion of Native Canadians, Mennonites and Francophones. It is situated 485 kilometres northwest of Edmonton. The Gleichen area is populated by members of the Siksika Nation, which was formerly the Blackfoot Indian Reserve #146. The Reserve covers a geographic area approximately 64 kilometres by 32 kilometres. It is located 90 kilometres east of Calgary. The Reserve has a native population of approximately 3738.

1.3 Organization of the Report

Due to the small sample sizes from the rural communities, the results will only be described in terms of the characteristics and processing of the child sexual abuse cases. Findings presented as "significant" are not necessarily statistically so, but rather may point toward important contrasts or trends worthy of consideration.

Section 2.0 describes the purpose and methodology of the rural study component. Section 3.0 provides a description of the police file review cases in terms of victim, alleged offender and occurrence variables. This section also

outlines significant police file review findings related to certain Bill C-15 provisions (i.e., videotaping and <u>Criminal Code</u> charges).

Section 4.0 describes the processing of child sexual abuse cases through the child welfare and criminal justice systems in the rural areas. Issues specific to all rural areas together, as well as each separate location, will be discussed. A detailed analysis of the flow of Bassano and Gleichen cases through the criminal justice system and a decision-making model of factors related to rural cases that are cleared by charge are included. The effects of the process on specific cases is also discussed.

Section 5.0 summarizes the rural findings and presents conclusions related to the overall rural process and Bill C-15.

2.0 PURPOSE AND METHODOLOGY OF THE RURAL STUDY COMPONENT

2.1 Purpose

As previously mentioned, the purpose of this study component is to increase the scope of the overall study and identify similarities and differences in the rural communities. However, due to the small number of cases at the rural sites, a case study approach will be utilized.

2.2 Methodology

The three major study components parallel those of the main study:

- (1) A review of child welfare files;
- (2) A review of police (RCMP) files; and
- (3) Court observation.¹

The police file review involved reviewing all cases in which charges were laid or there were court proceedings after January 1, 1988. These were typically closed or concluded cases. Child welfare files for these cases were also reviewed.

From July 31, 1989 to July 31, 1990, all child welfare and police files related to cases that were active during the study period were also reviewed. These cases were typically open, and were discussed on an ongoing basis with the professionals involved. The instruments and procedures for both types of file review were the same as those used in the main study (see Appendix C of Review and Monitoring of Child Sexual Abuse Cases in Selected Sites in Alberta). The methods for observation were also the same as those used in the main study. Many cases were followed closely and were discussed at length with involved professionals. Observations based on particular cases will be used throughout the report.

All cases proceeding through the court system in these sites were followed closely and, when possible, child victims were observed in court and interviewed. However, due to extremely small sample sizes (two court observations, three post-court interviews and two pre-court interviews), these data were not formally analyzed.

2.3 Study Population

A total of 43 police files were reviewed: 14 from Bassano, 16 from Peace River and 13 from Gleichen. In Bassano and Gleichen all files open during the study period (January 1, 1988 to July 31, 1990) were reviewed. In Peace River, as the areas covered by the Peace River RCMP and child welfare offices intersected but were not identical, only police files which also fell under the jurisdiction of the Peace River child welfare office were reviewed. A total of 53 child welfare files were reviewed: 13 from Bassano, 13 from Gleichen, and 27 from Peace River. These will be referred to on a case-by-case basis.

3.0 CASE PROFILE: POLICE FILE REVIEW

The rural police file review data were analyzed by focussing on differences/ similarities between the three rural sites, and differences/similarities between the rural sites as a whole and urban sites as a whole.

3.1 Victim Variables

The victims were male in 26 percent of the rural cases. The proportion of male victims was much higher in Bassano than the other two areas. The victim's age was very similar to the ages of urban victims in this study (see Tables 3.1 and 3.2).

3.2 Alleged Offender Variables

All alleged rural offenders were male (compared to 96 percent of alleged urban offenders). The alleged offender's age was very similar to the ages of alleged urban offenders in this study (see Table 3.3).

A considerable proportion of alleged rural offenders were single or separated (53 percent), and almost as many were married or living common law (47 percent) (see Table 3.4). This was very similar to the urban data, although a larger proportion of alleged rural offenders were living common law (rural = 21 percent compared to urban = eight percent).

The alleged offender was an "other relative" in 30 percent of rural cases, and only 11 percent of urban cases. The victim/offender relationship was intrafamilial in 77 percent of rural cases, and only 44 percent of urban cases (see Table 3.5). This was a general rural trend relevant to both native and non-native populations.

3.3 Occurrence Variables

3.3.1 Case Status

Approximately the same proportion of rural cases were unfounded as were urban (rural = seven percent, urban = eight percent). The proportion cleared by

Table 3.1 Gender of Victim and Offender According to Police File, By Rural Location, January 1, 1988 - July 31, 1990

		Row			
Gender of Victim	Bassano	Peace River	Gleichen	Total	
Male					
N	6	2	3	11	
Row %	54.5%	18.2%	27.3%	100.0%	
Column %	42.9%	12.5%	23.1%	25.6%	
Female					
N	8	14	10	32	
Row %	25.0%	43.8%	31.3%	100.0%	
Column %	57.1%	87.5%	76.9%	74.4%	
Column Total					
N	14	16	13	43	
Row %	32.6%	37.2%	30.2%	100.0%	
Column %	100.0%	100.0%	100.0%	100.0%	

Table 3.2 Age of Victim When Report Made to Police, By Rural Location, January 1, 1988 - July 31, 1990

		Location			
Age		Bassano	Peace River	Gleichen	Total
1-4 Years					
N	1	3	4		7
R	low %	42.9%	57.1%		100.0%
C	Column %	21.4%	25.0%		16.3%
5-7 Years					
N	T	6	2	3	11
R	low %	54.5%	18.2%	27.3%	100.0%
	Column %	42.9%	12.5%	23.1%	25.6%
8-11 Year	'S				
N		3	1	4	8
R	low %	37.5%	12.5%	50.0%	100.0%
C	Column %	21.4%	6.3%	30.8%	18.6%
12-13 Yea	ars				
N	1	2	3	3	8
R	low %	25.0%	37.5%	37.5%	100.0%
C	Column %	14.3%	18.8%	23.1%	18.6%
14-15 Yea	ırs				
N			3	2	5
R	low %		60.0%	40.0%	100.0%
, C	Column %		18.8%	15.4%	11.6%
16-18 Yea	ırs				
N	Į		3	1	4
R	low %		75.0%	25.0%	100.0%
C	Column %		18.8%	7.7%	9.3%
Column T	otal				
N	1	14	16	13	43
R	low %	32.6%	37.2%	30.2%	100.0%
C	Column %	100.0%	100.0%	100.0%	100.0%

Age of Offender at Time of Report to Police, By Rural Location, January 1, 1988 - July 31, 1990 <u>Table 3.3</u>

Age	Bassano	Location Peace River	Gleichen	Row Total
0-11 Years				
N N	1			1
Row %	100.0%			100.0%
Column %	7.1%			2.5%
12-15 Years				
N	1		1	2
Row %	50.0%		50.0%	100.0%
Column %	7.1%		9.1%	5.0%
16-17 Years				
N	2	1	1	4
Row %	50.0%	25.0%	25.0%	100.0%
Column %	14.3%	6.7%	9.1%	10.0%
18-25 Years				
N -	2	3	4	. 9
Row %	22.2%	33.3%	41.4%	100.0%
Column %	14.3%	20.0%	36.4%	22.5%
26-35 Years				
N	6	4	3	13
Row %	46.2%	30.8%	23.1%	100.0%
Column %	42.9%	26.7%	27.3%	32.5%
36-45 Years				
N	2	5	2	9
Row %	22.2%	55.6%	22.2%	100.0%
Column %	14.3%	33.3%	18.2%	22.5%
46-55 Years				
N		2		2
Row %		100.0%		100.0%
Column %		13.3%		5.0%
Column Total ¹				
N	14	15	11	40
Row %	35.0%	37.5%	27.5%	100.0%
Column %	100.0%	100.0%	100.0%	100.0%

¹ Missing Cases: Peace River=1, Gleichen=2. Total N=43

<u>Table 3.4</u> <u>Marital Status of Offender According to Police File, By Rural Location, January 1, 1988 - July 31, 1990</u>

Manifed Status		Location		Row
Marital Status	Bassano	Peace River	Gleichen	Total
Married				
N	1	5	4	10
Row %	10.0%	50.0%	40.0%	100.0%
Column %	7.1%	33.3%	44.4%	26.3%
Single				
N	10	4	4	18
Row %	55.6%	22.2%	22.2%	100.0%
Column %	71.4%	26.7%	44.4%	47.4%
Separated				
N	1		1	2
Row %	50.0%		50.0%	100.0%
Column %	7.1%		11.1%	5.3%
Common-Law				
. N	2	6		8
Row %	25.0%	75.0%		100.0%
Column %	14.3%	40.0%		21.1%
Column Total ¹				
N	14	15	9	38
Row %	36.8%	39.5%	23.7%	100.0%
Column %	100.0%	100.0%	100.0%	100.0%

¹ Missing Cases: Peace River=1, Gleichen=4. Total N=43

Table 3.5 Relationship of Offender to Victim, By Rural/Urban Location, January 1, 1988 - July 31, 1990¹

		Location		
		ural		ban
Relationship	n	%	n	%
Father	17	39.5	356	25.7
Mother	1	2.3	15	1.1
Siblings	2	4.7	83	6.0
Other Relatives	13	30.2	156	11.3
Intrafamilial Subtotal	33	76.7	610	44.1
Friend	6	14.0	301	21.7
Caregiver	2	4.7	143	10.3
Stranger		-	201	14.5
Teacher/Counsellor		-	30	2.2
Other	2	4.7	101	7.3
Extrafamilial Subtotal	10	23.4	776	55.9
Total	43	100.0	1386	100.0

Urban Locations: Calgary, Edmonton

¹ Rural Locations: Bassano, Peace River, Gleichen

charge in the rural areas was much higher (rural = 60 percent, Calgary = 44 percent, Edmonton = 25 percent). The offender admitted guilt to the police in 19 percent of the rural cases. This is somewhat less than the urban rate of 27 percent (see Tables 3.6 and 3.7).

3.3.2 To Whom Child First Disclosed

A high proportion of victims disclosed to child welfare workers in Peace River (40 percent) and Gleichen (42 percent). In Bassano, although no disclosures were made to child welfare workers, a significant proportion were made to counsellors (39 percent) (see Table 3.8). This is very different from the pattern of disclosures in the cities, of which only six percent were made to child welfare workers and less than six percent to counsellors. More urban disclosures were made to parents, friends and police. This may be related to the higher occurrence of intrafamilial abuse in these rural areas, and/or victims feeling more confident that a professional will maintain their confidence than a friend or family member. Also of interest is the fact that a majority of victims in Gleichen and Peace River had a past or present involvement with child welfare authorities, and must have felt secure disclosing to a social worker who they knew.

3.3.3 Reporting of Incident to Police

Child welfare workers in the rural areas reported the incident to police in 54 percent of the cases. In the urban areas this figure was 32 percent, which is consistent with the lower rate of disclosures to child welfare workers (see Table 3.9).

It appears that reporting of abuse to police in rural areas is delayed more than in the urban cases. A majority of rural cases were reported one month to more than one year after the occurrence (53 percent) (see Table 3.10), whereas only 36 percent of urban cases were reported at the same delay. A relatively small proportion of rural cases were reported within one month of the occurrence (47 percent) compared to urban cases (64 percent).

The alleged offender was questioned during initial investigation in 46 percent of Gleichen cases, in 100 percent of Bassano cases, and 81 percent of Peace River cases. The lower rate of questioning in Gleichen is due to the high number of retractions and refusals to disclose the identity of the alleged offender by Gleichen victims.

Table 3.6 Current Case Status, By Rural Location, January 1, 1988 - July 31, 1990

•		Location		Row Total
Case Status	Bassano	Peace River	liver Gleichen	
Cleared by Charge				
N	8	11	6	25
Row %	32.0%	44.0%	24.0%	100.0%
Column %	57.1%	68.8%	50.0%	59.5%
Offence Cleared				
Otherwise				
N	4	1		5
Row %	80.0%	20.0%		100.0%
Column %	28.6%	6.3%		11.9%
Not Cleared				
N	1,	3	6	10
Row %	10.0%	30.0%	60.0%	100.0%
Column %	7.1%	18.8%	50.0%	23.8%
Unfounded				
N	1	1		2
Row %	50.0%	50.0%		100.0%
Column %	7.1%	6.3%		4.8%
Column Total ¹				
\mathbf{N}	14	16	12	42
Row %	33.3%	38.1%	28.6%	100.0%
Column %	100.0%	100.0%	100.0%	100.0%

¹ Missing Cases: Gleichen=1. Total N=43

<u>Table 3.7</u> Offender Admitted Guilt, By Rural Location, January 1, 1988 - July 31, 1990

Admitted Guilt			Location		Row
		Bassano	Bassano Peace River Gleichen		Total
Yes				:	
	N	3	. 1	4	8
	Row %	37.5%	12.5%	50.0%	100.0%
	Column %	21.4%	6.3%	30.8%	18.6%
No					
	N	11	15	9	35
	Row %	31.4%	42.9%	25.7%	100.0%
	Column %	78.6%	93.8%	69.2%	81.4%
Colu	mn Total				
	N	14	16	13	43
	Row %	32.6%	37.2%	30.2%	100.0%
	Column %	100.0%	100.0%	100.0%	100.0%

<u>Table 3.8</u> Person to Whom Victim First Disclosed According to Police File, By Rural Location, January 1, 1988 - July 31, 1990

Person		Bassano	Location Peace River	Gleichen	Row Total
Mother N Row Colur	% nn %	6 42.9% 46.2%	6 42.9% 40.0%	2 14.3% 16.7%	14 100.0% 35.0%
Sibling N Row Colur	% nn %			3 100.0% 25.0%	3 100.0% 7.5%
Other Relativ N Row Colur	%			1 100.0% 8.3%	1 100.0% 2.5%
Teacher N Row Colur	% nn %	1 25.0% 7.7%	3 75.0% 20.0%		4 100.0% 10.0%
Counsellor N Row Colur	% nn %	5 100.0% 38.5%			5 100.0% 12.5%
Child Welfare Worker N Row Colur	, %		6 54.5% 40.0%	5 45.5% 41.7%	11 100.0% 27.5%
Police N Row Colur		1 100.0% 7.7%			1 100.0% 2.5%
Other N Row Colur				1 100.0% 8.3%	1 100.0% 2.5%
Column Total N Row Colur	%	13 32.5% 100.0%	15 37.5% 100.0%	12 30.0% 100.0%	40 100.0% 100.0%

¹ Missing Cases: Bassano=1, Peace River=1, Gleichen=1. Total N=43

Person Who First Reported Abuse to Police, By Rural Location, January 1, 1988 - July 31, 1990 Table 3.9

		Location		Row
Person	Bassano	Peace River	Gleichen	Total
Father				
N	1			1
Row %	100.0%			100.0%
Column %	7.1%			2.3%
Mother				
N	4	5	5	14
Row %	28.6%	35.7%	35.7%	100.0%
Column %	28.6%	31.3%	38.5%	32.6%
Other Relative	1			2
N David (7)	50.0%		1 50.0%	
Row % Column %	30.0% 7.1%		7.7%	100.0% 4.7%
Column %	1,170		1.1%	4.1%
Teacher				
\mathbf{N}	1	1		2
Row %	50.0%	50.0%		100.0%
Column %	7.1%	6.3%		4.7%
Child Welfare/ Social				
Worker N	7	10	6	23
Row %	30.4%	43.5%	26.1%	100.0%
Column %	50.0%	62.5%	46.2%	53.5%
	50.070	Q2,570	40.270	22,270
Other				
N			1	1
Row %			100.0%	100.0%
Column %			7.7%	2.3%
Column Total				
N	14	16	13	43
Row %	32.6%	37.2%	30.2%	100.0%
Column %	100.0%	100.0%	100.0%	100.0%

<u>Table 3.10</u> When Occurrence was Reported, By Rural/Urban Location, January 1, 1988 - July 31, 1990

		Loc	cation ¹	
When Reported ²	. n	Rural %	Ur n	ban %
Up to 24 hours	 5	13.9	424	32.7
1 to 7 days	8	22.2	215	16.6
8 days to 1 month	4	11.1	194	14.9
1 to 12 months	12	33.3	259	20.0
More than 1 year	7	19.4	206	15.8
Total _	36	100.0	1298	100.0

Rural Locations: Bassano, Peace River, Gleichen Urban Locations: Calgary, Edmonton

² Cases where no date was recorded have been omitted.

3.3.4 Family Resistance

Family resistance to the RCMP investigation occurred proportionately more often in Bassano (50 percent) and Peace River (31 percent) than it did in Gleichen (eight percent) and the urban centres (nine percent) (see Table 3.11).

The lower levels of family resistance in Gleichen compared to the other rural sites may, in fact, indicate a more passive resistance that was not as observable to the police. In the native communities more family pressure may have been directed toward the child victims rather than toward the police, prompting the higher rate of retractions even before the police were able to begin their investigations (see Section 3.3.6).

3.3.5 Number of Victims and Alleged Offenders

Most of the rural cases involved one victim (63 percent) (see Table 3.12). This is a similar trend to that in the urban areas. Only one case involved more than one alleged offender. This is also similar to the urban data.

3.3.6 Duration and Location of Abuse

It is interesting to note that more of the cases in Gleichen involved abuse with a duration longer than one year (see Table 3.13). However, in four (31 percent) cases, duration could not be established. In all four of these cases, the victims disclosed and then retracted their disclosure. It is clear that there is immense pressure on victims in a small, native community not to disturb the status quo.

In a majority of rural cases, the abuse occurred in the victim's, or victim and alleged offender's home (63 percent). This was the case in only 44 percent of urban cases. Conversely, the abuse occurred in the alleged offender's home in less than eight percent of the rural cases (when the offender and victim did not live together). In comparison, this occurred in 29 percent of the urban cases (see Table 3.14).

3.3.7 Level of Intrusion and Nature of Abuse

The level of intrusion pattern in the rural areas closely parallels that of the urban. This is also true in terms of the specific types of sexual abuse reported (see Tables 3.15 and 3.16).

Table 3.11 Family Resistance Towards Reporting Abuse to Police, By Rural Location, January 1, 1988 - July 31, 1990

			Location		Row
Fami	ly Resistance	Bassano	Peace River	Gleichen	Total
Yes			:		
	N	7	5	1	13
	Row %	53.8%	38.5%	7.7%	100.0%
	Column %	50.0%	31.3%	7.7%	30.2%
No					
	N	7	11	12	30
	Row %	23.3%	36.7%	40.0%	100.0%
	Column %	50.0%	68.8%	92.3%	69.8%
Colu	mn Total				
	N	14	16	13	43
	Row %	32.6%	37.2%	30.2%	100.0%
	Column %	100.0%	100.0%	100.0%	100.0%

Number of Victims Involved, By Rural Location, January 12, 1988 - July 31, 1990 **Table 3.12**

Number of Victims			Location		Row
		Rassano	Peace River	Gleichen	Total
One					. '
N		9	8	10	27
Row %	,	33.3%	29.6%	37.0%	100.0%
Column	ı %	64.3%	50.0%	76.9%	62.8%
Two					
N		2	8	3	13
Row %		15.4%	61.5%	23.1%	100.0%
Column	ı %	14.3%	50.0%	23.1%	30.2%
Three					
N		3			3
Row %		100.0%			100.0%
Column	ı %	21.4%			7.0%
Column Total					
N		14	16	13	43
Row %		32.6%	37.2%	30.2%	100.0%
Column	ı %	100.0%	100.0%	100.0%	100.0%

Duration of Abuse, By Rural Location, January 1, 1988 - July 31, 1990 **Table 3.13**

		Location		Row
Duration	Bassano	Peace River	Gleichen	Total
One Incident				
N	6	9	5	20
Row %	30.0%	45.0%	25.0%	100.0%
Column %	42.9%	56.3%	55.6%	51.3%
2 - 30 Days				
Ň	1	1	1	3
Row %	33.3%	33.3%	33.3%	100.0%
Column %	7.1%	6.3%	11.1%	7.7%
31 - 90 Days				
N	4	4	1	9
Row %	44.4%	44.4%	11.1%	100.0%
Column %	23.6%	25.0%	11.1%	23.1%
91 Days - 1 Year				
N	1		2	3
Row %	33.3%		66.7%	100.0%
Column %	7.1%		22.2%	7.7%
Over 1 Year				
N	2	2		4
Row %	50.0%	. 50.0%		100.0%
Column %	14.3%	12.5%		10.3%
Column Total ¹				
N	14	16	9	39
Row %	35.9%	41.0%	23.1%	100.0%
Column %	100.0%	100.0%	100.0%	100.0%

¹ Missing Cases: Gleichen=4. Total N=43

Table 3.14 Location of Abuse, By Urban/Rural Location, January 1, 1988 - July 31, 1990¹

		Rural	Ur	ban	
Location of Abuse	n	%	n	%	
Home of Victim and Offender	15	37.5	407	30.1	
Home of Victim Only	10	25.0	190	14.0	
Home of Offender Only	3	7.5	399	29.5	
Other Private House	2	5.0	71	5.2	
Public Place	10	25.0	287	21.2	
Total	40	100.0	1354	100.0	

Rural Locations: Bassano, Peace River, Gleichen Urban Locations: Calgary, Edmonton

Table 3.15 Level of Intrusion of Abuse in All Rural Locations, August 1, 1989 - July 31, 1990¹

evel of Intrusion		n	%	·····
Exposure		1	2.3	
Invitation to Sexual Touching		2	4.7	
Masturbates in Front of Victim		1	2.3	
Inappropriate Kissing		. •	-	
Nongenital Fondling		2	4.7	
Genital Fondling		10	23.3	
Mutual Genital Fondling		3	7.0	
Simulated Sex			· · · · · · · · · · · · · · · · · · ·	
Digital Penetration		4	9.3	
Oral Sex		5	11.6	
Vaginal Penetration		7	16.3	
Anal Penetration		3	7.0	
(Missing)	•	5	11.6	
Total		43	100.0	

¹ Rural Areas: Bassano, Peace River, Gleichen

<u>Table 3.16</u> Nature of Abuse in All Rural Locations, January 1, 1988 - July 31, 1990¹

Nature of Abuse	Cases n	Cases %	
Exposure	3	7.0	
Invitation to Sexual Touching	2	4.7	
Introduction to Pornography	•	•	
Undressing Victim/Watching Victim Undress	5	11.6	
Masturbates in Front of Victim	1	2.3	
Inappropriate Kissing	1	2.3	
Fondling Chest	9	20.9	
Fondling Buttocks	5	11.6	
Genital Fondling	16	37.2	
Victim Forced to Fondle Offender	3	7.0	
Forced Sex With Others	•	• • • • • • • • • • • • • • • • • • •	
Simulated Sex	1	2.3	
Digital Vaginal Penetration	1	2.3	
Attempted Vaginal Penetration	4	9.3	
Anal Digital Penetration	2	4.7	
Victim - Forced Oral Sex on Offender	3	7.0	
Oral Sex on Victim	3	7.0	
Vaginal Intercourse	8	18.6	
Anal Penetration (Penis)	3	7.0	
Forced Prostitution	•		

¹ Rural Areas: Bassano, Peace River, Gleichen.

3.3.8 Witness Present

The rural data show witnesses, in addition to the victims, were present in a higher proportion of abuse cases in Gleichen (62 percent) and Peace River (50 percent) than in Bassano (14 percent). This may be due to the higher native population and subsequent extended family living situations in Gleichen and Peace River (see Table 3.17). The urban percentage for witness presence was 31 percent.

3.3.9 Child Instructed Not To Tell and Enticement by Alleged Offender

Victims were instructed not to disclose the abuse by the alleged offender in a larger proportion of rural cases (30 percent) (see Table 3.18) than urban (19 percent). Again this may reflect the fact that more of the victims were related to, and knew, the alleged offenders. There were very few alleged offenders who enticed the victim in the rural areas (one of 43 cases). In this case, candy was used to entice the victim. Enticement occurred in 11 percent of the urban cases.

3.3.10 Use of Alcohol and Drugs

The use of alcohol was consistently higher in all three rural areas than it was in the cities (see Table 3.19). The use of drugs occurred in four Bassano cases (nine percent of the total rural sample), making this proportion also higher than the urban areas (three percent).

3.3.11 Use of Force and Weapon

In a majority of the cases in Gleichen, either physical or verbal abuse was used by the alleged offender (54 percent). The extent of both types of abuse was greater in Gleichen than in the urban centres. In the other two rural locations, the existence of verbal abuse was also very high (see Table 3.20). A weapon was used in only one rural case. This is proportionately similar to the use of weapons in the cities.

3.3.12 Physical and Emotional Injuries

Physical injuries were reported in 12 percent of rural cases, and emotional injuries in 35 percent. These findings are similar to those of the urban areas.

<u>Table 3.17</u> Other Person Witnessed Abuse, By Rural Location, January 1, 1988 - July 31, 1990

			Location		Row
Witne	ess Present	Bassano	Bassano Peace River Gle		Total
Yes					
	N	2	8	8	18
	Row %	11.1%	44.4%	44.4%	100.0%
	Column %	14.3%	50.0%	61.5%	41.9%
No					
	N	12	8	5	25
	Row %	48.0%	32.0%	20.0%	100.0%
	Column %	85.7%	50.0%	38.5%	58.1%
Colu	nn Total				
	N	14	16	13	43
	Row %	32.6%	37.2%	30.2%	100.0%
	Column %	100.0%	100.0%	100.0%	100.0%

Table 3.18 Child Instructed Not To Tell Of Abuse, By Rural Location, January 1, 1988 - July 31, 1990

			Location		Row
Instru	icted Not To Tell	Bassano	Peace River	Gleichen	Total
Yes					
	N	6	2	5	13
	Row %	46.2%	15.4%	38.5%	100.0%
	Column %	42.9%	12.5%	38.5%	30.2%
Νo					
	N	8	14	8	30
	Row %	26.7%	46.7%	26.7%	100.0%
	Column %	57.1%	87.5%	61.5%	69.8%
Colun	nn Total				
	N	14	16	13	43
	Row %	32.6%	37.2%	30.2%	100.0%
	Column %	100.0%	100.0%	100.0%	100.0%

Table 3.19 Use of Alcohol, By Rural/Urban Location¹

	F	Rural		rban
Alcohol Used	<u>. n</u>	%	n	%
Yes	16	37.2	210	15,2
No	27	62.8	1176	84.8
Total	43	100.0	1386	100.0

Data Source: Police File Review Unit of Analysis: Victim/Occurrence

Table 3.20 Offender Used Force on Victim, By Rural Location, January 1, 1988 - July 31, 1990

Force Used	Bassano		ssano	Location Peace River		Gleichen		Total	
		n	%	n	%	n	%	n	%
Physical		1	7.1			4	30.8	5	11.6
Verbal Only		6	42.9	4	25.0	3	23.1	13	30.2
No Force		7	50.0	12	75.0	6	46,2	25	58.1
Total		14	100.0	16	100.0	13	100.0	43	100.0

Data Source: Police File Review

Unit of Analysis: Case (Victim/Occurrence)

Urban Locations: Calgary, Edmonton

¹ Rural Locations: Bassano, Peace River, Gleichen

3.3.13 First Agency Contact

In Peace River and Gleichen, child welfare was most likely to be contacted before police (in 56 percent of the cases in Peace River, and 58 percent of the cases in Gleichen). However, in Bassano the police were most likely to be contacted first (in 50 percent of the cases), as is the case in the urban centres (see Table 3.21). These differences between rural communities may be partly because the child welfare office is not located in Bassano (it is over 50 kilometres away in Brooks), whereas the RCMP station is in Bassano itself.

3.3.14 Forensic Examination and Expert Witnesses

The likelihood of a forensic examination taking place in Peace River was greater than in any of the other study locations (44 percent in Peace River compared to 17 percent in urban centres, 14 percent in Bassano and 23 percent in Gleichen) (see Table 3.22). The use of expert witnesses in rural areas (nine percent) was proportionately similar to their use in Calgary and Edmonton combined (five percent).

3.4 Bill C-15 Provisions

3.4.1 Videotaping

Victims' disclosures were taped in more than 30 percent of investigated cases in both Bassano (five cases) and Peace River (five cases), and one disclosure of a Gleichen case was taped at the RCMP detachment in Calgary (see Table 3.23). The proportion of videotaping is much higher in Bassano and Peace River than it is in the urban areas (nine percent). This is a significant observation in view of the nonexistence of specialized child sexual abuse teams in the rural areas and the difficulty in obtaining videotaping equipment.

None of the videotapes, however, were used in court proceedings. Videotapes were not made in eight Peace River cases because a written statement was taken instead. In two cases in Bassano and one from Gleichen, a videotape was not made due to the young age of the child. Information about the reasons for not making a videotape was not stated on the remaining case files.

Table 3.21 Agency First Contacted Regarding Abuse, By Rural Location, January 1, 1988 - July 31, 1990

Аденсу Туре	Bassano	Location Peace River	Gleichen	Row Total
Police				
N	7	2	4	13
Row %	53.8%	15.4%	30.8%	100.0%
Column %	50.0%	12.5%	33.3%	31.0%
Medical				
N	1			1
Row %	100.0%			100.0%
Column %	7.1%			2.4%
Social Services				
N	5	9	7	21
Row %	23.8%	42.9%	33.3%	100.0%
Column %	35.7%	56.3%	58.3 <i>%</i>	50.0%
School				
N		4		4
Row %		100.0%		100.0%
Column %		25.0%		9.5%
Counselling				
N	1			1
Row %	100.0%			100.0%
Column %	7.1%			2.4%
Other				
N		1	1	2
Row %		50.0%	50.0%	100.0%
Column %		6.3%	8.3%	4.8%
Column Total ¹				
N	14	16	12	42
Row %	33.3%	38.1%	28.6%	100.0%
Column %	100.0%	100.0%	100.0%	100.0%

Data Source: Police File Review

Unit of Analysis: Case (Victim/Occurrence)

¹ Missing Cases: Gleichen=1. Total N=43

Forensic Examination Conducted, By Rural Location, January 1, 1988 - July 31, 1990 **Table 3.22**

Forensic Examination		Location			Row
		Bassano	Peace River	Gleichen	Total
Yes					
	N	2	7	3	12
	Row %	16.7%	58.3%	25.0%	100.0%
	Column %	14.3%	43.8%	23.1%	27.9%
No					
	N	12	9	10	31
	Row %	38.7%	29.0%	32.3%	100.0%
	Column %	85.7%	56.3%	76.9%	72.1%
Colur	nn Total				
	N	14	16	13	43
	Row %	32.6%	37.2%	30.2%	100.0%
	Column %	100.0%	100.0%	100.0%	100.0%

Data Source: Police File Review
Unit of Analysis: Case (Victim/Occurrence)

Table 3.23 Videotaping, by Rural Location

	Bassano n	Peace River n	Gleichen n
Videotapes Made (% of Total Reported Cases)	5 (35.7)	5 (31.3)	1 (7.7)
Interviewer Type RCMP Child Welfare Worker	3 2	2 3	1 0
Co-Interviewer RCMP Child Welfare Worker	2 3	0 1	0 0
Tape Included Disclosure	5	4	0
Tape Identified Offender	3	4	0
Defence Viewed Tape	1	1	0
Accused Viewed Tape	1	0	0 .
Crown Viewed Tape	3	0	0
Child Welfare Worker Viewed Tape	2	4	0

Data Source: Police File Review Unit of Analysis: Victim/Occurrence

3.4.2 Charges

During the time frame of the study, five charges were laid under section 151 (Sexual interference) (see Table 3.24). However, none of the section 151 charges were made in relation to a male-victim case. The male-victim cases were cleared by charges under section 271 (Sexual assault). Only one charge was laid under the new subsection 173(2) (Exposure to a child under 14).

<u>Table 3.24</u> <u>Frequency of Types of Charge, By Rural Location, January 1, 1988 - July 31, 1990</u>

Charges	From	Bassano n	Peace River n	Gleichen n
s. 146(2)	XCC	1	0	0
s. 155	XCC	1	0	1
s. 157	XCC	1	2	0
s. 169	XCC	1	0	0
s. 246.1	XCC	. • 5	8	2
s. 151	CC	0	. 2	3
s. 173(2)	CC	1	. 0	0
s. 271	CC	0	2	2
s. 267(1)	CC	0	1	0
Total Charges		10	15	8
Number of Cases		8	- 11	6

Data Source: Police File Review Unit of Analysis: Victim/Occurrence

4.0 PROCESSING OF CHILD SEXUAL ABUSE CASES THROUGH CHILD WELFARE/CRIMINAL JUSTICE SYSTEMS

4.1 Policy and Protocol

The report focussing on Calgary and Edmonton describes a conceptual model of how child sexual abuse cases make their way through the child welfare and criminal justice systems. The model applies to the rural sites in the same way it does to the urban sites. This section will concentrate on the specific relationships and existing protocols of child welfare and criminal justice system players in each of the rural communities.

4.1.1 Gleichen

In Gleichen the RCMP and child welfare personnel had nine cases in common over the study time frame. Although no formal collaborative protocol existed, consultations often occurred between the two agencies. Cases were often assigned to specific police officers who were most familiar with the topic of child sexual abuse. This seemed to work well and was found to be helpful by the child welfare workers.

Crown prosecutors often met with the involved police and child welfare personnel the day of court. Due to the limitations of the circuit court process, a high level of collaboration seemed to be extremely difficult.

4.1.2 Peace River

Peace River was unique in that two very extensive child sexual abuse protocols have been developed. One focusses primarily on the coordination of child welfare services with other community services. The other protocol was developed for child welfare workers, police officers and crown prosecutors. It addresses the responsibilities of the various agencies once charges are laid and the prosecution commences, especially as they relate to Bill C-15. This document was written by the Chief Crown Prosecutor in the area and illustrates the extensive effort being made to coordinate the services in Peace River (Beach, 1989).

4.1.3 Bassano

The Brooks child welfare workers (who were responsible for the Bassano area) discussed all of their cases with the Bassano RCMP detachment. A formal child welfare/police protocol did exist for this area. This protocol states that child welfare must notify the RCMP of child sexual abuse cases, and vice versa. The protocol includes separate steps for intra- and extrafamilial abuse, with the RCMP being the key investigators for extrafamilial abuse. In cases of intrafamilial abuse the two agency representatives work as a team. These efforts to collaborate seem to be very successful in Bassano, given the high proportion of disclosures that were videotaped and jointly investigated.

As was the case in Gleichen, extensive collaboration with crown prosecutors was very difficult with circuit court being held in Bassano once a month, and the crown prosecutor's offices being located in Medicine Hat (over 200 kilometres from Bassano). In spite of this, an excellent working relationship with the crown prosecutors was apparent.

4.1.4 RCMP Protocols

The Alberta Attorney General, the RCMP, and Alberta Family and Social Services jointly developed a province-wide protocol relating to section 715.1 (Videotaped evidence) of the Criminal Code. It is meant to be used in conjunction with other protocols and addresses the matter of videotaping "disclosure" statements of child sexual abuse victims. This protocol suggests a number of procedures aimed at reducing the number of times victims are interviewed, ensuring that the videotaped interview takes place as soon as possible after the allegation of a sexual assault, ensuring that the victim feels as comfortable as possible during the interview, and ensuring that the interview is conducted in such a way as to be admissible in court and useful to those who may be subsequently counselling the victim. The protocol also outlines who will maintain possession of the original videotape and copies.

4.2 Processing of Cases and Decision Making in the Child Welfare System

Provincial child welfare policy governs the processing of both rural and urban child sexual abuse cases. Thus, the child welfare investigation and follow-up procedures are also similar. Rather than repeating the province-wide procedures (please refer to the report entitled "Review and Monitoring of Child Sexual Abuse Cases in Selected Sites in Alberta"), issues specific to the rural areas will be discussed.

4.2.1 Gleichen: Blackfoot Social Services Agency

The child welfare services available in Gleichen were somewhat different than those offered in the other locations. The Blackfoot Social Services agency in Gleichen provides child welfare services to the Siksika Nation--approximately 3738 people living in proximity of the town of Gleichen. These Bandadministered services are made possible by the oldest tripartite agreement in Canada, having been signed in 1973.

The agreement responded to the large number of native children being apprehended by non-native social workers and the growing problems experienced and caused by adolescents on the reserve. The purpose of the agreement was to provide Indian child welfare workers with the authority and resources to deal with these child welfare issues on the reserve.

The agreement is a relatively simple one which has been hailed as successful largely because of the flexibility of the program director and the liberal application of provincial standards and guidelines. Services provided by the Child Welfare Unit include child protection and apprehension, adoptions, and foster care. The federal government reimburses the Band directly for 100 percent of the cost of the services being provided, the monies being administered by the Band. The Unit operates under the mandate of the provincial Child Welfare Act, and although provincial standards apply, the staff must use their own criteria and judgement to a considerable extent, particularly with foster home approval. The Gleichen project has served as a model for two other agreements: the Four Nations Confederacy of Manitoba and the Lesser Slave Lake Regional Council (eight reserves).¹

4.2.2 Native Child Welfare Issues

Child victims clearly felt understood and cared for by their native child welfare workers. A higher proportion of victims disclosed to child welfare workers in Gleichen than in any other site studied, and a high proportion of victims in Gleichen had a previous and often long-term involvement with the child welfare worker.

¹ For more information see Tester, F.J. (1985), <u>After The Law: Native Child Welfare in Canada, Volume 1</u>. A report for the Ministry of Community and Social Services, Ontario, pp. 24-25.

Workers' Personal and Professional Conflicts

Workers routinely knew families of victims and perpetrators personally, or were related to them. This seemed to put both the workers and clients in a difficult position, and workers were not always comfortable proceeding with investigations of child sexual abuse. Care was taken not to involve certain workers with families where role conflict was likely to occur; however, in emergency situations, this was not always possible.

Multi-problem Family Syndrome

A majority of the cases reviewed were complicated by many psychosocial problems. In many cases the child sexual abuse was a side issue to more lifethreatening child welfare issues such as abandonment, neglect or physical abuse. Alcoholism played a role in a majority of the cases.

Extended Family

Strong kinship bonds often survived, even when family members were separated. In one case, a native child sexual abuse victim who had been abused by a family member was apprehended and placed in a foster home on the reserve. In spite of warnings from her child welfare worker, she returned to visit the alleged offender on numerous occasions. This type of behaviour was not uncommon, and was very hard for the workers to control and monitor given the social dynamics of the reserve.

4.2.3 Rural Child Welfare Issues

Lack of Access to Treatment Resources

Due to a lack of accessible resources, rural child welfare workers must have a generalist approach and be able to provide a range of assessment and counselling interventions. Although the workers in Gleichen were able to refer clients to a psychologist contracted by the Band to provide ongoing counselling, they did not have near the range of referral resources available to urban workers.

Victims and their families in Bassano had to drive over 150 kilometres to Calgary to receive counselling treatment. This, of course, leaves the rural worker with a greater responsibility to provide support and counselling following the initial investigation. In Bassano, the RCMP and child welfare workers work well together preparing child witnesses for court and keeping victims' families up-to-date on the status of investigations.

Public Scrutiny/Lack of Confidentiality

Decisions made by child welfare workers were often open to public scrutiny in rural areas, adding more stress to the already difficult decisions. Rural workers from these communities expressed concern about the issue of confidentiality and how the gossip of a small community affected their client families. They also often provided services to families they knew well or to whom they were related.

Intrafamilial Abuse

The higher rate of intrafamilial abuse in the rural areas forces child welfare workers to be heavily involved in a relatively high proportion of cases. Decisions about the protection of the child and apprehensions had to be made in a higher proportion of cases than was probably necessary in an urban caseload.

4.3 Processing of Cases in the Criminal Justice System

4.3.1 Case Flow Model

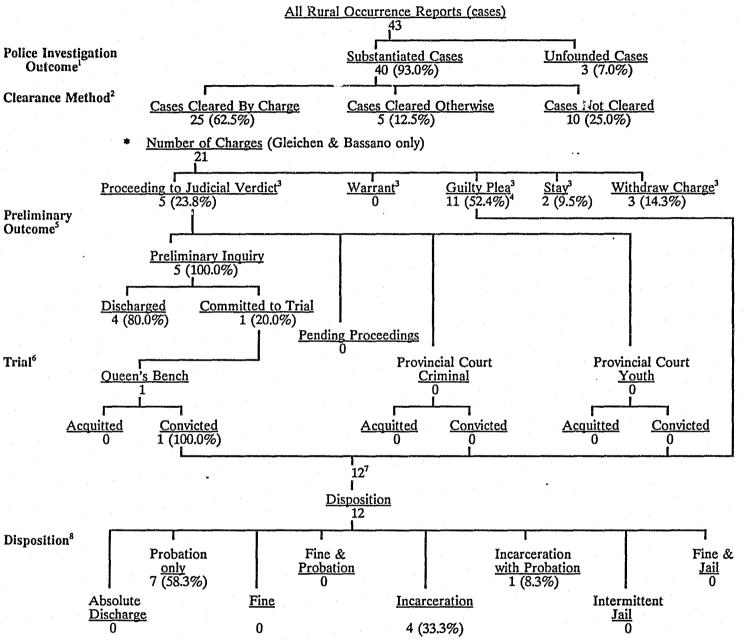
Figure 4.1 shows the movement of rural cases through the criminal justice system from the initial occurrence report to disposition. The average reporting rate per year for Gleichen was 139.² In comparison, the average reporting rates per year for Calgary and Edmonton were 92 and 115 respectively. This indicates that the reporting rate in the Gleichen area is 22 percent higher than the highest city rate. Charges were laid in 63 percent of the substantiated cases. This is significantly higher than in the urban areas (44 percent in Calgary and 25 percent in Edmonton).

The figure then follows Gleichen and Bassano charges through the court system (unit of analysis changes from case to charge here). Charges resulting from Peace River cases are not included as the data were not available.

It is significant that 52 percent of the charges were resolved with guilty pleas compared to 25 percent in Calgary, which was considered high. Two of these guilty pleas involved young offenders. Charges were withdrawn in three cases. Two of these withdrawals were accompanied by a guilty plea to another charge.

² The reporting rates for Bassano and Peace River could not be calculated, as it is impossible to define the parameters of the population in these typical rural areas.

Criminal Justice System Case Flow Model For Child Sexual Abuse Figure 4.1 Cases, January 1, 1988 - July 31, 1990, Rural



The unit of analysis changes at this point from case to charge. Peace River data are not included from this point on.

Percentages based on total # of occurrence reports. Percentages based on total # of substantiated cases.

Percentages based on total # of charges.

2 (18.2 percent) of 11 guilty pleas were made by young offenders.

Percentages based on total # of charges having a preliminary inquiry outcome (n=5).

Percentages based on total # of charges having a specific type of trial.

Conviction rate = 75.0 percent.

Percentages based on total # of charges resulting in a conviction or a guilty plea and a subsequent disposition (n=12).

The conviction rate (75 percent) is similar to the urban conviction rates of 74 percent (Calgary) and 59 percent (Edmonton). Types of dispositions in the rural areas seemed to also be similar to those in the urban areas, although caution must be exercised because of the small number of cases. The proportion of probation dispositions (without incarceration or fine) were higher (58 percent in the rural areas compared to 37 percent in Calgary and 34 percent in Edmonton).

4.3.2 Rural Criminal Justice Issues

Lack of Specialized Teams

The general investigative process of the RCMP in the rural areas was found to be similar to that used by the Calgary and Edmonton police forces, even though the rural areas did not have formal child abuse and/or sex crimes units. All three rural locations found it helpful to have officers experienced in child abuse to conduct the interviews of the victims.

Retractions

A significant proportion of victims in the Gleichen sample retracted previous disclosures, thus halting the investigations. The Blackfoot Reserve is a small community composed of a large network of extended families. There is a great deal of gossiping and people are very concerned about how they, and their extended family, are viewed by the rest of the community. Children are thus influenced by nuclear and extended family members' reactions to their disclosures of abuse incidents. If reactions are not supportive of the child's story, the child seemed to feel a considerable amount of pressure to retract the allegation.

Delayed Court Proceedings

As in the urban areas, preliminary hearings took place several months after charges were laid. In one Gleichen case, the preliminary hearing took place over 18 months after charges were laid. Many professionals working in the rural jurisdictions feel such lengthy delays could directly affect the outcome of court proceedings.

In the native communities perpetrators were often sanctioned by the community long before their case went before the court, and by the time the hearing took place, the situation had lost importance to members of the community. Previously cooperative witnesses often failed to appear, or refused to testify, and victim/witnesses lost their motivation to proceed.

Court Publicity

Although victims, their families and many professionals working with them complained about the exposure these families had in the courtroom, it was also stated that the threat of such community pressure on the alleged offender may force a guilty plea. As indicated above, the proportion of guilty pleas in these rural sites was high.

4.4 Decision Making in the Criminal Justice System

Figure 4.2 shows that rural cases were more likely to be cleared by charge if: (1) the abuse occurred on one occasion, for a period of two to 30 days, or for a period of over one year; and (2) parents, relatives or a child welfare worker reported the case to the police. It also shows that rural cases were least likely to be cleared by charge if: (1) the duration of abuse was between one month and one year; and (2) there was no physical or verbal abuse involved.

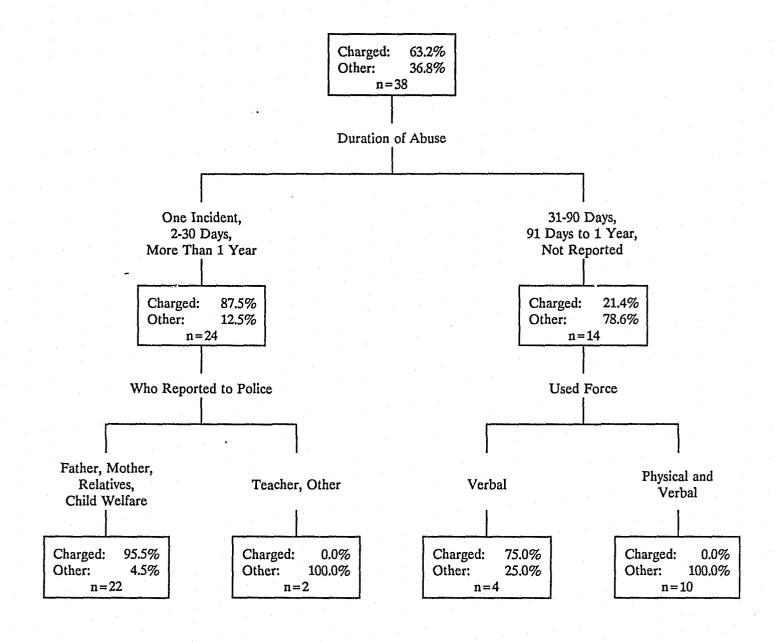
4.5 The Child in the Process

4.5.1 Effects of Disclosure on Native Children

Children struggle to find a person they feel they can trust to disclose sexual abuse. The highly emotional issue of child sexual abuse seemed to be particularly difficult for native people to acknowledge and discuss. Some Blackfoot people felt this might be partly due to the cultural tendency to express emotions subtly or through humour, and by the emotional repression experienced by many of the adults in residential schools. It was felt there is a strong cultural push not to "tell on" another person. The relatively high threat of physical and verbal abuse may also affect the disclosure pattern in this area.

When native children in this study did finally disclose sexual abuse, in a majority of cases the alleged offender was a family member, which often threw the extended family into a crisis situation and meant the child usually had to be apprehended.

Figure 4.2 Decision Model for Cleared by Charge and Other Cases for Rural Locations¹



Rural includes Bassano, Gleichen and Peace River
 Significance Level = .20
 Data Source = Police File Review
 Sample excludes unsubstantiated cases and cases where offender is under 12 years of age.

4.5.2 Effects of Public Scrutiny

Small town courtrooms are often seen as a source of entertainment for some community residents. It is very difficult to keep a case like this confidential in a small town. In one Bassano case, the child victim stated "the most difficult thing about the whole ordeal was trying to keep it secret from friends." In fact, some rural victims needing treatment refused child welfare treatment services or referral because the families feared the "community" would find out.

4.5.3 Effects of Lack of Treatment Resources

Victims and family members of victims indicated that they would like to see more resources providing support available to them, especially during the court process. They felt support groups, or even being able to talk to other families who had been through similar criminal proceedings would be very helpful. It appears these rural families felt very isolated and helpless.

4.5.4 Distance

The distance between victims and the offices of child welfare workers, police, and crown prosecutors seemed to present a problem. For example, crown prosecutors have to travel to circuit courts in Gleichen and Bassano, and often to areas within the Peace River jurisdiction as well. This meant victims rarely were able to meet the crown prosecutor before the scheduled hearing or trial. Victims felt court preparation was lacking in some cases as a result.

5.0 CONCLUSIONS

5.1 Case Profile

Rural child sexual abuse cases were found most often to be intrafamilial, occurring in the victim's home. There was a relatively high probability that witnesses, in addition to the victim, would be involved in the case. Victims tended to disclosed to child welfare authorities more often than to family members, and disclosures tended to take place after a longer period of silence than urban disclosures.

Alcohol use was high in rural cases, and the use of verbal force was relatively high. In Gleichen the use of physical force was also high.

The rate of reporting of child sexual abuse was higher than in the urban sites, the proportion of cases cleared by charge was also high, as were the proportion of guilty pleas. In Gleichen, the occurrence of child sexual abuse was 22 percent higher than the highest urban rate. The nature and structure of the native community and culture made it difficult for victims to disclose. This would suggest that the sexual abuse problem in Gleichen may be more covert than in the other areas. The high number of retractions by victims in the Gleichen area is also indicative of the covert nature of the problem, and of the community pressure on these child victims.

5.2 Bill C-15

The Bill C-15 provision allowing the use of videotaped disclosures in court has prompted the videotaping of a high proportion of disclosures. However, none of these disclosures were used in court.

Another impact of Bill C-15 appears to be the collaboration of child welfare and criminal justice personnel in the rural areas. Protocols have been established, and a good deal of consultation and joint investigation occurred.

5.3 Specific Native Issues

The need for self-administrated child welfare services is supported by the findings of this report, especially in terms of workers understanding and dealing appropriately with the unique community and cultural dynamics surrounding the

sexual abuse of native children. The need for workers to receive the ongoing support of a team approach is also supported.

5.4 General Rural Issues

Child welfare workers, police, and crown prosecutors in the rural sites have worked well together on very difficult cases. Such cooperation seems imperative, especially in view of the lack of treatment resources and the geographic distances between some of the key players. The high rate of intrafamilial abuse and the fact that victim families feel isolated and scrutinized by their communities further suggests a definite need for coordinated family interventions.

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