

CHILD

PROTECTION:

CHILD

PORNOGRAPHY

/ PROSTITUTION

7 SB. 3: An Act relating to the admissibility of certain hearsay evidence in grand jury proceedings for certain sexual offenses

SPONSORS: Kerttula, V. Fischer, Halford, Faiks

NETWORK POSITION: support

POSITION PAPERS: ANDVSA; CDVSA

COMMENTS: this is the same bill that was introduced by Kerttula and Lacher last year; only statements made by the child to an adult would be admissible and only at grand jury, not trial, proceedings

COMMITTEE HEARINGS:

1/24 Sen. HESS

in order to address potential constitutional problems with the bill, the committee will introduce a Committee Substitute which will probably lower the age of the victim to 13 years of age or younger, and include language that a finding be made that testifying would cause emotional/psychological trauma to the children and that the statement be deemed to be "reliable"; the Committee may also choose to define the word "statement", outline the crimes more specifically, and include language addressing "conduct related to the offense"; there will probably be an additional hearing in Sen. HESS

the Department of Law testified in favor of the bill; Dana Fabe, Public Defender, Anchorage testified in opposition; the Committee supports the bill

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

POSITION PAPER

SB 3

The Alaska Network on Domestic Violence and Sexual Assault, a non-profit corporation representing 20 domestic violence and sexual assault programs statewide, support SB3, allowing for the admission of certain hearsay evidence in grand jury proceedings for certain sexual offenses.

The state of Alaska is to be credited for enacting many measures over the past several years which serve to protect children from sexual and physical abuse. Domestic violence and sexual assault programs across the state have devoted much time and energy to educating both professionals and members of the public about issues involving child sexual assault. These combined efforts have resulted in a dramatic increase in the number of self-reports made by child victims, and a greater understanding on the part of the general public as to the extent of the problem.

We now know that child victims will often disclose incidences of sexual assault to the non-offending parent, a teacher, a day care provider, and other trusted adults. Such statements by the child victim to an adult are often viewed as the most reliable sources of evidence concerning the assault. However, since such evidence is legally considered to be "hearsay" and is not admissible even in grand jury proceedings, some cases of child sexual assault are not being fully investigated or prosecuted.

Because of the unique nature of cases of child sexual assault, cases in which the primary witness is a child, certain limited allowances must be permitted in order to adequately provide protection. For this reason, the Network supports the passage of SB3.

SB 21: An act relating to background checks on certain employees who come into contact with children

SPONSORS: Ferguson, Kelly, Faiks, Coghill, Josephson, Kerttula

NETWORK POSITION: support, as a limited first step

POSITION PAPERS: ANDVSA; CDVSA

COMMENTS: covers only those employees who have supervisory or disciplinary authority over children only in those facilities which are required to be licensed; would provide information only on convictions

COMMITTEE HEARINGS:

1/24 Sen. HESS

this bill is not very far-reaching, but that apparently is how the sponsor wants it; the Department of Public Safety estimated that it would cost approximately \$81,000. to do fingerprints on employees in the 6,068 facilities impacted; the bill would only provide fingerprinting on new employees and would not apply to currently employed persons; the Committee is generally supportive but will probably introduce a Committee Substitute to deal with the fiscal issue and/or make it more far-reaching

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

POSITION PAPER

SB 21

The Alaska Network on Domestic Violence and Sexual Assault, a non-profit corporation representing 20 domestic violence and sexual assault programs statewide, supports SB21, relating to background checks on certain employees who come into contact with children.

Under AS 47.35, facilities that are required to be licensed by the Department of Health and Social Services include:

- boarding homes providing care for less than 6 adults or children not related to the care giver
- foster homes
- group homes providing care for 10 or less adults or children not related to the care giver
- nurseries providing care for children unrelated to the care giver, for any part of a 24-hour day
- institutions providing care for 11 or more adults or children not related to the care giver

Facilities which are not required to be licensed include:

- any of the above which operate for less than 90 days
- a center in which 5 or less children under the age of 14 are provided care, and who are not related to the care giver
- nurseries providing services which are primarily educational in nature (preschools)

In addition to the above facilities whose employees will not be required to have background checks, SB 21 does not provide for checks on those responsible for securing licenses for facilities required to be licensed, such as the administrative officer or agent.

The Network supports the intent of the bill to provide measurable and attainable safeguards in order to facilitate the prevention of child sexual and physical abuse. Allowing for background checks on employees who will have supervisory or disciplinary power over a child will provide a much needed mechanism for protecting children from harm.

SB 28: An act relating to training state employees on the prevention, recognition, intervention, and treatment of child abuse and neglect

SPONSORS: Faiks

NETWORK POSITION: support, with modification

POSITION PAPERS: ANDVSA; CDVSA

COMMENTS: the bill would require that those state employees who fall into the categories of those required to report child abuse and neglect receive training on the recognition, intervention, prevention, and treatment of child abuse and neglect

COMMITTEE HEARINGS:

1/17 Sen HESS:

the Network and the Council requested that the language be changed so that those state employees required to report only receive training on the recognition and reporting of child abuse and neglect; it was felt that only a limited number of state employees required to report (ie, social workers) are involved with intervention and treatment and that others should not be; the Committee agreed to the change and will meet again to finalize new language

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

POSITION PAPER

SB 23

The Alaska Network on Domestic Violence and Sexual Assault, a non-profit corporation representing 20 domestic violence and sexual assault programs state wide, supports SB23 to provide training to certain state employees in the area of child abuse and neglect.

This bill would require that those state employees required to report incidences of child abuse and neglect receive training in that field. Employees required to report under the law include: practitioners of the healing arts, school teachers and administrative staff, social workers, peace officers and officers of the Department of Corrections, administrative officers of institutions, licensed day care providers and staff, and licensed foster care providers. The state employees included in those job classes are most often employed by the Departments of Health and Social Services, Education, Public Safety, and Corrections.

It is the Network's position that those persons required to report should receive training in the recognition of child abuse and neglect, and training on the reporting law. However, since those required to report, with the exception of social workers, are not involved in the intervention, prevention, or treatment of child abuse and neglect, we do not feel it is necessary to provide training in those areas. Training in the intervention, prevention, and treatment of child abuse and neglect is provided to those involved in those areas by domestic violence and sexual assault programs and by the Division of Family and Youth Services.

Because of those distinctions, and the very real need to insure that those required to report are aware of their duty to do so, the Network suggests that SB28 be amended to read as follows:

"A person employed by the state who is required to report under AS 47.17.020 shall receive training on the recognition and reporting of child abuse and neglect. The Council on Domestic Violence and Sexual Assault shall coordinate the training, prepare and disseminate educational programs and materials, and establish standards of training under AS 18.66.050."

The bill would insure that those required to report would receive training in recognizing the signs of a child victim of abuse or neglect, knowledge of the reporting law and their duty to report, and information on the penalties for failure to report and the protections provided to those making reports.

SB 29: An act relating to domestic violence

SPONSORS: Faiks

NETWORK POSITION: support

POSITION PAPERS: ANDVSA; CDVSA

COMMENTS: the bill would include parents, grandparents, and children in the definition of domestic violence in order to more easily obtain TRO's in those cases of domestic violence; child was included in order to protect children not living with their parents

COMMITTEE HEARINGS:

1/17 Sen HESS:

Department of Law suggested adding "by blood, marriage, or adoption" to the new class of people protected; the Network and Council requested that the language changing the definition also be added to other statutes that refer to the definition; the Committee agreed to the changes and will meet again to finalize language

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

POSITION PAPER

SB 29

The Alaska Network on Domestic Violence and Sexual Assault, a non-profit corporation representing 20 domestic violence and sexual assault programs state-wide, supports SB29 to change the definition of "domestic violence" in the existing statute.

Under current law, a person suffering abuse from a spouse or former spouse, a member of the "social unit" comprised of those living together with the abuser, or a person who is or has lived with the abuser in a spousal relationship can seek protection from further harm through means of a relief order.

This bill would provide that same protection to a parent, grandparent, or child of an abuser who is not living with that abusive individual. It is the Network's position that such a provision is necessary in order to protect parents and grandparents from abuse by their adult children or grandchildren, and to protect children who are not living with their parents.

Passage of this bill would enable those currently unprotected to seek and obtain a restraining order against the abusive individual and restrain the abuser from inflicting further harm.

The Network would suggest that, for purposes of consistency, this wording also be included in AS 12.25.030(b), which permits warrantless arrests when there is reasonable cause for a peace officer to believe that domestic violence has been committed.

HEARSAY

(exception to the hearsay rule in cases of child sexual assault)

Information

- Washington state passed a hearsay exception in 1982: applies to out-of-court statements made by a victim under age 10; to be admissible, the court must find that the time, content, and circumstances of the child's statement provide enough "indicia of reliability"
- similar exceptions have been adopted in Colorado, Kansas, Minnesota, and Utah; legislatures in California, Ohio, Virginia, and Wisconsin are considering adoption
- the exception would allow mothers, teachers, counselors, day care providers to tell a court what a child confided about sexual abuse
- there are currently 25 exceptions to the hearsay rule

Network position: reintroduce the 1984 SB472

Information

- 12 states have passed laws granting privilege to DV/SA programs:
 - 2 states provide for both DV and SA programs, 5 states for DV programs only, and 5 states for SA programs only
- 4 states have no limitations on the privilege; other states have limitations which do not extend the privilege to apply to:
 - information need for custody
 - statistical information
 - anything otherwise specifically required by law to be disclosed
 - giving the victim's address
 - the judge's ability to view the file in camera
 - cases in which the counselor knows the victim has given perjured testimony
 - the physical appearance of the victim at the time of injury
- the privilege can be limited in terms of the person to whom it is granted, for example, employees only, degreed employees only, trained employees only, volunteers and employees, etc.; additionally, some states allow the program to set those standards while in others the standard is clearly defined

Justifications

- we have a mandated obligation to maintain confidentiality; women may not disclose info if confidentiality cannot be assured
- we have no way of knowing whether or not the information in the file will be used to help or hurt the woman's case (ie, prior sexual contact with the perpetrator, and other information that is not currently allowed into evidence)
- often, a victim in crisis will make inconsistent statements and that information may be used to discredit her
- the privilege belongs to the client, not the program, and may be waived by her if she so chooses

Network position

request "absolute privilege": sexual assault/domestic violence victim/
counselor privilege

Considerations: we may want to incorporate some of the language relating to limitations on the privilege as well as limitations related to whom it is granted

MARITAL RAPE

• Statistical Information

- in 20 states and D.C. husband's can be prosecuted for raping wives
- in 26 states, prosecution is possible only if they are living apart or have filed for separation or divorce
- 10%-14% of all married women are victims of marital rape (David Finkelhor, Family Violence Research Program, University of New Hampshire: based on study conducted in Boston and San Francisco)
- 50% of all marital rapes involved battering (same reference as above)
- of 39 cases studied in California over a two year period, 25% of cases were dropped and 87% of the remainder were prosecuted and resulted in convictions (same reference) indicating that marital rape cases are not frivolous complaints brought by vindictive wives seeking to gain leverage in divorce proceedings, etc.
- no more than 100 to 200 cases are prosecuted annually in California and less than half of those go to trial (Steve White, former Executive Director of the California District Attorney's Association)
- 20% of battered wives are forced to have sex as part of the beating or as a sequel to it (Family Circle, January 1979; "Legal Rape" by Morton and Hunt)
- during the period April through June 1984, 15 of the Network's 20 member programs reported 96 instances of marital rape (statistics compiled by ANDVSA from information submitted to the CDVSA)

Arguments

- marriage implies the right to sexual intercourse: a marriage contract, like any other contract, is an agreement between 2 consenting people; forcing one's wife to engage in sex violates the consensual aspect of that contract
- there are remedies available through existing assault laws: all rapists "assault" their victims; rape is a crime different than assault
- marital rape isn't as serious as stranger rape: it may be more traumatic because of the betrayal of trust and may be more serious because of the perpetrator's constant access to the victim
- marital rape would be difficult to prove: the difficulty of prosecution should not determine what a crime is; stranger rape, incest, and child abuse are also difficult to prove
- the penalty should not be the same as for stranger rape: the relationship of the perpetrator to the victim, as in incest and child abuse cases, should not be a reason for determining this to be a less serious crime

Alaska Law

Currently, a husband can be charged with rape only if the couple were living apart at the time of the rape OR serious physical injury resulted from the rape

note: it is important to make the distinction between physical and sexual assault

Network position: reintroduce the 1984 SB528 with bottom line position that the penalty for marital rape be no less than that for stranger rape

COUNCIL SUNSET

Information

- the Council was established in 1981 for a 5 year period, ending on June 30, 1985 (the bill which established the Council was CSHB91; the Network's position paper in support of that bill is attached)
- purpose of the Council: provide for planning and coordination of services to victims of domestic violence and sexual assault or to their families and to perpetrators of domestic violence and sexual assault, and to provide for crisis intervention and prevention programs
- duties of the Council: 1) develop, implement, maintain, and monitor domestic violence, sexual assault, crisis intervention, and prevention programs; 2) coordinate services with the Departments of Education, Health & Social Services, Public Safety, and Law and other state agencies and community groups; 3) develop and implement standardized data collection system; 4) conduct public hearings; 5) receive and dispense state and federal funds; 6) oversee and audit programs receiving such funds; 7) provide fiscal and technical assistance; 8) make an annual report to the Governor and the Legislature; 9) adopt regulations

Network position: in order of priority

1. add 2 more public members; require that appointees have knowledge of/experience with domestic violence and sexual assault issues
2. decrease current Council membership by one administrative position and replace that appointment with a public member
3. add a Network member in an advisory capacity without voting privileges but with travel/per diem for meetings provided by the Council and included in their FY86 funding request

U.S. ATTORNEY GENERAL'S TASK FORCE ON FAMILY VIOLENCE

SUMMARY OF RECOMMENDATIONS

Justice System

1. Family violence should be recognized and responded to as a criminal activity
2. Law enforcement officials, prosecutors, and judges should develop a coordinated response to family violence
3. Communities should develop a multi-disciplinary team to investigate, process, and treat all incidents of family violence, especially cases of physical and sexual abuse of children

Law Enforcement

1. All law enforcement agencies should publish operational procedures that establish family violence as a priority response and require officers to file written reports on all incidents. In addition, the operational procedures should require officers to perform a variety of activities to assist the victim
2. Consistent with state law, the chief executive of every law enforcement agency should establish arrest as the preferred response in cases of family violence
3. Law enforcement officials should maintain a current file of all protection orders valid in their jurisdiction
4. Law enforcement officers should respond without delay to calls involving violations of protection orders
5. Forms for obtaining protection orders should be available at all police stations and sheriffs' offices
6. When responding to disturbance calls, law enforcement officers should document violations of pre-trial release conditions. The report should verify the facts and circumstances necessary for the prosecutor to request revocation of the release

Prosecutors

1. Prosecutors should organize special units to process family violence cases and, wherever possible, should use vertical prosecution
 - the units should work closely with victim assistance providers
 - the units should review all law enforcement reports involving incidents of family violence whenever possible
2. The victim should not be required to sign a formal

- complaint against the abuser before the prosecutor files the charge, unless mandated by state law
3. Whenever possible, prosecutors should not require family violence victims to testify at the preliminary hearing
 4. Prosecutors should adopt special policies and procedures for child victims. These should include:
 - presenting hearsay evidence at preliminary hearings so the child is not required to testify in person
 - presenting, with consent of counsel, the child's trial testimony on videotape
 - use of anatomically correct dolls and drawings to describe abuse
 - limiting continuances to an absolute minimum
 5. If the defendant does not remain in custody and when it is consistent with the needs of the victim, the prosecutor should request the judge to issue an order restricting the defendant's access to the victim as a condition of setting bail or releasing the assailant on his own recognizance. If the condition is violated, swift and sure enforcement of the order and revocation of release are required

Judges

1. A wide range of dispositional alternatives should be considered in cases of family violence. In all cases, prior to sentencing, judges should carefully review and consider the consequences of the crime to the victim
2. Judges should treat incest and molestation as serious criminal offenses
3. Judges should adopt special court rules and procedures for child victims. These should include:
 - the use of hearsay evidence at preliminary hearings
 - appointment of a special volunteer advocate for children, when appropriate
 - a presumption that children are competent to testify
 - allowing the child's trial testimony to be presented on videotape with agreement of counsel
 - flexible courtroom settings and procedures
 - carefully managed press coverage
4. Protection orders should be available on an emergency basis in family violence cases
5. Judges should establish guidelines for expeditious handling of family violence cases
6. Judges should admit hearsay statements of family violence victims at the preliminary hearing

Victim Assistance

1. Communities should develop and provide a variety of services for family members that include:
 - shelters
 - safe homes
 - family life centers
 - batterer's programs
 - drop-in crisis centers
 - crisis nurseries
 - respite day care centers
 - in-home services
2. Shelter policies and practices should accommodate the diverse backgrounds of the residents
3. The Department of Housing and Urban Development should develop policies that:
 - place victims of family violence on priority listings for public housing and section 8 certificates
 - consider only those assets to which the victim has access
 - require local Public Housing Authorities to permit transfers of residents who are victims of family violence when safety is an issue
4. State-level victim compensation programs should include, where possible, family violence victims as beneficiaries
5. Because of the criminal nature of family violence, the federal government should establish a National Family Violence Resource Center within the Department of Justice
6. States should establish Coordinating Councils to assess the needs of family violence victims and to coordinate use of federal and state funds for family violence assistance programs
7. Local governments and community service groups should assess the needs of family violence victims and cooperate in the development of victim assistance services
8. Volunteers and the private sector should play a key role in meeting the needs of victims of family violence
9. The federal government should provide financial incentives and encouragement to the states to train criminal justice personnel, to conduct family violence prevention and awareness campaigns, and to maintain temporary residential facilities for victims of family violence
10. States should use creative funding approaches for financing programs that support victims of family violence

Prevention and Awareness

1. The federal government should, in conjunction with the private sector, develop a national family violence prevention and awareness campaign

2. As victim assistance resources become available, states, in conjunction with private organizations, should sponsor 24 hour toll-free hotlines for victims of family violence and publicize it as part of a public information campaign
3. Hospitals, health facilities, and pediatricians should offer instruction and information about family violence and should work with self-help groups to include prevention information
4. Schools should ensure that all teachers are familiar with family violence prevention and that a special curriculum is part of every child's school experience
5. The media should publicize local family violence treatment and service programs and provide substantive stories, articles, and programming, educating the public about the problem

Education and Training

1. The curriculum of all relevant professional schools should include courses that offer instruction on the causes, consequences, and prevention of family violence and the appropriate methods of intervention. Special curricula should be developed especially for doctors, nurses, lawyers, social workers, teachers, ministers, and psychologists
2. Federal, state, and local government agencies should train relevant personnel to diagnose and appropriately intervene in family violence cases
3. National professional organizations and community service groups should educate their members on the nature and extent of family violence, appropriate methods of intervention, and the importance of public awareness and prevention efforts
4. Schools and hospitals should train their staffs to recognize the early warning signs of family violence

Data Collection and Reporting

1. The Uniform Crime Reports of the Federal Bureau of Investigation (FBI) should be revised to collect and publish data that:
 - indicate the age of the victim and the relationship of the victim to the offender for crimes of aggravated assault, simple assault, rape, sex offenses (except prostitution), and offenses against the family and children
 - record incidents of family violence crimes, regardless of whether an arrest is made
2. The National Crime Survey efforts should more accurately measure the extent of family violence in America, especially the physical and sexual abuse of children

and abuse of the elderly. These efforts should be continued and supported.

3. Federal statutes and regulations for alcohol and drug abuse treatment programs should not conflict with state laws that require reporting of all instances of child abuse, neglect, and molestation
4. Professionals currently required to report child abuse should be required to report elder abuse

Research

1. All federally funded research on family violence should be coordinated with the Department of Justice
2. National research efforts should be directed in several areas

Federal Executive and Legislative Action

1. Federal regulations should require criminal history backgrounds on all volunteers or employees working for agencies receiving federal funding and providing care, training, supervision, entertainment, or otherwise dealing with children
2. To recognize the importance of the family and the values it sustains and to continue to relieve the financial pressures on the family, the federal income tax deduction for dependents should be increased
3. Confidentiality statutes and regulations for federal alcohol and drug abuse treatment programs should be amended to require compliance with state laws on mandatory reporting of child abuse, neglect, and molestation
4. The federal government should provide financial incentives and encouragement to the states to train criminal justice personnel, to conduct a family violence prevention and awareness campaign, and to maintain temporary residential facilities for victims of family violence

State Legislative Action

1. States should enact laws to extend the statute of limitations in criminal cases of child sexual assault
2. States should enact laws to permit law enforcement officers to make warrantless arrests for misdemeanor offenses involving family violence when the officer has probable cause to believe a crime has occurred and the safety of the family is in jeopardy
3. States should enact legislation making the violation of a protection order issued in a family violence case a criminal offense

4. States should enact legislation that permits overnight incarceration of persons arrested for incidents of family violence in appropriate cases
5. States should enact legislation to enable businesses and organizations to have access to sexual assault, child molestation or pornography arrest or conviction records of job applicants whose work will bring them in regular contact with children
6. States should enact laws to require professionals currently required to report child abuse to also be required to report elder abuse

Violence in the Media

1. The Task Force places major responsibility for reducing and controlling the amount of violence shown on television on the network, their affiliates, and cable stations
2. The motion picture industry should re-evaluate its rating standards to make ratings more specific and informative

Pornography

1. The Task Force endorses the creation of the National Commission on Pornography

The Military

1. Military officials should be encouraged to continue their responsiveness to ending violence and abuse in military families and should continue to work cooperatively with state and local governments in addressing the problem. Specifically, military officials should:
 - make the issue of family violence a command priority
 - coordinate their activities with and make use of local service providers
 - provide adequate training to all personnel involved in family violence issues
 - share information and resources regarding family violence cases with state and local officials

Grandparent's Rights

1. In the event of family dissolution or dysfunction, grandparents or other members of the extended family should be considered as possible guardians for the children

*This is what
Diane wants
the copy*

THE CHILD MOLESTER CHARACTERISTICS

IMPACT AND TREATMENT

TESTIMONY BY

MAUREEN SAYLOR, M.A.

DIRECTOR

SEX OFFENDER TREATMENT PROGRAM

WESTERN STATE HOSPITAL

FORT STELLACOOM, WASHINGTON.

FOR

THE UNITED STATES ATTORNEY GENERAL'S TASK FORCE

ON

FAMILY VIOLENCE

January 19, 1984
King County Courthouse
Seattle, Washington

I am Maureen Saylor and I am the Director of the Sex Offender Treatment Program at Western State Hospital, Fort Steilacoom, Washington, south of Tacoma, Washington. I have over ten years experience with the evaluation, assessment and treatment of the sex offender. I have provided direct treatment services to the sex offender since June, 1973, and I have been the Director of the program since September, 1977. I have been involved, either directly, or as a member of the staff decision making body, in the evaluation, assessment and treatment of over 2,000 sex offenders.

The Sex Offender Program at Western State Hospital is one of the older programs in the country and began functioning in 1965. From the late 1960's to 1977, it was the Sex Offender Program for the entire State of Washington and received commitments through superior courts from all counties in the state. As the population grew and demands for services increased, it was decided to develop a second program east of the mountains in November, 1977, and since that time we have had principle responsibility for the counties west of the Cascade Mountains, but also including three counties east of the mountains, Yakima, Kittitas and Klickitat Counties. The program population has grown significantly over the last ten years. There was a population of approximately 120 in 1973, rising to 212 in 1977, and with the development of the Eastern State Hospital program, population stabilized temporarily, rising again to over 200 in 1980 at which time it became necessary to establish a waiting list for individuals committed to the program.

The individuals committed to the program are convicted felony sex offenders who have been sentenced and the sentence deferred or suspended to send them for evaluation and then subsequent commitment for treatment. Continuing criminal justice control resides in the superior court of initial commitment and is maintained throughout the duration in treatment, including the reentry phases and during the period of time the individual is actively on probation.

There are two methods of commitment. The first is in conjunction with Washington State Law, R.C.W. 71.06, the Sexual Psychopath Law which allows the prosecutor to file a petition to send the individual to the hospital for 90 days

observation to determine "sexual psychopathy". This again follows conviction and sentencing. The second method of commitment is as a condition of probation and the judge orders the individual to enter and successfully complete the treatment program as a condition of probation.

There are three phases of treatment, the inpatient phase which averages 24 to 30 months, but is contingent on individual behavioral change and may be longer if needed. At the end of the inpatient phase, when the offender has accomplished the objectives and treatment goals, he is referred back to the committing superior court for approval before he is allowed to go onto the reentry phases of work release and outpatient. During the work release phase (a minimum of three months) the individual continues to live at the hospital and go out during the day under definite scheduled leaves to work or go to school, whichever his discharge contract calls for. He is required to attend the evening meeting of his particular therapy group. Pleasure leaves are granted on the basis of fulfilling goals and objectives of work release and are given on a graduated basis. If the individual successfully completes work release, he is graduated into the outpatient phase of treatment which is a minimum of 18 months and begins living in the local community, either reentering the home with a spouse or living with another program member. During both of these phases, the individual is jointly supervised by the program staff and a probation officer who has a specialized case load consisting of only the Sex Offender Program work release and outpatient probationers.

PROGRAM POPULATION:

There has been a significant increase in the demand for services and management of the sex offender over the last ten years. As was previously stated, the program population has doubled at times which necessitated the development of a waiting list and the current program census capacity is 198.

We believe the increased demand for services is the direct result of increased victim reporting as the result of good victim agencies; better apprehension of offenders by the police; increased charging and conviction by the special prosecuting units in Western Washington; and the increased credibility of the program as a better alternative for the management of certain kinds of sex offenders.

Currently, 60% of the offenders committed to the program are child molesters, the other 40% are adult rapists. As the result of an increased number of excellent community treatment specialists, the less "at risk" offender is more apt to be treated in the community and as a result, we are receiving the more recalcitrant, chronic, predatory and dangerous offender in the program.

THE CHILD MOLESTER:

The child molesting population committed to our program consists predominantly of individuals who are either too chronic, too dangerous or present too many problems to be treated in the community, or those individuals who have been tried in community treatment and have been unable to live up to their conditions of probation and have therefore been revoked and sent to us for treatment. The spectrum of child molesting behavior ranges from the individual who has committed in-home offenses with his own daughters to the individual who makes friends of a family and molests their children, to the stranger who takes children off the streets and out of parks and playgrounds. It is important for you to be aware that the stranger is by far in the minority of those offenders committed to us for treatment. The child molester is much more frequently a known individual to the child who may be a father, relative, neighbor, friend, or other individual who has influence over the child's life and has access to them. For example, the school teacher, Boy Scout leader, big brother, etc. The average individual we have seen who has molested a child differs very little from any cross section of any community or the society at large. Perhaps what makes it so difficult for the public to understand is that on the face of things, the individual who commits child sexual abuse looks no different than anyone else. He quite frequently has held down a job for long periods of time, participates in community activities, relates (at least at a superficial level) to neighbors and friends, and in other areas of his life, conducts his life no differently than anyone else. He is not the proverbial "dirty old man" or some "crazed" individual who is readily identified and is the individual most of us grew up being told to stay away from. He is an individual who the child trusts and generally believes will do them no harm.

His manner of operating in the family situation is usually to use his position as father to get the child to participate in behavior he has identified

that they should do for a variety of different reasons. For example, "Daddy would not do anything to you that is not OK". "I am teaching you something you need to know". It may begin with a long, slow process of desensitizing the child through wrestling, tickling, partial undressing, etc. until they are desensitized to the fact that the behavior which is occurring ought not to happen. Most frequently, bribes and seductive kinds of activity on the part of the offender is their mode of operation. They attempt to make it a special relationship or a secret one which no one else should know about or else the child will lose the special privileges or attention the father is bestowing on them. With other relatives, friends, neighbors, etc., there is frequently what we refer to as a "grooming process" where once again the offender begins to slowly desensitize the child to the behavior and gradually works up to it in ever increasing steps. The frequent justification used again is "they haven't really said no", "they really are enjoying it", "I am not really hurting them", "someone should teach them about sex besides a stranger". Again, bribery and seduction are the usual mode of operation. However, sometimes threats of revealing or telling other people are used as well. It is also true that on occasion certain offenders may use threats of physical harm or actually physically coerce their own children or other children into engaging in the behavior. It is also important to be aware that most of these individuals are extremely manipulative in their behavior and activities and will deliberately pick times when their wives or other responsible adults are not in the area or are out of the home or will find opportunities to take children to other places where other adults will not have any control, i.e., a camping trip or other special activities where the offender and the child will be by themselves. It is not at all uncommon for an offender molesting within a family situation to serially molest several daughters as each approaches the particular age of his interest. As undoubtedly you have heard from others giving testimony, victims have been known to range all the way from a month and a half old babies up to adolescence. While the predominant number of victims for our offender population is girls, about 25 to 30% of our offenders have molested minor boys.

At this point in time, none of us actively engaged in providing treatment for the child molester can say ahead of time who will or will not engage in this particular behavior. As I have mentioned previously, there is really no particular

set of characteristics which are readily identifiable that sort this population out from the general public in any significant way prior to the behavior occurring.

What we do know, however, is the pattern of operation which usually exists for individuals engaging in child molesting behavior. There is often a preference for children which begins either pre-pubescent or early adolescence and may even be the result of the child molester having been molested as a child himself. In our particular population, we find that approximately 60% of the offenders who are committed to us for child molesting offenses were molested themselves as children. However, as the particular preference or interest in children begins, the individual begins to fantasize about the behavior, often masturbates to fantasies of the behavior and finds a good deal of pleasure in the thoughts and activity and reinforces his behavior with a very powerful mechanism of pleasurable sexual orgasm. Once the individual has begun to fantasize the behavior, he also begins to develop a thought process which justifies or rationalizes the particular behavior in his head. For example, she needs to know about sex, it is not going to hurt, I am not doing anything bad, etc. This is often coupled with the individual's personal inability to relate to peer appropriate people, to be assertive enough to get his needs met, etc. The important part that fantasy plays in his life is that it really is a preparation or planning for engaging in the particular behavior. It is not uncommon at all for the offender to identify a particular victim ahead of time, fantasize activity with the child ahead of ever committing it. Frequently after the offender has sexually abused the child, he will go through a period of feeling depressed and awful and terrible about what he has done. He will swear to himself that he will never repeat the behavior again. This will eventually be overcome again by the rationalizations he has used to engage in the behavior and once again, the behavior will occur. It is really a cycle pattern or operation that the offender moves from one point to the other. The behavior is an addictive, compulsive behavior similar in its dynamics and operation to other forms of addictive behavior like drugs, alcohol, over-eating and cigarette smoking. In the case of the sex offender, he has found his offending behavior to be extremely

pleasurable and important to him. Despite the fact that his behavior is disgusting, reprehensible and repugnant to society at large, he has rationalized his behavior sufficiently to overcome either the personal or societal prohibitions against it.

Most certainly, the period of time required between the various phases of the pattern development vary from individual to individual but in our experience, they most definitely are there and do exist.

Child molesting behavior is most definitely sexual in nature though certainly deviant and not normal. The sex offender/child molester has developed a deviant sexual arousal system and finds fantasy of sexual behavior and sexual behavior with children stimulating and pleasurable to him. There are certainly other components which may be connected with the offending behavior, but I strongly believe that stating child molesting is not a sexual behavior is to misinterpret the activity and to neglect one of the major areas which must be addressed if interference with the behavior is to occur. This particular bias is based on the program's experience as well as other colleagues and researchers who have clearly demonstrated sexual arousal to deviant themes existing in the child molester.

CHILD MOLESTER VERSUS INCEST OFFENDER:

There has periodically been discussion on the part of some individuals that there is a difference between the "child molester" and the "incest offender". In my experience, this does just not bear itself out, at least in terms of the dynamics of the behavior. It is often true that the incest offender may be at less risk than the child molester and therefore may be able to be more appropriately treated in the community if he is removed from the victim. It may also be that he has fewer victims. It may also be that there have been longer spans of time between his initial introduction to interest in the behavior than when he acted it out. However, we have found, and once again research has borne this out, that the pattern of offending behavior which was described earlier does not differ significantly between the incest offender and the child molester. Researchers have clearly found when measuring arousal in the child molester and incest offender that there is no significant difference in the way

that these two groups arouse to child items. The theory which purports that incest behavior is somehow not sexual, just does not bear itself out either in my experience or in the experience of researchers. From my opinion, this is perhaps most important when it comes to actually treating the incest offender the way they need to be treated and also in being conservative in one's estimate of the likelihood of the behavior recurring.

TREATMENT VERSUS INCARCERATION:

It is important, given the addictive, repetitive nature of the child molester's behavior, that when possible treatment/intervention to teach the offender to control his behavior occur. If the offender does not learn to significantly alter his pattern of operation, the likelihood is that his behavior will go on indefinitely. Prison terms do not tend to interfere with the behavior but only suspend it. Since generally speaking, as a society we are not prepared to lock offenders up forever, most will eventually get out and child molesting does not seem to be an age related phenomenon like rape. While we do not really know why there are few rapists over the age of 40. However, in the case of the child molester, he does seem to go on forever and we have personally seen individuals in their 60's, 70's and 80's who are still committing child molesting behavior and may have done so either intermittently or with regularity for 30, 40 or 50 years of their lives. It is not uncommon for this behavior to have been interrupted on several occasions by prison terms.

I do not believe that all child molesters can be treated. I believe it is the responsibility of the treatment community to conservatively estimate who it is they can treat and who they cannot treat. It is particularly important that we be conservative in our estimation of risk and that first and foremost in our minds, must be the protection of the community and the prevention of future victims. While it is indeed true that a number of incest offenders or perhaps other types of child molesters may be safely treated in the community, it is important that that selection is carefully done and proper controls be exerted if the offender is allowed to be in the community on probation and treated. There must always be a legal hold on sex offenders in order to get them to involve themselves and stay with the appropriate kind of treatment. In my experience,

and in the experience of many of my colleagues who treat individuals in the community, it is a rare sex offender who seeks treatment voluntarily and it is an even rarer individual who stays in treatment given the intensity and demands made on the individual. Over a ten year period of time, I no longer believe everyone can be helped but believe that energies and resources must be directed toward individuals who present less risk and more likelihood of success. Those who are repeat offenders, chronic and long term, usually present little likelihood of modifying a lifelong addictive behavior pattern and most certainly, the interests of the community and future victims would be better served if these individuals were locked up for very long terms.

I hope I have communicated that I do not believe all offenders can be treated, but there certainly are a fair group of child molesting offenders who can be successfully treated provided they are evaluated appropriately, risk is identified conservatively and the treatment agency or institution has the necessary staff and resources to provide the best treatment it can to change the offender's behavior. One of the greatest disservices that we as treatment experts can do is to make broad, sweeping claims and take on offenders who are either beyond our ability to control in the community or too chronic or too dangerous for us to ever be able to say that they are safe to be at large.

TREATMENT:

On the positive side, a good deal has been learned over the last ten years about the sex offender and what will work to change his behavior. There has been some excellent research done by a number of individuals which has contributed to our ability to both understand and treat the child molester. While they continue to be a difficult population to treat, we do have a number of means available to us to effect change in these individuals. We have very reasonable success when we evaluate individuals conservatively, select appropriate candidates for treatment and provide them with the kind of treatment which will change their behavior. We have a number of objective means available to evaluate change within the individual which further serves to help us identify whether we are being successful or not.

Treatment for the sex offender must include the existing known techniques which actively attack and decrease the individual's deviant sexual behavior system. If this area is not addressed in treatment, then the individual has not learned to control the major drive which leads to his offending behavior. Likewise, treatment must be aimed at changing the individual's thought process and the ways in which he has learned to justify, rationalize and minimize his behavior. If this area is not addressed as well, he returns to the community with the same reasons available to him which allowed him to reoffend in the first place. Therefore, measures must be taken to interfere with and change his thinking process, the way he views himself and the way he views other individuals. On the other side of the coin, there have been some deficit areas which have been identified in a significant number of individuals who engage in child sexual abuse. It is therefore necessary to assess for these deficits and provide the individual with information and training which will allow him to improve in these areas. These include social skills, communication skills, anger management, sex education, etc. Most definitely, a part of any sex offender's treatment needs to include assisting the individual in developing an appropriate sexual arousal system which will allow him to choose an appropriate partner to meet his sexual needs. Therefore in summary, treatment to be successful must on one hand, assist the sex offender in controlling his deviant sexual impulses and on the other hand, assist him in improving in other areas of life which will allow him to function more appropriately and be successful in peer relationships. At this point in time, and given "the state of the art", we most certainly do not have all the answers as of yet concerning sex offenders. But we do know a good deal about them and we do have means available to us to be reasonably successful in working with a select group of individuals.

SUMMARY:

In conclusion then, we have seen a significant increase in the number of offenders coming to our attention over the course of the last year. This is true of sex offenders in general but most particularly, individuals committing child sexual abuse. We have learned a good deal about the child molester and recognize that he is extremely difficult to identify prior to his engaging in

the behavior or being apprehended. We know that as a rule, these individuals are not significantly different from any other cross section of the community. We know that child sexual abuse is a sexual behavior and while there may be other components and reasons for the offender committing the behavior, it is certainly a key component to why he commits the behavior. While there may be degrees of difference in terms of the dangerousness or chronicity between the incest offender and the child molester, the basic components which make up their pattern of operation and their arousal system are not significantly different. This fact is of significant consideration in identifying what kind of treatment is necessary to effect change in either the child molester or incest offender. We have learned a good deal about treating these people in the last ten years and if we are conservative, adequately identify and estimate risk and pick clients who demonstrate a greater likelihood of success, we are able to have a significant impact on a fairly substantial number of individuals who molest children.

I would like to thank you for the opportunity in providing information and testifying before this committee.

SEXUAL ABUSE OF CHILDREN - THE OFFENDER

Sexual abuse of children happens frequently. It is estimated that 25% of all girls and 10% of all boys are molested. The vast majority of children are molested by someone they know: a neighbor, family friend, babysitter, grandfather, uncle or father. Fathers, about one-half biological fathers and one-half stepfathers, represent the most common offenders. Children are vulnerable targets for sexual abuse because of the natural authority that adults, particularly parents, command over them. Because of this authority, force is rarely necessary to gain the child's cooperation. In the majority of cases, the offender does not commit a sexual act which physically injures the child.

For these reasons, the children, who are usually quite young, often have ambivalent feelings toward the offender. Two-thirds of the children victimized are pre-teens at the time of the disclosure of the abuse; almost one-quarter are younger than six years. Even infants are assaulted. Children are usually afraid to tell of the abuse. They fear that they will get in trouble, be blamed or disbelieved, and frequently this is true. Some children do not tell until the abuse is discovered by someone else. Frequently in cases of intrafamily abuse, disclosure will not happen for many years, until the child has acquired enough independence to seek outside help.

There is no clearcut profile of how someone becomes a sexual offender, although some things are generally known. Probably half of the offenders begin to have deviant fantasies or begin the pattern of sexual offense in their teenage years. About one-third of all offenders were molested as children themselves or saw this as a model (for example, father molesting sisters). A large majority were physically abused during childhood and adolescence.

Regardless of a person's past experiences, two things have to happen for a man to commit a sexual offense against a child. First, in some way, the man develops an inappropriate arousal pattern. This means he can be sexually aroused by, or is sexually attracted to, a child. This attraction is abnormal to adult men. It may begin accidentally; for example, a man may be masturbating and happen to think of a child or a father may be holding his daughter on his lap and get an erection. As the arousal is repeatedly linked to a child or children, the sexual attraction is learned. This process is called conditioning, a learning process which maintains behaviors through reinforcing experiences. For example, the man masturbates to ejaculation while thinking or fantasizing about children or a particular child. This may happen many times until it becomes a pattern which he believes he cannot control.

This behavior, now felt to be beyond his control, is a compulsion. At this point, for sexual assault to occur the man must act on his desire. The offender goes through certain psychological processes which allow him to commit the sexual offense. Through what is known as cognitive dissonance he does something even though he knows it is morally wrong and illegal. Cognitive dissonance is a process in which a person justifies his/her behavior by changing

the meaning of it, e.g., "I'm just doing it for sex education." In addition to this rationalization (excuse making) there are often environmental circumstances which contribute to the onset of the problem, although these don't need to be present for the abuse to continue. Sometimes if the offender loses his job and is suddenly home with the children alone or if his wife enters the hospital to have another child, sexual abuse will begin with the older child. The offender may be a friend who happens to be available to babysit or the friendly neighbor who provides a place for kids to smoke and get away from home. He may justify what he is doing by rationalizing his wife isn't sexually responsive enough for him. Whatever the offender's excuses they will often keep him from facing his problem.

The man may molest a particular child once or twice, or many children once or twice, individually or even in groups. He may molest only girls, only boys, or both. He may molest one daughter for many years and then progress to her younger sisters. He may molest only children within his immediate family, or only children outside his family, or both.

He uses some method of getting the child to cooperate: physical force, intimidation, threat of getting in trouble, misrepresenting moral standards, bribery, or just doing it. The offender tries to keep the abuse a secret by not physically hurting the child and by making sure the child won't tell. This is usually done by making the child feel it will be her/his fault if anything bad results from telling, (e.g., the mother will have a "nervous breakdown", he will go to jail, the child will be taken away, no one will believe her/him, the family will break up).

Most of the men who commit such offenses against children are not criminal or anti-social in other parts of their lives. Many have good steady jobs, support their families well and are active in the church or community. They seem generally to be liked by others but have few close friends. Most are socially inadequate and form few close relationships. They could be called "loners" in terms of emotional relationships with others. Often they are bossy and controlling and like to dominate their wives and children. Although on the outside they appear normal, they frequently feel ashamed or bad about themselves. They seem to cover up insecurity and dependence by acting 'macho' or domineering. The sexual offender is exceedingly self-centered and meets his own needs often at the expense of others.

There may be related problems in the marriage if the offender is married. In some cases, physical violence, most often directed toward the wife, is present. The offender frequently disapproves of family members' involvement in outside activities and tries to limit their contacts. He seems jealous, suspicious and almost paranoid about others. He usually blames others for anything that goes wrong, rarely acknowledging his own responsibility in a situation. Accordingly, the couple has probably developed certain behavior and communication patterns which are not healthy or constructive. Often there are disturbed family relationships, with confusion related to parent/child and brother/sister roles. There may be a dysfunctional marital sexual relationship, though this is not always the case.

The offender does not consider the child's feelings when he molests her. While few offenders recognize the psychological impact of what they are doing to the child, many do feel badly afterwards. Often the offender will promise

never to do it again and make some attempts to control his behavior. After awhile, however, the pressure builds up and there is another offense. This pattern is usually repeated many times until he is caught. When the offender gets caught, most often because the child tells someone, his first reaction is to deny it. If a denial is immediately accepted, the incident may be pursued no further or the offender may accuse his wife of being crazy, unfair and disloyal for even thinking such a thing. If the offender admits the abuse initially or later under pressure, he will usually try to blame someone else, the child, his wife or something beyond his control, e.g., alcoholic blackouts or pressure from other sources. He will say that the abuse happened less frequently or started more recently than the child reported. He might say it really wasn't so bad, that it didn't bother the child, that she really liked it, or that she seduced him.

The treatment of the sexual offender depends on the type of problem a particular man presents. Most sexual offenders can be successfully treated. A small percentage are mentally ill, psychotic (out of touch with reality), schizophrenic, or senile and may respond to various psychiatric interventions or medication. Another group is psychopathic, sociopathic, antisocial or criminal. This group includes the sadistic offender who must physically harm the child during the offense. These offenders have a general pattern of violence and criminality and are usually unresponsive to treatment and often must be incarcerated. About fifteen to twenty per cent of offenders are teenagers who are not only committing sexual offenses but are struggling with the normal conflicts of adolescence and require individual and family intervention. About fifteen per cent of offenders have no adult sexual preference at all and are very difficult to reorient toward normal adult sexuality. (These are at the greater risk for reoffense.) The remaining group of offenders are those most responsive to community-based specialized treatment, since with these men the sexually deviant arousal is a secondary sexual preference and the offenders also have normal outlets with wives or adult partners.

Some offenders are so compulsive and unable to control their behavior in the community without molesting additional children that they must be treated in an in-patient facility. Others are so untreatable, in terms of accepting responsibility for their behavior, that they must be in an environment which is totally structured to effect a complete resocialization process. Western State Hospital, a Washington State mental hospital, has a Sex Offender Program designed for this type of offender and for offenders with other problems such as chronic alcoholism. The offender may be sentenced there for a 90-day evaluation. If it is then recommended that he be treated in the program he can be sentenced there for a minimum of 24 months. Those who are not amenable to treatment will be sent to prison to protect the community.

The majority of sexual offenders can be successfully treated within the community in specialized treatment programs. All offenders should be evaluated prior to treatment. A good evaluation will explain the meaning of the offender's behavior, determine the risk of repetition and recommend what kind of treatment plan should be instituted. Frequently sexual offender treatment is made a condition of probation or is ordered by the juvenile court which then monitors progress in treatment. In almost all cases such external coercion or pressure is necessary to get the offender to enter and remain in treatment.

Sexual offender treatment should attempt to eliminate the deviant physiological arousal pattern, confront and correct the erroneous ideas and attitudes of the offender, and direct him to appropriate and responsible behavior. This may be done through group and individual counseling. Marital counseling may be desirable at some time during the course of treatment. Family counseling is necessary if the offender will be returning to a living situation with the victim or other children.

THE TEENAGE SEX OFFENDER

Significant numbers of sexual offenders are teenagers. Studies of incarcerated offenders reveal a majority began to have problems in adolescence. Although not all teenagers who commit sexual offenses will become adult offenders, identification and intervention at an early age is very important. Teenage offenders may commit violent assaults on peers or adults, or, more commonly, may sexually molest a younger child. About one-third of known adolescent sex offenders molest young children in their own family, and two-thirds abuse children outside their family units.

Any sexual activity which is forced on another person, either by violence or threat, or in which there is a significant age difference between the two people involved, should be considered a sexual assault. It is not normal or healthy for a teenager to be sexual with a preadolescent child, and a professional evaluation should be done to ascertain the nature of the teenager's problem. When the sexual activity is between consenting peers (e.g., two five year olds playing doctor, or mutual masturbation between two twelve year olds) it is probably normal sexual experimentation.

The teenage *rapist* usually uses force or a weapon, and may injure the victim. He is dangerous and violent and must usually be removed from the community. Many of these boys appear quite appropriate in many ways, and may not have other problems in school, family or peer adjustment.

The teenage *child molester* is usually a boy, although a girl can be an offender, too. The victim is usually a boy or girl related to or known by the offender. Frequently, the assault occurs in a babysitting situation, but it may also happen during playtime, as part of "initiation" into a group, or as "sex education." Although usually this type of abuse is not physically violent, sometimes there is physical harm to the child victim or threat of violence to ensure cooperation. Other kinds of pressure may be used, such as bribes or trading favors in exchange for the sexual activity. In addition, children may be frightened by statements and actions which would not seem as serious to adults.

The teenage child molester can have other problems as well as the sexual problems. Adolescence itself is a hard time for many kids. Some of the common problems seen in teenage offenders are poor social development, like being shy or alienated from peers, or acting immature for his age. H/She may have little impulse control and be aggressive toward others. H/She often has developmental delays in school performance. There is almost always a

problem in the ability to form close relationships and communicate with others. Most have had little or no sex education, so h/she might have incorrect ideas about acceptable sexual development and behavior. Family relationships are often marked by poor communication. And many of the offenders have themselves been victims of emotional, physical or sexual abuse.

Most children are afraid to tell, especially if there has been some threat, so it may not come out right away. Sometimes the child doesn't tell at all, but something is noticed or changes occur in her/his behavior. Once the child(ren) tell of the abuse, it may be hard to believe that a teenager could be an offender. Initially, the offender's parents often cannot or will not believe that their child is a sexual offender. This denial often makes it difficult for the boy or girl to admit to the abuse because h/she fears his/her parents' reaction. In many cases the parents of the victim and the parents of the offender are acquaintances, friends or relatives. This can put a great strain on a relationship.

Since it is known that a teenage offender can become an adult sex offender if h/she is not helped, the importance of reporting cannot be overemphasized. Like the adult offender, the adolescent offender will not go to counseling without outside pressure. It is almost always necessary to have court monitoring of the treatment.

Prepared by:
The Sexual Assault Center
Harborview Medical Center
325 Ninth Avenue
Seattle, Washington 98104
(206) 223-3047

BY xxxxxx

BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an act entitled: "An Act relating to the establishment of a special unit for the investigation of criminally exploited and missing children."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*Section 1. LEGISLATIVE FINDINGS The legislature finds that there exists an increasing escalation of crime committed by and against juveniles and that delinquent acts are frequently the result of criminal and sexual exploitation of children. There exists a need to establish a cooperative local, state and federal effort to combat the incidents of juvenile pornography, prostitution, drug sales and use and the involvement of juveniles in organized burglary and larceny offenses.

*Sec. 2. AS 18.65 is amended by adding a new section to read:

Sec. 18.65.xx. CRIMINALLY EXPLOITED AND MISSING CHILDREN INVESTIGATIVE UNIT. (a) There is established in the Department of Public Safety, division of state troopers, a special unit for the purpose of investigating incidents of missing children and combatting the criminal exploitation of juveniles.

(b) The commissioner of public safety shall submit to the legislature, within 30 days from the date the legislature convenes, a report concerning the activities of the special unit on criminal exploitation of juveniles and missing children. The report shall include, but is not limited to, the number of arrests made in cases of juvenile exploitation, the number of missing children reports investigated and solved, the sentences received by persons convicted of juvenile exploitation and an overall view of the missing children and juvenile exploitation problem in the state.

*Sec. 3. This act takes effect July 1, 1985.

LETTER OF INTENT REGARDING PROPOSED
SPECIAL UNIT FOR INVESTIGATION OF CRIMINALLY EXPLOITED
AND MISSING CHILDREN

It is the intent of the Legislature that funding for the special unit be used to establish a cooperative effort to combat the problem of juvenile exploitation and missing children. It is envisioned that such an effort would consist of state troopers, 5 Anchorage police Department officers, a supervisory investigation position and an assigned FBI agent.

The intent in establishing the juvenile unit is to create an investigative force for juvenile exploitation crimes which will function similar to the METRO units in place around the state which have been effective in combatting illegal narcotic abuse.

Alaska Juvenile Crime Commission

P.O. Box 4-2850 Anchorage, Alaska 99509 Ph. (907) 276-2066

Jan. 29, 1985

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Thert Kersbergen

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William J. Sharrow
Trig. General, Ret.

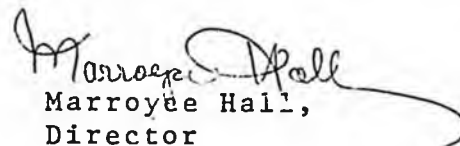
Senator Edna Armstrong-DeVries
Pouch V
Juneau, Ak 99811

Dear Senator DeVries:

Enclosed is the information you requested regarding the establishment of an exploited child unit. I've included a draft of legislation which I hope will be helpful to you. Also, I've included letters from Anchorage Police Chief Brian Porter, Alaska State Trooper Colonel Mike Kolivosky and Corrections Commissioner Roger Endell which detail the concept of the unit. Please keep in mind these letters specifically referred to the unit as it was initially conceived, with a different manpower breakdown. What we envision now is an eleven-man unit staffed with five agents from the Anchorage Police Dept., four agents from the Alaska State Troopers and one from the Federal Bureau of Investigation. The total cost would be 985-thousand dollars a year.

Thank you very much for your efforts, further information on the problem of exploited children will be forthcoming.

Sincerely,


Marroyee Hall,
Director

LAW ENFORCEMENT ADVISORY

Capt. Richard Cummings
Fairbanks Police Dept.

Chief Louis Bencardino
Fairbank Police Dept.

Lollie Port
Supervisor, Palmer
Investigative Unit
Alaska State Troopers

Detective Frank Felchtinger
Anchorage Police Dept.
Exploited Childrens Unit

Officer Preston Chapman
Anch. Police Dept.

Trooper Ray Segraves
Anchorage Exploited
Childrens Unit

Robert Erwin
Alaska Supreme Court Justice, Ret.

Chief Richard Ross
Anchorage Police Dept.

NATIONAL CONSULTANTS

John Rabun
Deputy Director,
National Center for Missing
& Exploited Children
Washington D.C.

Dr. Vincent J. Fontana
Professor of Clinical Pediatrics,
New York University, College
of Medicine
Medical Director, New York
Presbyterian Hospital

Alaska Juvenile Crime Commission

P.O. Box 4-2850 Anchorage, Alaska 99509 Ph. (907) 276-2066

SPECIAL UNIT FOR THE INVESTIGATION OF CRIMINALLY EXPLOITED AND MISSING CHILDREN.

The Child Exploitation Unit would be upgraded to encompass missing children and will be developed on the concept of the Metro Drug Unit with cooperation between law enforcement agencies.

This concept would be an efficient liason to actively work cases in connection with the new State Trooper Centralized Missing Persons Bureau.

The majority of Alaska's missing juveniles live in Anchorage or migrate from the Bush and rural community to Anchorage. Missing and runaway juveniles and children run the highest risk of exploitation by criminal adults. This co-effort will provide vital informational linkages in cases originating locally as well as State-wide.

MANPOWER UNIT

	<u>Current Positions</u>	<u>New Positions</u>	<u>Total</u>
State Trooper	1	3	4
APD Officer	1	4	5
Supervisory/Investigation	0	1	1
FBI Agent (Assigned)	1	0	1
Clerical			<u>11</u>

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF STATE TROOPERS

Bill Sheffield, Governor

ROBERT J. SUNDBERG
COMMISSIONER

P. O. BOX 6188, ANNEX
ANCHORAGE, ALASKA 99502

September 12, 1983

TO WHOM IT MAY CONCERN:

The Alaska State Troopers have been asked for input in the creation of a Special Unit for the Investigation of Criminally Exploited Children.

At this time it appears that the Alaska State Troopers would be able to furnish one person of the rank of Sergeant on a part-time basis with the responsibility for initiating and conducting investigations in the State Trooper area of jurisdiction on matters pertaining to juvenile exploitation and victimization to include juvenile pornography, juvenile prostitution and other crimes involving juveniles which are considered to be organized or semi organized.

If a new position and adequate funding was authorized, the position would be that of a full time Sergeant. The Trooper Sergeant would in the performance of his duties act as a member of this special unit, which would be housed in the Anchorage area, and in cooperation with the Special Unit leader, he would be responsible for coordinating or working with other members of the Task Force in conducting investigations of matters pertaining to juvenile exploitation and victimization. He would be responsible for developing sources of information concerning these areas and in coordination with the Special Unit Leader develop, collect and furnish pertinent intelligence information to further enforcement efforts. He would, as a member of the Special Unit assist other members in their child exploitation victimization investigations. He will also assist other law enforcement agencies and activities in this type of investigation when requested.

The Sergeant will be responsible for the coordination enforcement efforts involving similar offenses with criminal and juvenile justice agencies in other states. He will also coordinate enforcement and investigative efforts with appropriate federal agencies on interstate matters.

The person assigned to this Special Unit must be prepared to cope with juvenile personalities and problems and have a Proclivity for communicating with juveniles

The total anticipated expenses for the Department of Public Safety, State of Alaska, would be \$79,084. These expenses are broken down as follows:

- | | |
|---|----------|
| 1. One State Trooper Sergeant assigned to the Criminal Investigation Bureau, Anchorage - salary and benefits (78C - 12 O/T) | \$68,392 |
| 2. One lease car | 4,452 |
| 3. Travel and Per Diem | 2,000 |
| 4. Telephone | 1,020 |
| 5. Miscellaneous (office supplies, vehicle expenses, etc.) | 3,220 |
| 6. Clerical support (use existing) | -0- |

TOTAL ANTICIPATED EXPENSES: \$79,084

Sincerely,

Michael C. Kolivosky
Colonel Michael C. Kolivosky
Director
Alaska State Troopers



TONY KNOWLES
MAYOR

ANCHORAGE POLICE DEPARTMENT

625 C STREET • ANCHORAGE, ALASKA 99501-3599
TELEPHONE (907) 279-1441



BRIAN S PORTER
CHIEF

August 26, 1983

TO WHOM IT MAY CONCERN:

We have been asked to briefly outline the scope and estimated cost of a Special Unit for the Investigation of Criminally Exploited Children.

Background:

I have discussed this proposition with Colonel Mike Kolivosky, Director of the Alaska State Troopers, and have agreed that:

1. Such a unit could be beneficial if operated under the task force concept of the current Metropolitan Drug Enforcement Unit.
2. While these offenses are an important area of concern, neither AST nor APD could lose existing budget to begin this function as an independent unit.
3. If funded, the unit would operate, as the Metro Drug Unit, in the Greater Anchorage Area and periodically in the Matanuska-Susitna Valley.

Scope:

Initial and followup investigation of cases involving juveniles:

1. Prostitution.
2. Organized burglary/larceny offenses.
3. Narcotics.
4. Runaway.

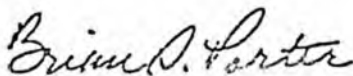
Exploited Children-Proposal
August 26, 1983
Page Two

This unit would place emphasis on the exploitive aspects of these crimes. Priority would be given as listed above. The unit would coordinate with the Metropolitan Drug Unit and regular investigation units of the Anchorage Police Department and Alaska State Troopers as required.

General Considerations:

Funding should begin at least eight (8) months in advance of operational implementation so as to provide for recruitment and training of replacement personnel.

Sincerely,


Brian S. Porter
Chief of Police

BSP:vka
Attachments

1984 SERVICE LEVEL ANALYSIS

Service Level
1 of 1

Dept Police	Unit No. 4000	Div Investigation Services	Unit No. 4700	Sec Exploited Child Unit	Unit No.
----------------	------------------	-------------------------------	------------------	-----------------------------	----------

ISSUE:
Felony and Misdemeanor crimes committed by juveniles at the direction of exploitive adults.

GOAL:
Information gathering pertaining to criminal activities involving juveniles working either as agents for, or at the direction of adults; identification and apprehension of suspects and the filing of appropriate charges.

ACTION
Interview juvenile suspects of burglary, narcotic and prostitution offenses for information regarding adult involvement. Interview recovered runaways regarding adult assistance and criminal involvement.

DESCRIPTION OF RESOURCES REQUIRED

PERSONNEL:
One Police Sergeant (Range 27P)
One Police Officer (Range 25P)
One Police Clerk II (Range 14P)

3 FT 3 FT 3 FT

FINANCIAL:	1983 BUDGETED (A)	THIS LEVEL ONLY (B)	CUMULATIVE (C)	DIFF FROM 1983 (C-A) (D)
1000 PERSONAL SERVICES	-0-	196,970	196,970	196,970
2000 SUPPLIES	-0-	1,550	1,550	1,550
3000 OTHER SERVICES	-0-	41,660	41,660	41,660
4000 DEBT SERVICE	-0-	-0-	-0-	-0-
5000 CAPITAL OUTLAY	-0-	18,670	18,670	18,670
DIRECT ORGANIZATION COST	-0-	258,850	258,850	258,850
PROGRAM REVENUES	-0-	-0-	-0-	-0-

PERFORMANCE MEASURES

DESCRIPTION	1983 BUDGETED	THIS LEVEL ONLY	CUMULATIVE
Interview Juveniles	-0-	500	500
Charge Adults	-0-	25	25
Initiate Cases	-0-	100	100

Prepared by R. Foster Telephone 264-4125

BILL SHEFFIELD, GOVERNOR

REPLY TO:

DEPARTMENT OF LAW

CRIMINAL DIVISION

March 30, 1984

- OFFICE OF THE CHIEF PROSECUTOR
POUCH KC
JUNEAU, ALASKA 99811
PHONE: (907) 465-3428
- OFFICE OF SPECIAL PROSECUTION
AND APPEALS
1031 WEST 4TH AVENUE, SUITE 311
ANCHORAGE, ALASKA 99501-5993
PHONE: (907) 279-7324

The Honorable John Sackett
The Honorable Don Bennett
Co-Chairman, Committee on Finance
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Re: Special Investigative Unit
Criminal Exploitation of Children

Dear Senators Sackett and Bennett:

I have been requested by Senator Kelly's office to provide you with fiscal information describing the impact on the Department of Law's prosecution program by the inclusion in the operating budget of a line-item grant of \$200.0 to the Municipality of Anchorage for the creation of a special child exploitation investigative unit. This appropriation is presently included in the House budget within the Department of Public Safety, Commissioner's Office.

The creation of such a unit was originally proposed with a funding level of \$375,000 to create a five member investigation team within the Alaska State Troopers and the Anchorage Police Department. In response to this proposal, we provided the Office of Management and Budget with a description of resources that would be required for the Anchorage District Attorney's Office in order to properly handle the cases which the State Troopers and the Anchorage Police believed would result from the unit's efforts. Those needed resources included a senior level prosecuting attorney, a paralegal assistant and a legal secretary for total costs of \$224,600.

As I understand the intent of the funding presently included in the House budget, the proposed unit would be reduced to three members and located exclusively in the Anchorage Police Department. Chief Porter had previously estimated that the work of the unit as originally proposed would result in approximately 25 additional major felony cases per year. It can be expected that considerably fewer cases would result at the reduced level and the impact on our department would be reduced accordingly.

We would anticipate that the work of this unit would result in 12 to 15 major felony cases per year involving

approximately 15 to 20 defendants. Because of the nature of the cases and based on our past experience in this area, we would anticipate that these cases would involve between 40 and 60 individual criminal offenses.

From our experience prosecuting major felony cases of this nature, we have learned that these cases typically result in complex and lengthy investigations and trials. In addition to the primary crime of sexual exploitation of children, there are also drug, property and vice crimes generally involved. A good example of one of these cases is the prosecution in State v. Rodriguez last year in Anchorage which involved 28 separate counts of child exploitation, sexual assault and prostitution offenses. The defendant was convicted of 25 counts and received a sentence of 133 years with 83 years to serve.

To insure that the cases are properly handled, a prosecuting attorney should be assigned early in the investigative phase and remain with the case as it develops. A senior level prosecuting attorney will be required to properly prepare these cases and prosecute the resulting charges.

Cases of this nature also generally involve multiple victims. The Rodriguez case, for example, involved 11 victims. Due to the sensitive nature of the crimes involved, victim/witness services are required in order to properly prepare youthful victims who face the difficult ordeal of appearing at trial as witnesses. A paralegal assistant is required to perform these services and to generally assist in case preparation and presentation.

In an effort to keep the overall fiscal impact to a minimum, and in light of the reduced capability of the unit reflected at the funding level included in the House budget, we believe that we can do an acceptable job through a prosecuting attorney position at the Attorney IV rather than Attorney V level and a half-time paralegal assistant position. The total costs associated with these positions, which include case related costs for projected witness travel and similar items, is \$127,700. Attached is a detail sheet breaking these costs down by each position and budgetary object code. Please let us know if there is any further information that we can provide.

Very truly yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: *Daniel W. Hickey* FOR
Daniel W. Hickey
Chief Prosecutor

DWH/gb-59
Enclosure

The Anchorage Times

FRIDAY EVENING JANUARY 13, 1984

Child abuse prompts police plan

by Jeff Berlner
Times Staff Writer

The governor's office is reviewing a proposal to create a special police unit to track down adults who prey on children and use them for criminal activities.

The Special Investigative Unit on Criminally Exploited Children

and Juvenile Crime "would be a joint state and local cooperative effort similar to the successful Anchorage Metro Drug Unit," said Jos Mapranath, director of the Division of Administrative Services for the Department of Public Safety.

The proposal has won en-

dorsements from the Alaska State Troopers and the Anchorage Police Department, which would jointly staff the unit.

The unit would cost \$375,000 for the fiscal year beginning in July, Mapranath said. The operation would employ three full-time officers, an Anchorage police

sergeant, a state trooper sergeant, a city police officer and clerical staff.

"While we recognize the seriousness of criminal exploitation of children and that this is a growing problem, it is not feasible at this time for either the Anchorage Police Department or the . . . state troopers to divert limited existing resources to form the proposed special unit," Mapranath wrote in a Jan. 8 memo to the governor's associate budget director Jay Hogan.

"The proposal is a very strong, positive thing," said Allen Blume, special assistant to Gov. Bill Sheffield. But before figuring out how to fund the proposal, Blume said the impact on corrections and other state agencies

See News, page A-8



MA.ROYCE HALL
Chairs juvenile crime panel

New task force reviewed

Continued from page A-1

still must be assessed.

The exploited children task force is the brainchild of Marroyce Hall and the independent Alaska Juvenile Crime Commission which she chairs.

The unit is an outgrowth of the Carlos "Chico" Rodriguez case where as many as two Anchorage teens, many of them runaways, were lured into a network of drugs, burglary, prostitution and pornography. Rodriguez, 43, was sentenced in November to 133 years in jail, with 50 years suspended, for 25 felony convictions involving 11 young victims.

Sex exploitation of children has reached epidemic proportions, assistant attorney general Gayle Horetski said late last year.

Modeled loosely after Louisville's successful regional Task Force on Exploited and Missing Children, Hall said only a few such units exist throughout the

country. The manager of the Louisville unit, John Rabun, was the state's expert witness in the Rodriguez trial and became a consultant for Hall's group.

Creation of the unit would make Anchorage one of the "forerunners in the field," Hall said.

Alaska State Trooper director Col. Michael Kollivosky said the unit would focus on "juvenile pornography, juvenile prostitution and other crimes involving juveniles which are considered to be organized or semi-organized."

Listing juvenile prostitution, organized burglary rings, drugs and runaway problems in the scope of the unit's investigative realm, Anchorage police chief Brian Porter said. "This unit would place emphasis on the exploitive aspects of these crimes."

Although investigators would nab juvenile lawbreakers, Hall said these "cases almost always have adult players."

And Porter wrote that ju-

venile suspects would be interviewed to obtain information about adult involvement and assistance and whether the underage lawbreakers were acting "as agents for or at the direction of adults."

The unit would actively seek intelligence information and investigate young criminals for the possibility that they also are victims and that their activities were directed or furthered by adults.

Kollivosky said the unit would coordinate its activities with federal agencies on interstate cases. Porter said the unit would not be bound by the municipal boundaries, and he could foresee periodically operating in the Matanuska-Susitna Valley.

Both Kollivosky and Porter wrote letters supporting the unit but complaining that they could not afford to fund it out of their existing budgets. That prompted Mapranath's memo to the governor's Office of Management and Budget seeking the money.

FRIDAY
FINAL

The Anchorage Times

50 pages

6211/641

FRIDAY, MAY 13, 1983

25¢

Crime panel recommends unit for youths

by Jeff Berlner
Times Writer

Formation of a statewide juvenile crime unit was recommended today as a way of curbing rising crime among juveniles. But the primary role of the unit would be to nab adults who operate organized crime rings employing juveniles.

The Alaska Juvenile Crime Commission made the recommendation at a press conference. The newly formed group is an independent offshoot of the Anchorage Crime Commission.

Last month the same group unveiled findings that rings of juveniles — controlled by adults —

are engaged in burglaries and prostitution in Anchorage. The group's findings were backed up by Anchorage police chief Brian Porter.

Chairman Marroyce Hall said juveniles — usually runaways — are taken in by adults and, in exchange for a place to stay, drugs and money, are encouraged to commit crimes for the profit of the adults who have "befriended" them.

As many as 30 such organized groups are in existence today in Anchorage, employing mostly boys, aged 12 to 17, Hall said.

In the most publicized example, See Juvenile, page A-5.

Youth unit urged

Continued from page A-1

ple of rings that allegedly prey on juveniles, Carlos "Chico" Rodriguez is presently on trial for 28 felonies involving 11 boys and one girl. Police have stated that they believe Rodriguez used as many as 60 Anchorage youths aged 12 to 16 in burglaries, prostitution and pornographic films.

Hall's committee came up with a half-inch thick report on the subject and released recommendations today which includes the statewide juvenile unit.

The unit's investigators would not wait for crimes to be reported, but would initiate their own investigations.

The committee's report singles out these areas for special investigation:

- Organized prostitution run by adults and employing underage boys and girls.
- Fencing and burglary activities where the youngsters do the stealing and then sell the stolen property to adults who have often put them up to the burglaries in the first place.
- The production, distribution and sale of pornography employing minors.
- Drug operations which depend on juveniles to make the sales, especially to other juveniles.

The hiring of three full-time investigators is suggested, and, after the unit has had time to develop cases, a special juvenile unit prosecutor position should be funded and attached to the unit, the committee recommends.

Similar to the metro drug unit, the juvenile unit would work with

state and local law enforcement agencies in a coordinated effort to combat juvenile crime in the state's urban areas.

Special funding for the unit would have to be approved and would include money for police undercover purchases of drugs and stolen goods and for buying surveillance equipment, according to the report.

Much of the thieving, drug trafficking and prostitution in the state involves juveniles, Hall said, adding that it may take a special effort like the proposed juvenile unit to combat the problem.

The report, released to the press today, will be turned over to law enforcement agencies, legislators and the Anchorage Crime Commission.

ALASKA COURT PROTECTION STRIKE FORCE

- 1 Director
- 1 Assistant Director
- 1 Asst. Social Services

	<u>Sexual Abuse Unit</u>	<u>Exploitation Unit</u>	<u>Physical Abuse Unit</u>	<u>TOTAL</u>
Attorneys	8		3	12
Social Workers	6		2	9
Therapist	1		-	1
APD Investigators	5		2	7
AST Investigators	2		-	2
Paralegals	3		1	4
Legal Secretaries	4		1	5
Clerk Typists	6		2	8
			TOTAL POSITIONS	<u>56</u>

SOURCE OF POSITIONS

<u>From Present Agency Resources:</u>		<u>New</u>	<u>Total</u>
Director		1	1
Administrative Officer		1	1
Attorneys	4 from Dept. of Law	8	12
Social Workers	3 from DFYS	6	9
Therapist		1	1
APD Investigators	3 from APD	6	9
AST Investigators	1 from AST	2	3
Paralegals	1 from Dept. of Law	4	5
Legal Secretaries	2 from Dept. of Law	4	6
Clerk Typists	1 from AST		
	1 from APD	<u>5</u>	<u>9</u>
	2 from DFYS		
		<u>38</u>	<u>56</u>

Additional Non-Task Force Resource Requirements:

- Alaska Court System
- Public Defender Agency
- Department of Corrections
 - Presentence Investigations
 - Treatment Resources

ALASKA JUVENILE CRIME COMMISSION REPORT

Statistical Progression of Sexually Abused Male Juveniles Into Criminal Behavior



STATISTICAL PROGRESSION OF SEXUALLY ABUSED MALE JUVENILES INTO CRIMINAL BEHAVIOR

THE FOLLOWING FIGURES APPLY TO SEXUALLY EXPLOITED MALE JUVENILES WHERE THE SUSPECT IS OTHER THAN A FAMILY MEMBER. SIMILAR FIGURES COULD PROBABLY BE APPLIED WHERE FEMALE JUVENILES ARE VICTIMS. INFORMATIONAL SOURCES INCLUDE ANCHORAGE POLICE DEPARTMENT, F.B.I., ALASKA STATE TROOPERS, LOUISVILLE EXPLOITED CHILDRENS UNIT AND McLAUGHLIN YOUTH CENTER.

ASSUMPTIONS

1. THE AVERAGE ADULT MALE ABUSER WILL SEXUALLY EXPLOIT FIVE CHILDREN IN A ONE YEAR PERIOD.
2. SEXUAL ABUSE IS A SIGNIFICANT CONTRIBUTING FACTOR TO SUBSEQUENT DELINQUENT BEHAVIOR.
3. 50% OF THE MALE JUVENILES SO AFFECTED WILL ACT OUT IN A DELINQUENT MANNER.
 - a. Each of this 50% of sexually assaulted youth will commit [average] 10 felony crimes in a one year period.
 - b. Anchorage has approximately 3200 burglaries per year.
 - c. 39.8% of all forceable entry burglaries and 30.7% unlawful entry burglary arrests were male juveniles. 42% of all auto thefts were juveniles.
 - d. Average police time expended per burglary is 8 hours. [Police] [Add costs: court, probation, Mc Laughlin, support services].
 - e. 80% OF ALL JUVENILES [MALE] WHO SEXUALLY ABUSE OTHERS, HAVE BEEN SEXUALLY ABUSED THEMSELVES.
 - f. 50% of all male juveniles committing serious felony assaults [homicide and first degree assault] have been sexually exploited.
4. 20% of all boys admitted but not institutionalized at McLaughlin Youth Center have been sexually exploited. [One thousand boys are admitted to Mc Laughlin each year but not institutionalized.]
5. 60% OF ALL THE BOYS INSTITUTIONALIZED AT MYC HAVE BEEN SEXUALLY EXPLOITED.

PROJECTION OF ESTIMATED COST OF ACTIVITIES BASED ON KNOWN STATISTICAL FACTORS. (Cost covers only police man hours and actual dollar cost as a result of burglary property loss as an indicator of cost to the community)

COMPUTATION #1

- | | |
|---------------|--|
| 1..... | Sexual Exploiter. |
| 2.5..... | Males exploited (by the exploiter above) act out in a delinquent manner. |
| 25..... | Burglaries committed by the above juveniles in one year. |
| \$75,000..... | Property loss as a result of the 25 burglaries. |
| 200..... | Police man hours expended on these burglaries. |

COMPUTATION #2

- | | |
|----------------|--|
| 1600..... | Burglaries committed by juveniles in Anchorage each year. |
| 800..... | Burglaries committed by sexually exploited juveniles each year in Anchorage. |
| \$2,400,000... | Property loss by sexually exploited juveniles in Anchorage each year. |
| 6400..... | Police man hours/year expended for burglaries committed by sexually exploited juveniles. |
| 3.08..... | Police Officers committed full time to investigating burglaries committed by sexually exploited juveniles. |

COMPUTATION #3

ASSUMPTION: 23% of institutionalized boys sexually abuse someone else.

- 18.....Boys in MYC in one year have sexually abused someone else.
- 15.....Of these boys have been sexually exploited themselves.

COMPUTATION #4

ASSUMPTION:

Each sexually exploited boy institutionalized at MYC for a term of one year or more have usually been exploited by more than one exploiter.

- 48.....Boys have been sexually exploited in one year.
- 48.....Exploiters are involved.
- 48.....Exploiters have exploited 5 or more boys.
- 120.....Boys exploited by these exploiters will act out delinquently.

- 48.....Boys will be institutionalized as a result.
- 1200.....Felony crimes will be committed in one year by the boys.
- 9600.....Police man hours will be expended investigating these crimes.

- 4.6.....Police Officer detailed full time to these crimes committed by these sexually exploited boys.

COMPUTATION #5

ASSUMPTIONS:

1 EXPLOITER EXPLOITS 60 BOYS IN A 4 YEAR PERIOD. (Rodriquez)

- 30.....Boys will act out delinquently.
- 1200.....Felony crimes will be committed by these boys in a 4 year period.

- 1.2..... Police Officers will work full time for four years investigating these crimes.

ASSUMPTION:

EACH OF THE 30 BOYS COMMITTING THESE CRIMES WILL SPEND 5 YEARS IN JAIL IN A 10 YEAR PERIOD.

- 150.....Years in jail spent by victims of this one exploiter.

ASSUMPTION:

Of the 1200 crimes committed. 1000 will be burglaries.

- 53,000,000.... PROPERTY LOSS IN 4 YEARS AS A RESULT OF THIS ONE EXPLOITER.

COMPUTATION #6

ASSUMPTIONS:

1. 200 boys admitted to MYC each year have been sexually exploited.
2. 200 additional boys not admitted to MYC have been exploited.
3. 400 additional boys have been exploited but have not displayed subsequent significant delinquent behavior during the year.

400.....Boys exploited who have acted out delinquently.
 4000.....Felony crimes committed.
 32,000.....Police man hours expended in investigation
 15.4.....Police Officers investigating these crimes.

COMPUTATION #7

ASSUMPTIONS:

80.....Boys have been exploited each year
 200..... Will engage in a criminal lifestyle.
 10.....Felony crimes will be committed by each boy each year.
 60%.....Of those crimes will be property crimes with average dollar loss of \$3,000.00.
 23%.....Will sexually abuse others during that period.
 200,000.....Felony crimes committed.
 120,000.....Property crimes committed.
 \$36,000,000.....Property loss.
 46.....Sex offenders created.

ASSUMPTION:

Each of the 200 boys will spend 5 years in jail as a result of their crimes.

1000.....Man years of jail time over a 10 year period for each years victims of sexual exploitation.
 10,000..... Man years each 10 years for victims of sexual exploitation.
 100.....Exploiters.
 250.....Kids/year (Delinquent)
 2500..... Felony crimes (80% property crimes).
 2000..... Property crimes.
 \$6,000,000..... Property loss.
 9.6..... Officer full-time investigating victim's crimes.

COMPUTATION #8

ASSUMPTION:

Of the 46 sexual offenders created in one year, 25% will begin to sexually exploit juvenile males within 10 years.

10 years from now =

11..... New and additional sexual exploiters.
 550..... Juvenile males sexually exploited by these additional exploiters in subsequent 10 year period.
 137..... Of those exploited will lead a criminal lifestyle.
 13,700..... Felony crimes will be committed by the juveniles so exploited in 10 year period.
 34.....New sexual offenders will be created, at least 25% of whom will enter the exploiter cycle.

From all indications, the case of a missing or exploited child is a national nightmare that strikes thousands of families each year. All estimates lead us to the inescapable conclusion that our children are at risk.

No one is certain of the exact magnitude of the problems of missing and exploited children. What we do know suggests increasing evidence of the real vulnerability of our children:

- at least 1,500,000 children are missing from their homes each year,
- apparently 1,000,000 of these children are voluntarily missing or labeled as "runaways" or "throwaways." This is an endangered group, the frequent victims of street crime or exploitation. Unfortunately, many end up as homicide victims,
- estimates of the number of children who are the victims of non-custodial parental kidnapping vary from 25,000 to 500,000. This, too, is an endangered group of children who are often exposed to emotional and physical abuse,
- between 20,000 to 50,000 children disappear each year and their cases remain unsolved by the end of the year. Included in this group are the victims of criminal abduction and foul play; small children stolen by individuals to raise as their own, or for sale; children who remain voluntarily missing for months; and the victims of accidental deaths,
- experts estimate that 1 in 4 female children and 1 in 10 male children will be molested or raped by the time they reach adulthood,
- pornography and prostitution of children are highly organized multi-million dollar industries,
- recent studies have shown that 85% of the children who have been criminally or sexually exploited were missing from their homes at the time of the act of exploitation,
- each year, at least 3,000 persons are buried unidentified, in "John" or "Jane Doe" graves; hundreds of these unfortunates are children.

Division on Missing Children

The Center's technical staff of former law enforcement professionals, who are experienced in the handling of missing child cases, will provide:

- Assistance to individuals, groups, agencies, state and local governments in locating and safely returning missing children.
- Coordination and support for action groups, private sector organizations, and agencies which are actively involved in missing children issues.

Additionally, in the near future, the CENTER will be able to provide to Every Searching Parent and Law Enforcement Agency:

- Technical Assistance Packets On:
 - Effective Searching Techniques
 - Action Plans for Parents
- The American Bar Association Non-Custodial Parental Abduction Packet setting guidelines for the most effective means of preventing and dealing with non-custodial parental abductions.
- A National Directory of available (non-profit) action citizen organizations.

And Most Important

By late summer the CENTER will provide a toll-free number for the use of individuals who believe they have information which could lead to the location and recovery of a missing child.

Division on Exploited Children

Former criminal justice system professionals, experienced in the successful investigation and prosecution of cases of sexually and criminally exploited children, will provide:

- Pro-active assistance to law enforcement agencies regarding techniques for the investigation of child molestation, pornography, prostitution and other forms of criminal exploitation.
- Training and assistance to the law enforcement community and the criminal justice system in dealing with child victims and their families.
- Coordination of the exchange of information regarding child exploitation.
- Pro-active dissemination of information on the networking of the criminal exploitation of children.
- A clearer understanding of the impact of crimes against children and how to guide the child victim through the criminal justice system.

Additionally, in the near future the CENTER will provide Law Enforcement, Social Service Agencies, Action Groups and the Criminal Justice System with analysis of and guidance on existing state and federal statutes relating to the protection of children.

And for the first time, THE NATIONAL CENTER will collect specific sets of statistical data that were previously either nonexistent or fragmented.

Division on Education, Prevention, and Public Awareness

In the future, THE NATIONAL CENTER will provide:

- Prevention and education programs for parents, schools, action groups, agencies, communities, volunteer organizations, law enforcement, and local, state and federal institutions.
- Coordination among parents, missing children groups, and all media to distribute photos and descriptive data on missing children.
- Instruction packets which will aid communities in protecting children.
- A network of information exchange among school systems (public and private), school boards, parent-teacher associations, and community organizations regarding proven techniques for the implementation of education programs.
- An outreach program of public speaking and communication to alert families, communities, the criminal justice system, and concerned organizations to the nature and extent of child victimization and exploitation.
- Through structured education, a greater public awareness of the danger children may encounter in their everyday lives.
- The exchange of information and offer education and training for the medical and forensic communities.

And to Effect Permanent Change

The CENTER will provide a national clearinghouse of information on effective state and federal legislation directed at the protection of children and the reduction of child victimization.

National Conference

In the fall THE NATIONAL CENTER will sponsor and host the first National Conference on Missing and Exploited Children.

This conference will bring together a vast number of highly motivated, experienced professionals who are familiar with the realities of the issue of missing and exploited children. These participants will share their expertise with parents, law enforcement personnel, school officials, community leaders and other child advocates, to address and deter the problem of missing and exploited children.

In conjunction with the National Conference, the CENTER will prepare a series of action guides and provide the forum for the exchange of information on the following topics:

- Stranger Abduction
- Non-custodial Parental Abductions
- Voluntarily Missing Children
- Searching Techniques for Missing Children
- Investigative Techniques for Cases of Missing or Exploited Children
- Interviewing Techniques for Victimized Children
- Children and Families in the Criminal Justice System
- Prevention and Education for the Home
- Prevention and Education for the Schools
- Community Safety Programs

The Center is NOT

- A Law Enforcement Agency
 - A Private Detective Agency
 - An Adoption Search Agency
 - A Legal Counseling Service
 - A National Registry Service for Missing Children
-

The National Center for **MISSING & EXPLOITED** Children

Each year hundreds of thousands of children disappear; while many return home safely, thousands are exposed to serious danger, exploitation and even death. The criminal and sexual exploitation of children is a growing epidemic confronting families, communities and the agencies of our criminal justice system.

THE NATIONAL CENTER for Missing and Exploited Children has been established to address these difficult issues and to assist families, citizen groups, law enforcement agencies, and governmental institutions in a new national effort to ensure the safety and protection of our children.

1835 K Street, N.W.
Suite 700
Washington, D.C. 20006
(202) 634-9821

CONCLUSIONS:

FROM THESE VERY CONSERVATIVE STATISTICAL PROJECTIONS THE FOLLOWING CONCLUSIONS CAN BE INFERRED:

Sexual exploitation of juvenile males is a significant and highly contributing factor to subsequent delinquency and criminal behavior.

The cycle of victim progressing to criminal and to sexual offender/exploiter, if not broken, will lead to a geometric type progression of criminal behavior, dollar loss to society, and inability of law enforcement to contain criminal behavior.

Dollar loss noted in these statistics applies only to burglary crimes and does not include dollar loss due to other crimes such as larceny, robbery, fraud, etc. that would probably greatly exceed that mentioned.

Dollar loss to society in the form of increased jail requirements, law enforcement expenditures, court system costs, social service expenditures, etc. is not considered and is astronomical in comparison to dollar loss figures from burglary crimes alone.

Crimes that will result against persons such as assault, homicide, robbery, etc. are not addressed.

Sexual exploitation of children also covers categories not addressed in these projections such as female prostitution, male prostitution and incestuous crimes that probably equal if not exceed in dimension the projections listed here.

Sexual exploitation of children is a hidden problem that has been a significant and root cause of today's crime problem and that if left unaddressed and not diminished will geometrically progress into an out of control causational factor of criminal behavior to a greater impact on our state and future.

A HISTORICAL OVERVIEW OF CHILD SEXUAL ABUSE

Child sexual abuse has a long history. Florence Rush and other scholars have documented that throughout the Western World from biblical times to the present, children have been sexually abused by adults. Attitudes towards this practice have varied in each new era, but in general the abuse of children has not been taken seriously. From ancient times to the Middle Ages children were openly abused sexually and were considered legitimate objects of sex for adults. The ancient Judaic law decreed that a father could give a daughter for coitus at age three. Sex before three years was not defined as rape; it was only considered to be invalid. During the Middle Ages the age of consent was raised by some authorities to seven and later to age ten. During this time children had no other rights. They could not buy or sell anything, could not enter contract, and were required to obey their parents in everything. Yet they could still give or sell their bodies for sex. (Rush, 1980)

During Victorian times child sexual abuse, like sex in general, was repressed publicly, but many Victorian men continued to indulge privately in the sexual assault of children. Most of us are aware of child labor in factories and mines during that early Industrial Age, but are not aware of rampant forced child prostitution, child pornography, and child rape. Although nineteenth century feminists protested against child sexual abuse and attempted to make changes in laws concerning age of consent and police rights, Victorian men in power were unwilling to relinquish their sexual access to children and failed to acknowledge the problem as real. (Rush, 1980)

During the twentieth century, which has been called by some "the century of the child," society has begun to realize that child-

ren are not small adults with the same responsibilities, knowledge, and maturities, but that childhood is a "unique stage during which perceptions and learning are related to age." (Gagnon, 1965, p. 212) It is in this century that child labor laws have been enacted and child development became established as a discipline of study. The age of consent has been raised to at least thirteen and many people have become concerned with children's rights. But this new concern with children has not proven effective against child sexual abuse, it has only created the great discrepancy between what adults thought children capable of in all other matters and what they believed them capable of sexually. Although a ten year old girl is excused by twentieth century child development specialists from the rigors of child labor, this same child is portrayed as a seductress as she goes through stages of her psychosexual development. She is not really expected to be able to defend herself against her father's physical abuse, but she is required to have fought valiantly to defend her sexual honor or be found guilty of provoking the attack or secretly desiring it. A recent debate has developed between those who want to bring the tradition full circle and make children legitimate sexual objects once more and those who want to protect children from being abused.

Although there are social taboos and laws against it, child sexual abuse still persists because it "has never been established as an irrefutable legal and moral violation and to this day remains a debatable polemic." (Rush, 1970, p. 73) Child/adult sexual relations have been "...winked at, rationalized, and allowed to continue through a complex of customs and mores that applaud the male's sexual aggression and denies the female's pain, humiliation, and outrage." (Rush, 1974, p. 73) Our own male-dominated society has constructed a complex mythology about children and sex that permits men who assault children to justify their actions. "Sex in any society is a valuable commodity, and a dominant group - such as men - will try to rig things to maximize their access to it." (Finkelhor, 1979, p. 29) Many of our current explanations are based on Victorian theories and perpetuated by outdated laws that limit

rights for children and by hallowed traditions that establish a man as "king of his castle." The effect is that child sexual abuse is often justified by myths that state that children like to be used sexually, they desire it, or they don't know the difference. Children lie about sex. Sexual abuse doesn't happen except with a few "dirty old men." Mothers of offenders are blamed. Wives are blamed. Dysfunctional families are blamed. Every excuse which can be used to shift the blame away from the offending male is available in our modern mythology.

This modern mythology about child sexual abuse can be traced by examining the development of the scholarly work in the field. Scholars devoted attention to it as early as the 1860's, but they failed to express alarm about the sexual abuse. Some, such as Krafft-Ebing and Havelock Ellis, commented on it, but Freud was the first to study and theorize about children's sexual relations with adults. Florence Rush, in her article "The Freudian Cover-up" (1977), clearly demonstrates that Freud had undeniable proof that several of his patients had indeed been sexually violated by their fathers as children. But Freud was so uneasy with the facts, he rearranged them to devise his theory that all children fantasize and desire sex with their parents. The implications of this are powerful. First, when a child reports sexual abuse at the hands of her father or any male substitute, it is assumed that the abuse didn't really occur; she is believed to have fantasized it. Second, if by chance the abuse proves to be an inescapable fact, then it happened only because the child desired it. Thus the first gigantic myth was born to absolve offenders' guilt in abusing children.

The impact of Freud's theory has been far-reaching. During the first half of the twentieth century, when Freud's work was highly valued in the professional world, one would expect child sexual abuse to be justified according to his theories. But today, when traditional psychoanalysis has lost its popularity, it is surprising that

many of the myths Freud perpetrated are still widely accepted. This is partly because the psychoanalysts who followed Freud propagated their own similar myths surrounding child sexual abuse in general and incest in particular.

In the 1930's, 40's, and 50's articles about incest flourished in the psychoanalytic literature. These were theories based on the author's own case histories which often included no more than a few cases that were then generalized to form encompassing theories. (Abraham, Barry, Kaufman, Sloan) Some of the literature of that period derived from the same small sample of cases. One unusual and rather sensational case history was cited in three different articles and was put forth by each writer as an example of a typical case. Because each author gave priority to certain elements in case studies that he found personally interesting, the theories that emerged were often no more than pet formulae. For example, Weiss (1955) stressed the influence of parents' conflicting sexual attitudes on their children. He found that the mothers of "participant" victims almost all expressed ambivalence towards their child's sexual expression, and theorized that this conflict "makes it difficult for the child to develop a consistent and stable conscience that can prohibit the acting out of those impulses." (p. 26) No other researcher even mentioned this element. Consequently, conflict among authors concerning their ideas is the rule for this period. There is no agreement in the psychoanalytic literature about whether incest leads to psychopathology in daughters, about whether the victim feels guilt, and about whether fathers are psychologically disturbed and normally intelligent.

The articles which came out of that period pulled all of the male biases together and lay the blame almost entirely on the females involved. Bender (1937) and Sloane (1942) supported Freud's concept of the culpable child. They claimed that the children involved in sex with adults were charming, seductive, and desiring of sexual relations with adults. Further studies in the 40's and 50's expanded

the idea that the offender was not to blame for his actions. A study of girl sex victims by Weiss (1955, p. 18) discussed in detail the characteristics of the victims and the victims' mothers, then stated that "A detailed discussion of the offender is not relevant." The daughter, the mother, the paternal grandmother, and even the maternal grandmother are all held responsible for the act perpetrated by the male. Some of the ways the victims are blamed are as follows:

- She is attractive and charming, and therefore seductive.
- She is more feminine and a better housewife than the wife.
- Like all daughters, she has incestuous wishes towards her father-figures.
- Her pregenital strivings (need for affection) make her vulnerable and therefore culpable.
- She wishes to alleviate penis-envy by incorporating a father-figure's penis.
- She seeks to revenge her mother for rejecting her.
- She succumbs to natural hostility and jealousy among women and acts on it by seducing key males.
- She seeks sexual satisfaction from adult males.
- She didn't tell anyone, so she must be guilty.

Mothers of victims are found culpable for some of the following reasons:

- She is frigid — either denies sex or doesn't enjoy it.
- She is cold and rejecting.
- She is felt to have deserted the family either by working outside of the home, being pregnant, or dying (apparently no excuse for desertion is acceptable).
- She didn't supervise her daughter closely enough.
- She failed to protect her daughter by preventing abuse.
- She abandoned housewife roles.
- She is dominant and masculine.
- Her own incestuous desires compel her to make her daughter act clean out.
- She is either resentful, immature, independant, and too aggressive or she is too passive.

The offender's mother is guilty by being either too loving or not loving enough, and the maternal grandmother of the victim is blamed for the faults of her daughter.

The psychoanalysts of the mid-twentieth century were primarily responsible for creating and perpetuating the myths which obscured real understanding of the subject, but sociologists, criminologists, and researchers from other disciplines also contributed their share. A study by Reimer (1939) of incest cases in Sweden concluded that social circumstances such as crowded housing, social isolation, poverty, and changes in life history events are responsible for a breach of the incest taboo. This articulated a popular view of the explanation for incest. Sociologists were also partly responsible for developing the concept of female culpability into the widely held belief that incest is a result of a dysfunctional family constellation. This theory postulates that incest develops from abnormal family patterns and is an unhealthy attempt by the family to survive. In this view everyone is to blame. The myth of the dysfunctional family was first articulated by Daufman in 1953 and expanded by Hersko, Cavallin, Lustig, and Ralphling in the '60's. Since that time it has gained popularity with clinicians and sociologists in both the literature and in practice. The myth is that men don't sexually abuse children, families do. By placing the blame on the family unit, this myth allows the offender to deny his responsibility. Butler says:

"To assign to each family member a role in causing the sexual assault is to imply that whatever happens to women and children in our homes can be traced back to something that is our fault. The promise held out to us by family systems theorists is that once we figure out as mothers and children what we have done wrong, our victimization will stop." (Butler, p. 49)

A similar theory was developed by criminologists. The observation that murder victims' behaviors could occasionally be interpreted as provoking their murderers to action led Wolfgang (1958)

to formulate the theory of "victim precipitation." Amir (1967) adapted this from murder to rape and from there it was applied to child sexual abuse. Virkunen (1975) determined that nearly half of all sexual offenses against children were victim precipitated on the basis of whether the children visited the offenders on their own initiative or whether the children had taken some initiative in the sexual act itself. This information came from the offenders' own statements even though most researchers on sex offenders agree that offenders frequently lie about who took the initiative. In addition, he ignored the fact that since fathers are often the offenders, the issue of who visited whom is not appropriate. So the discipline of victimology is also steeped in myth and falsehood concerning child sexual abuse.

Anthropologists, having observed that some form of the incest taboo was universal in all societies, contributed to the myth pool by expressing the opinion that breach of the incest taboo was rare. Perhaps they arrived at this opinion because they did not have access to the private lives of the women in the cultures they studied or because, indeed, breach of the incest taboo was rare. However, a major factor in their coming to the opinion must have been more from ignorance of their own modern societies where incest was more common than supposed. Other scholars working on the assumption that incest was rare often refused to believe evidence when it did occur. Anthropologists posited also that non-incestuous child/adult sex was common in other societies, thereby giving the impression that it was "natural."

Physicians also added their share to the myths by promoting the belief that children often lied about sexual assault. Walker (1886), a physician consulted on cases of rape of children, based his conclusions on whether the hymen was intact. But even with this strict criteria, in six of the twenty-one cases where he discovered no hymen, he still concluded that the offenders were wrongly accused. Rather than believe these children's accusations, he decided that these six girls had been born without hymens. On several cases he concluded that injuries done to the genitals derived from masturbation. The presence of gonorrhoea did not sway his judgement; he believed the

victims picked up this disease elsewhere. He also decided in one case that although rape had occurred, the rape had really been unintentional. Although the previous observations came from statements made by a physician in 1886, similar statements are to be found in recent medical literature. Eaton (1969) stated that many cases of sexual molestation "turn out to be the products of maternal anxiety or child fantasy." (p. 438)

Another major myth centers around the harm done to the child. Bender (1937) reported that no serious consequences arose from child/adult sex and in her follow-up fifteen years later she reiterated that sexual experiences were not harmful. However, she mysteriously contradicted her own opinion by recommending in the same article that victims should be treated by therapy. Variations of this view are: if harm is caused, it is by parents' making a fuss or by the trauma of testifying in court, or it can't be harmful because it is a natural part of a child's education, or the victims were already sexually knowledgeable and therefore unharmed, or, conversely, the victims were sexually ignorant, don't know what happened, and were therefore unharmed. Exceptions to the viewpoint that victims are not harmed existed, as many of the cases being studied involved patients currently receiving counseling. However, the exceptions did little to dispel the mythology. Sloane (1942) believed that daughters experienced negative effects from incestuous relations, but he was of the opinion that the girls "indulged" in incest. Their problems stemmed from their inability to control their impulses, combined with the guilt they felt following the indulgence. This implied that the girls had something wrong with them to begin with, and the incest only exacerbated it.

In the 1930's and 40's, when the myths were being promulgated, some events occurred which attracted public attention and almost forced society to accept child sexual abuse as a serious social problem. Several sensational and gruesome child rape/murders caused the public to explode in a call for legislative action. But the professionals who became involved (doctors, lawyers, sexologists, sociologists, and psychologists) all agreed on one thing: sex crimes against children are rare. They are committed by disturbed

strangers who can be dismissed as sexual psychopaths. Thus the last major myth was created. As moralists got involved and tried for broad conservative social reforms, professionals played down the issue of child sexual abuse. The sexual abuse of children as a cause conflicted with the professionals' goals of sexual progress, e.g., contraceptive availability, sex education, fewer restrictions on pornography, decriminalization of consensual sex acts. So while a few sexual psychopath laws were enacted, for the most part child sexual abuse was hurried back into its secret wrapping paper and the public was diverted. "Thus concern over children's sexual abuse bloomed for a period, but in the face of concerted resistance from the professional and research community, people who are ironically now the most perturbed by the problem, interest waned and the problem went into eclipse for twenty years." (Finkelhor, p. 11)

Although most adults, at least in the twentieth century, have disapproved of adult/child sexual relations, many have fallen victim to the myths which suggest that perhaps child/adult sex isn't so bad or if it is bad, it's the fault of the victim. There were a few brave individuals who challenged these falsehoods, but until recently they were rare and didn't receive much support. In 1969, Vincent de Francis published a study of child sex victims which demonstrated sensitivity and concern for children. Since then, professionals have become increasingly aware of children's rights as individuals and have recognized child abuse as a social problem which needs solutions. Sexual abuse, as one form of the problem, has likewise drawn more attention from helping services. Yet it wasn't until the women's rights movement gained momentum and rape became a prominent issue that the extent of the problem has been discovered. It wasn't until the issue of male power and dominance versus child powerlessness and vulnerability was incorporated into the analysis that one could fully understand the damaging and exploitive nature of child/adult sexual relations. Public recognition

of the problem began with a few exploratory articles in the early part of the 1970's. Physicians reported the increasing numbers of child sexual assault cases in the emergency room. Clinicians reported that psychological damage could and often did result from child sexual abuse. Women testified about their sexual experiences with adults as children, and feminists analyzed the personal/political aspects of sexual abuse.

In 1973, Peters reported that often children suffer many long-term effects from sexual experiences with adults, especially if the adult is well-known to the child. He stated that often a child appears to be relatively unemotional at the time of the trauma, but years later can experience harmful effects. Burgess and Holmstrom (1975) confirmed that harmful effects did indeed occur. Pioneers in understanding the nature of child sexual victimization, they introduced the concept of accessory-to-sex or sex pressure situations where "victims are pressured into sexual activity by a person who stands in a power position over them as through age, authority or some other way." (Burgess, p. 551) Benward (1975) reported on the unusually high number of incest victims turning up in drug abuse clinics, and James (1977) reported that incest was also a major factor in the backgrounds of prostitutes. Although there are no statistics yet to confirm the theory, Sgroi (1978) and Spencer (1978) assert that incest is also the cause for many young girls running away from home. That child sexual abuse was rare and committed by only a few disturbed individuals was easily disproved by the statistics reported from health care facilities. De Francis claimed in his early reports that family members and friends are most frequently the offenders, a position which is clearly supported by recent research findings. Sgroi (1977) demonstrated cogently that venereal diseases in children cannot be explained away. As sexually transmitted diseases, they are clear indicators that sexual abuse occurred.

The recent articles are more plausible in their claim towards

helping children as they are based on sounder research methods with more subjects and results which can be replicated. Most of the myths born of the past were quickly refuted by enlightened individuals willing to look at painful and ugly occurrences and discuss them honestly without rearranging the facts.

But one myth remains to be refuted and that concerns who is to blame and why. Those who work with children and understand their level of development recognize that children are never responsible for their own victimization. No matter how secretive, seductive or compliant the child, the tremendous cognitive and power differential renders her blameless. Yet still there are some unwilling to accept this as a working principle. Even harder to accept is the idea that the mothers of the victims are not to be held responsible. It is still a very controversial issue, but many are beginning to realize that a mother may be guilty of being weak, passive and ineffectual, but she did not commit the offense. Nor is the fact that she may not be a proper wife an acceptable excuse to commit such an offense. The offender alone is responsible — not his mother, not his wife, not the child, and not even the family. Professionals who work with sexually abused children need to recognize the culpability of the offender and move to protect the child from his abuse. If we believe the myths and accept the excuses offered by the offender, we, as well as he, must accept the responsibility.

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12. If your child has negative feelings about some authority figure, explore why he/she feels the way he/she does.

13. Know the signs that a child may have been assaulted, such as unexplained physical problems, loss of appetite, mood changes, disturbed sleep, and sudden sexually focused behavior such as talking more about parts of the body or adding genitalia to drawings.

14. Believe your children if they say they've been abused. Experts agree that children seldom lie about molestation.

15. If your child turns up missing, ask the police to enter your child in the NCIC computer immediately. Be prepared to answer in depth identifying factors about your child.

16. If your child has been abused and you feel he/she needs psychological counseling, be sure the therapist is skilled in dealing with sexually exploited children. **Special expertise is needed to help youngsters overcome the trauma.**

**Protective
Parenting
Is NOT an Option**

The Juvenile Crime Commission is a non-profit, autonomous body of private citizens possessing a special interest or expertise in the field of juvenile crime and child exploitation.

The Commission was formed to promote the protection of children and to enhance public and official awareness and understanding of the nature and extent of exploited and missing children and also to further address the resultant problem of juvenile crime.

It is our firm belief that a real solution to the looming threat of child exploitation can be achieved only by concentrated, preventive and rehabilitative efforts involving all segments of the community.

Please accept my donation in the amount of \$ _____

to help combat the problem of exploited and murdered children.

Mail donations to Alaska Juvenile Crime Commission, P.O. Box 4-2850, Anchorage, Alaska 99509.

PACKET RESOURCE MATERIAL

FBI, Behavioral Science, (ECHO) Exploited Children's Help Organization, Anchorage Police Dept., Sensitive Crimes Unit, Exploited Children Unit - Louisville, Societies League Against Child Molesters (SLAM).

Alaska Juvenile Crime Commission
Marroyce Hall, Director

Alaska Juvenile Crime Commission
P. O. Box 4-2850
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**F.B.I. Reports
1.5 Million Missing
Juveniles Last Year**

**EACH YEAR
50,000 CHILDREN
DISAPPEAR
FROM
THEIR HOMES**

**Protective Parenting
Is NOT an Option**

Protective Parenting is NOT an Option

The year was 1981. It was a sunny spring day in a quiet suburb. At the corner gas station a well-dressed young businessman leans casually against his car sipping a coke and talking quietly to a 12 year old boy about getting building materials picked up around his newly constructed condos before his appointment with the real estate people. He said because it was a rush job he would be willing to pay Jamie \$10.00 an hour if he could start immediately.

Jamie's decision to accept Mr. Olson's offer cost him his life. He was one of 11 known victims aged 10 - 18 found in shallow graves in his community. The man, Clifford Robert Olson, confessed to murdering Jamie. He has been traced to 17 other cities nationwide where he claims to have murdered many other children.

The Problem

The tragedy in Atlanta focused national attention on the overall problem of missing children. Each year 50,000 children disappear from their homes. This is in addition to over 1 million children who run away from home. A majority of these missing children never return. Many are later found murdered.

All of these children are vulnerable. Evidence indicates that many of these children are enticed into prostitution and pornography. Law enforcement officials estimate that each year as many as one million youngsters ranging in age from sixteen to under one year, are sexually molested and then filmed or photographed for the abuser's own pleasure or for a profit.

The statistics are staggering. However, the statistics alone don't describe the human tragedy involved.

The idea that adults might be sexually attracted to children is so offensive that most parents prefer not to think about it. They should. By conservative estimates, one out of ten children is sexually abused each year, often by someone the child knows and trusts.

It is the perfect crime. Children are vulnerable victims. They can be easily persuaded to cooperate with molesters and are then too afraid or ashamed to tell their parents.

Many parents believe their children will be safe if they don't talk to strangers. Two-thirds of child victims are molested by someone they know. Most child molesters are respected members of their community; someone who has professional access to children or a lot of interest in them.

Most victims of sexual abuse are bribed or threatened not to talk about the experience. Molesters make a pact of secrecy with children, and that silence can be the source of their most intense suffering. Often it is far worse than the physical abuse. Children forced to keep their secret for any length of time may develop psychosomatic disorders.

Who Sexually Abuses a Child

Often they are people who profit from the sickness of others. Or they are disturbed people called pedophiles, who can only receive sexual gratification by having relations with children.

Pornographer's may pick up kids who have run away from home. According to police, the favorite target is the well-scrubbed, attractive, smiling child, the more innocent looking the better.

Pedophiles may kidnap and molest a child, then take photographs for their own use or to trade.

What Can You Do

Your child **could** be a victim of sexual molestation. There are signs to watch for, and ways to protect your child.

1. Don't leave your child alone unattended in a store or alone in the car while you are shopping.
 2. Watch your child closely while playing alone in the yard.
 3. Don't put your child's name on clothing or on the outside of school books; this puts your child on a first name basis with an abductor.
 4. Teach your child your home telephone number, how to use the telephone and how to make long distance calls.
 5. Choose a secret word that only you and your child know, to be used in an emergency.
 6. Teach your children that no one should touch them where they don't want to be touched. And to always tell you if they feel badly about the way someone has treated them.
 7. Have your school principal notify you when your child does not report to school.
 8. Have your child fingerprinted and keep the prints at home in a safe place.
 9. Don't let your child go into a public restroom alone.
 10. Know to whose care you entrust your children. Demand that schools, youth groups, camps, and other organizations do thorough checks on employees and volunteers. Your personal involvement with youth organizations will further protect your child.
 11. Be sure your child knows the difference between doing something bad and being the victim of wrongdoing, especially when an adult is involved.
-

Child Exploitation

INTERNATIONAL

TRAFFICKING IN CHILDREN

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**Protective Parenting
IS NOT AN OPTION**

Alaska Juvenile Crime Commission

EXPLOITED CHILDREN - INTERNATIONAL

According to exploited children units in New York and Los Angeles - the past few years have witnessed a dramatic rise in the white slavery of children for purposes of prostitution.

"Prime" boys - aged 11 to 14 are kidnapped from their homes in Europe and South America, and smuggled into the U.S. where they are peddled for up to \$10,000 to men who call themselves pedophiles, or boy lovers.

Men involved in the purchase of children for sexual purpose are not Skid Row types. Police say they occupy some of the highest and most respected positions in society. According to one undercover agent in New York City, "one thing these people have in common is that they're not bums. They're the guys in Brooks Brothers suits. They are often wealthy and important."

An investigator posing as a pornographic movie producer, made contact with the leader of a gang of German child peddlers who smuggled a dozen boys from Germany into the U.S. He attempted to sell the boys to the police investigator for \$10,000 a piece.

The boys were kept in a drugged stupor by forcing them to take Quaalude capsules every two hours. The kidnapper bragged about how roughly they had been treated to illustrate how grateful they would be for any kindness shown them by their new owners.

He proudly displayed a portfolio of advertisements clipped from German newspapers, ads place by grieving parents offering rewards for information about their lost sons.

He used the ads to prove to prospective clients that his cargo of boys came from good families.

These 12 boys are only a small part of a monumental tragedy. Police sources, who describe the situation as a national disgrace say that besides the hundreds more American children also involved, hundreds of innocent youngsters are bought and sold in the U.S. every year.

One New York agent stated "We are dealing with very intelligent criminals. They don't trust anyone." These vice rings are nearly impossible to infiltrate, investigators say, because they often demand that newcomers prove themselves by having sex with little boys.

Police report that the rings sometimes operate through organizations that publicly defend sex between boys and adults. These groups, which go by names like Nambla (North American Man-Boy Love Association) and the Pedophile Information Exchange, trade names, addresses, and photos, and publish literature extolling the joy of sex with children. They also distribute instructional books, with titles like "How to Pick Up Boys."

The methods of the homosexual white slavers who prey on American boys varies. Normally they are too discreet to just yank boys off the street at gunpoint police sources say. They often take youth-oriented volunteer jobs as camp counselors and sport coaches. Once in a position of trust, they spend lots of time with the boys and shower them with presents. Often, unsuspecting parents appreciate the attention their sons are being shown and the vulnerable boys learn to trust and love the pedophile.

Eventually, the boy will begin to express dissatisfaction with his parents. His newfound friend then helps him "run away" - but in truth the child ends up belonging to international pimps who trade boys like shares on the stock exchange.

Authorities recently broke up a homosexual white slave ring in New York. One of the three men arrested allegedly used to open his lavish home on Long Island to pedophiles who often flew there in their corporate jets for weekends. A police investigator in Los Angeles estimates that the number of active pedophiles in the United States may reach into the hundreds of thousands.

He said the most despicable aspect of the whole sordid business is that the pedophiles, when caught often defend their activities by claiming the boys benefit from the experiences. The outraged cop concluded: "I've seen what these guys do to the boys they get, and I could shoot them all day long, as fast as you could load my gun and not lose a minute's sleep."

CHILD PROSTITUTION: How It Can Be Stopped

BY JOHN G. HUBBELL

IN NEW YORK CITY, Scott Hyman, 26, and Clemente D'Alesio, 40, managers of "adult" bookstores in the Times Square area, are convicted on several counts of

promoting obscene sexual performances by children. They were selling nine different movies featuring kids 7 to 14 years old who are engaged in explicit sexual activity. The young-

We actually spend more time and money looking for missing automobiles than finding and helping the most vulnerable victims in our society: tens of thousands of lost, sexually exploited children



sters all appear to be undernourished; some have bruises and welts on their bodies. Hyman and D'Alesio tell an undercover policeman that they can provide hundreds of such films, and that children as young as five are involved.

- In New Orleans, two men organize a Boy Scout troop to provide themselves and wealthy homosexuals from Massachusetts to California with sexual access to the boys.

- In Winchester, Tenn., an Episcopal priest who runs a farm for wayward boys is convicted of several "crimes against nature." He forces his charges to participate in homosexual orgies, and films them for customers across the country.

Isolated cases? In Los Angeles one police investigator who heads a special unit dealing with child abuse estimates that there are some 30,000 sexually exploited children in that city. Nationwide, estimates on the number of boys and girls under 16 who are engaged in prostitution range from the tens of thousands to more than a million. The figures double when 16- and 17-year-olds are added.

Litany of Crime. Father Bruce Ritter, founder-operator of New York City's Covenant House and Under 21, sanctuaries for homeless kids, tells a Congressional committee what happens too often to youngsters who try to survive on the streets. In one three-week period, he says, three girls under 17 were found murdered within five blocks of his homes; two boys, 14

and 15, were picked up by homosexuals, and raped and slashed badly; a pimp entered Under 21 to offer \$500 for a 13-year-old girl; a 14-year-old boy, held captive for six weeks in a nearby hotel, escaped and reached Under 21 just a step ahead of his captor.

The litany of outrageous sexual crimes against our young keeps lengthening. Father Ritter, who also operates shelters in Houston and Toronto, suggests that it happens partly because we assume that the occasional publicized case represents an aberration. Or we think public authorities are dealing with the problem.

But for the most part, politicians, law-enforcement agencies and courts concentrate on highly visible crimes that clearly affect voters; there is not much of a constituency for homeless kids who are being marketed, or who must sell themselves to survive. One judge, recalls Ritter, dismissed a case involving a 14-year-old prostitute and her adult-male customer with the assertion that prostitution is merely a recreational transaction. Such decisions, Ritter says, "give a clear signal to child exploiters that they can keep on doing what they are doing."

Child prostitution has even been regarded as a "victimless crime," although cruelty is routinely involved. In New York City a girl's pimp kept her on the street six nights a week. She hated being a prostitute, but the pimp was the only person who had shown her

any kindness. When she could stand it no longer and told him she had to quit, he broke her jaw. At the hospital where the jaw was wired shut, she was given pain pills and told to rest. But her pimp put her on the street the next night. Later, she tried to commit suicide using the pills, but she vomited, breaking the wires in her jaw. Her pimp would not allow her to return to the hospital and sent her back on the street. This time she turned herself in to the police.

When asked her age, she replied, "I'll be fifteen tomorrow."

The Louisville Lesson. Similar horror stories are to be found wherever there are runaways and throwaways,* children whose parents send them packing, or whose loose-knit families disintegrate. Kids drift from place to place and in and out of prostitution, depending on their need for money.

Can anything be done? Nowhere has the question been answered more effectively than in Jefferson County, Kentucky, which includes the city of Louisville.

By the late 1970s, John Rabun, a Baptist minister and senior social worker who managed a half-dozen Jefferson County shelters for runaway and throwaway kids, wondered why as many as 1200 kids per year were deserting their homes. He and co-worker Margarete Sanders found the kids on the streets working for pimps, and asked for

*See "The Children Nobody Wants," Reader's Digest, January '84.

police help. "The police," Rabun recalls, "politely encouraged us to stop meddling. We decided to bring them facts they couldn't ignore."

For most of a year Rabun spent his nights on the streets, watching, writing down license-plate numbers, learning the names of the pimps and their "main ladies," following them, putting together a map showing where all of the principals in Louisville's sex industry lived and where they operated. Persuaded that Rabun knew what he was talking about, Jefferson County Judge/Executive Mitch McConnell organized a task force to look into the situation.

The task force studied a growing body of literature on the sexual exploitation of children and visited other cities, talking to police and social agencies and going into problem neighborhoods. It found that what happened every night on Chicago's Clark Street, for example, was the same thing that happened every night on 4th and Oak streets in Louisville: kids strolled slowly along sidewalks and waited at bus stops, displaying themselves before cruising automobiles. Frequently, a car would stop, a boy or girl would be summoned for a quick negotiation, and the youngster would climb into the car and be off with the customer. The Louisville Police Department's intelligence commander, Maj. Wesley Cruse, a 25-year veteran who thought he had seen everything, was shocked to learn how many children were

hustling, and that young boys were able to sell their bodies even more quickly than girls could.

County Campaign. To stop what was happening, McConnell created an Exploited and Missing Child Unit (EMCU) in July 1980. Four social workers and a half-dozen police officers were selected by Rabun and Cruse to make up the team, with Rabun in charge.

As a first step, they launched a massive countywide information campaign. Thousands of brochures were distributed, advising that child exploitation was big business. Posters urged anyone who had information about child prostitution and pornography to call the EMCU. Parents were encouraged to educate—but not frighten—their children to the dangers, to keep close track of their children, to form neighborhood-watch groups, and to ask school principals to immediately notify parents whose children failed to reach school.

Then, for several nights, the EMCU staked out a Louisville park that attracted large numbers of youngsters. As cars stopped, picked up kids and drove off, plain-clothes men and spotters on rooftops radioed uniformed police parked on nearby side streets. The uniformed cops followed these cars until they were out of the neighborhood and then pulled them over. They asked both driver and passenger for names, addresses and occupations; why they had been in the park and if they knew each other; where they

were going; what they were going to do. "We were pleasant and respectful," says Cruse. "No one had to answer our questions, but they all did. We wanted these people to know that we were there, watching, and knew who they were."

Soon police were making arrests. Officers interrogated adults. Rabun and his social workers interviewed the kids, spending as long as necessary to gain their trust. Eventually many of them talked freely. By the spring of 1983, 28 major prosecutions had been successfully completed.

For example, two girls, a 13-year-old runaway and a 14-year-old who had been missing for two years from a foster home, were found with two adult men, James Carey and James Osbon. The men had been prostituting the girls at truck stops in Kentucky and Indiana. Carey and Osbon were convicted of various sex crimes against the children and sentenced to five years each in prison.

In another case, Rev. Tommy Dowell, who ran a Louisville mission, was caught trying to sell a young boy for sexual purposes for \$6000 worth of food stamps and \$1000 in cash. Dowell also pleaded guilty to distributing child pornography. He received a 15-year sentence in each case, to be served concurrently.

As the work of the EMCU progressed, it became apparent that child prostitution was a statewide problem. In the fall of 1982, Judge

McConnell set up the Kentucky Task Force on Exploited and Missing Children, with members recruited from the child-welfare field. As a result of their final recommendations a year later, state law now provides for: a child victims' trust fund to finance "body safety" education programs; a statewide clearing-house for information about missing children; authority to permit out-of-court, pre-trial, video-taped testimony of children under the age of 12 to be used as evidence in sexual-abuse cases; no probation for certain sexual offenses against children.

National Agenda. Thanks to the EMCU, Louisville's child-prostitution problem is a shadow of what it was four years ago. The streets and parks are still checked several nights each week, and Rabun has held seminars in various Kentucky cities and towns, showing how to set up an effective police officer-social worker EMCU. Lexington has organized a unit, and the Louisville-Jefferson County EMCU has trained another in Charleston, W. Va.

But more must be done. In April, a giant step was taken when President Reagan established the National Center for Missing and Exploited Children. Directed by people who understand the issue—including Jay Howell, former Senate investigator who conducted nationwide hearings on the problem, John

Walsh, whose young son was abducted and murdered, and John Rabun—the center will help parents to find children. It will assist and train law-enforcement agencies, and it can do much to mobilize public opinion to press for strong legislative action. For example:

- State and local governments should be encouraged to re-examine laws on child exploitation and, where necessary, to create legislation that makes even a first offense punishable with a heavy fine and a mandatory long-term prison sentence without probation.

- Recognize that the customer, the "john," is a partner in crime with the pimp, and should be punished. It is he who makes the trade profitable.

- Provide care for runaway and throwaway children. Warns one Jefferson County EMCU member, "Society had better look after these kids, or society is going to become their victim." Individuals must become concerned and involved. Business and industry should be urged to provide expanded shelters and professional care for such kids.

In short, everyone must face the problem squarely. "The only way you can fail to find child exploitation in our major cities," says Wesley Cruse, "is not to look for it."

For information on prices and availability of reprints write: Reprint Editor, Reader's Digest, Pleasantville, N.Y. 10570, or call 714-769-7000.

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Task force pulls some kids off Midway's ride of misery

By HUNT HELM

Courier-Journal Staff Writer

Here is a 17-year-old, A-student cheerleader, honored as an Outstanding Kentuckian at a chamber of commerce state fair lunch.

Here is a 16-year-old farmboy, calling out numbers lickety-split in a snake-believe auction of burley tobacco.

And here, a pair of golden-haired snoppets, riding the Skywheel and crowing with delight.

These are the children of the Kentucky State Fair, a big reason we call it "The Pride of Kentucky."

But just as surely, every year, the

state fair Midway helps to conceal an ugly world, a world that is not proud of anything.

Here is a 15-year-old girl, running from an arrest warrant for prostitution in Chicago.

Here is a 16-year-old boy, running from the physical abuse of a drunken stepfather in Indianapolis.

And here, a 14-year-old girl who believes that an all-night ride on the Skywheel has made her the wife of a road-worn carney.

These are runaways, whose parents want desperately to know where they are.

Or throwaways, whose parents don't care.

Troubled children are drawn to jobs in carnival booths, because the Midway gives them a perfect place to hide. No one asks questions. No one asks names. And in 10 days or less, they move on.

Some of these children work for 10 hours, get paid \$10, and then go to sleep in somebody's car. They scrounge for their next meal. They fight for it.

It's a hard way for a kid to come up.

That is why, for the past two years, the Jefferson County Task Force on

Missing and Exploited Children has organized quiet little fishing expeditions.

The task force — made up of social workers and police officers — walks the Midway peering into carnival faces and asking the questions that aren't to be asked:

What is your name? Where are you from? How old are you?

Prove it.

Last year the task force found 11 missing children from outside Kentucky, and returned them to their parents.

So far this year the group has found eight.

John Rabun, manager of the county's missing child unit, organized a group again on Wednesday night. County police Sgt. George Schweinbeck, city police intelligence officer Brian Ahearn, social worker Marguerite Sanders and Ron Pregliasco of the city-county crime commission.

They were joined by Cheryl Dawson and Andy Spellman, investigators with the Kentucky Department of Labor, who were there to enforce

See TEAM

Back page, col. 1, this section

Louisville, Ky., Friday morning, August 19, 1983

Courier-Journal

Memo*

Marroyce Hall

Dear Ms. Hall:

The following written statement reflects my personal views based on my experience as a police officer and citizen of this community.

The Anchorage Police Department investigates cases of lewd and lascivious acts towards children on a regular basis. In my experience, the suspect has a history of such behaviour coupled with a drinking problem and a fondness of pornographic material.

Concerning pornographic material and lewd and lascivious acts towards children, one search I conducted produced pornographic material using children in various poses. This material was obtained from a California based firm using children from the ages of nine to fifteen years. The advertisement from this firm was very graphic stating "Hard to find nymphets, exposing the secrets of puberty. These foxy mini-chicks are luciously posed to tease and please you." "The 8 x 10 sets are something a bit different and unusual. Set #1 contains four different girls in a full figure split pose and nice genital close-up of each. Set #2 features eight different girls, each in full figure split crotch poses."

Other publications using juveniles as the basis for the subject matter are:

YOUNG & NAKED, published by Sun West
TEEN TEASER, Eros Publishing Co.
TEASING TEEN, Eros Publishing Co.
LITTLE NUDES, Phoenix Publishing Co.
LOLITOTS, Delta Publishing Co.
TEENAGE NUDIST, Sun Era, Inc.
TINY NUDES, Golden State News
LITTLE GIRLS FUCK, TOO!, No Publishing company names, no price

Other publications using artistic semblance to hide behind are:

SHOW ME, by Will McBride
IN SEARCH OF YOUNG BEAUTY, by Charles Dubois Hodges
published by A.S. Barnes and Co., Inc.

All of the listed publications and two photograph albums with pictures obtained through the California publishing company were obtained in Anchorage this year. This search resulted in a conviction on one subject for two counts of lewd and lascivious acts towards children, the oldest of which was nine years old. The defendant in this case did have a drinking problem, did have a history of such behaviour and obviously had a fondness for this type of material. He showed this material to the two young boys and then performed acts on them, presumably while another child took photos.

I am not a psychiatrist nor am I a social worker; simply a police officer and a father. It is my opinion that there is no reason why such material should be sold or transported through the mail. I am not concerned for the consumer. My concern is for the children being used and the victims of such acts as I have described.

Sincerely,

*Material contributed by law enforcement personnel

Team seeks Midway's children

Continued from Page One . . . child-labor laws and the minimum wage.

Before the group split into teams, Rabun handed out some lists.

A list of the 24 children currently reported missing from Louisville. A list of the 16 children now missing from Jefferson County. A current computer list of the 250 bench warrants pending against juveniles in Jefferson County.

Every city in America has such lists — and their children could be out here too.

Soon the officers disappeared into the thick, sweet smell of the Midway.

And soon, Schweinbeck found Larry.

Larry was standing before a wall of targets, selling darts three at a time. He was unwashed and unrested, wearing blue jeans, a black T-shirt, a tin bracelet with a marijuana leaf etched on. Larry could have greased a cookie sheet with his hair.

Police in Indianapolis verified that Larry's mother and stepfather reported him missing on Aug. 6. Rabun told Larry he'd have to go to the Jefferson County Youth Center, then home to his parents.

Larry blew up.

"I'm not going back there. My —

— stepfather beats up on me. He threw me against the — wall. He threw me — out. I won't go back to that — town."

He withdrew, and stewed, fighting tears.

He blew up again.

"That's why I left there." He pointed out across the Midway, sucking air. "This is my family. I've run away four times and you can't stop me."

Rabun was calm and firm.

"Look, Larry. If you've got a problem at home, we'll make sure the authorities in Indianapolis know about it. We'll fill out a child-abuse report tonight. But . . . are going downtown."

Ahearn put Larry in the back of an unmarked police car and drove him to various points along the Midway to retrieve his scattered belongings, and to say his goodbyes.

The first stop was the booth where Larry had worked. His boss, a carney who wouldn't say his name, paid Larry \$11, "after the deductions," for 11 hours' work. Larry shook his hand and said, "Thanks, man."

But Spellman, the labor investigator, did some arithmetic, and ordered the carney to pay Larry the minimum wage — \$2.60 an hour — for 11 hours.

"You owe this boy \$28.60," Spellman said.

The carney paid up.

The next stop was for Larry's belongings, stuffed in a duffle bag and stashed under a ride nearby. The bag was less than one-third full. Then to find Mike, who'd been holding Larry's numchucks, an Oriental self-defense weapon. Larry unfolded his \$28 and peeled off a five-dollar bill.

"Here's what I owe you, Mike. I gotta split," Larry said, blowing the hair out of his face between words.

Besides Larry, Rabun's group has found a 15-year-old girl who ran away from St. Augustine, Fla., in March; a 14-year-old boy reported missing in Louisville two weeks ago; a 14-year-old girl who ran away from Madisonville on Aug. 5; a 17-year-old girl missing from Jeffersontown since Aug. 6; a 14-year-old girl who ran away from her parents in Louisville earlier on the day she was found; a 14-year-old girl from White Plains, Ky., who was running from a bench warrant; and a 17-year-old Louisville girl who tearfully admitted she had run away just an hour earlier, and wasn't even sure she wanted to.

Except for her, the parents of all those teen-agers had filed a missing-person report with their local police departments. But nothing happened until Rabun's group went fishing.

It isn't always easy to verify the age of a child who won't cooperate, Rabun said. And many police departments still aren't entering missing-child reports on the National Crime Information Computer, as they have been encouraged to do by the federal Missing Child Act passed last year.

That's why Rabun had to let one get away Wednesday night. By all accounts, the girl looked 15. She said she was 23, she gave a birth date that would make her 22, and she cried when she realized her lies weren't consistent.

She had no identification.

Finally the girl told Rabun that Chicago police had a prostitution warrant on her, and that it would prove her age.

A police officer in Chicago refused to verify that information over the telephone, and wanted Rabun to send the request via teletype. But Rabun was on the Midway, and he could not.

"Thanks for your usual cooperation," Rabun said.

Then he turned to his group and asked what else they expected from the city that has produced mass child-killer John Wayne Gacy, the Kentucky Derby child pickpockets — and a police department that still won't enter its missing children on the nationwide computer.

It was almost midnight. Young Larry was sitting in the back seat of the unmarked police car, a tough guy in tears.

An officer in the driver's seat filled out the usual forms, glancing over his shoulder to ask the routine questions.

"Any scars?" the officer asked.

"This one here," the boy said.

"Any tattoos?"

"No," the boy said. "But I want one."



ADMINISTRATIVE OFFICES
325 WEST POTTER DRIVE, ANCHORAGE, ALASKA 99502

Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

April 23, 1983

Reference House Bill No. 270 "An Act Relating To Child Pornography".

As concerned parents, grandparents and as booksellers we are aware of the United States Supreme Court's ruling in New York v. Ferber, and the Court's determination not to interfere unduly with legislative judgements as to how best to proscribe the production of hard-core child pornography. However as stated by the Association of American Publishers, "the Court's opinions in Ferber did recognize the potential that a statutory scheme seeking to achieve such a result could improperly impinge upon the dissemination of materials of a non-pornographic nature which have serious literary, artistic, scientific or educational value. In responding to the Ferber decision with any new legislative initiatives you must, we submit, not merely address the problem of child abuse arising out of pornographic depictions, but also must make provision for the unfettered dissemination of non-pornographic, socially-useful materials which may involve depictions of minors engaged in otherwise forbidden sexual conduct."

In a recent attempt to amend the Federal Protection of Children Against Sexual Exploitation Act of 1977, United States Senator Arlen Specter of Pennsylvania, Chairman of the Senate Judiciary Committee's Subcommittee on Juvenile Justice, has proposed that the requirement that materials depicting minors engaged in sexually explicit conduct be legally obscene be deleted in accordance with the Ferber decision. However, Senator Specter has also proposed that the statute be amended to provide an affirmative defense if the materials, when taken as a whole, possess serious literary, scientific, social, artistic or educational value. We strongly endorse such an approach.

Similarly, state legislatures in Alabama, Pennsylvania, South Dakota, Michigan and Massachusetts, all of which have enacted bills to conform with the Ferber decision, have provided in such bills exceptions or affirmative defenses for legitimate works.

Because House Bill No. 270, or Senate Bill No. 221 in their present forms would prohibit the publication and dissemination of materials which are serious literary, artistic, scientific, social or educational works, we urge your committee to recommend the inclusion of affirmative defenses or exceptions for legitimate works.

A copy of the Brief filed in the Supreme Court of the United States on behalf of American Booksellers Association and others, regarding the Ferber case has been sent to appropriate committees together with a copy of the statement made by the Association of American Publishers on December 8, 1982, to Senator Specter's committee. We would call particular attention to the last paragraph of page 4 and to page 5 regarding the book Show Me, and reference to a forthcoming book by G.P. Putnam's Sons. The entire statement should be helpful to the legislature in its deliberations.

We wholeheartedly endorse your goal of attempting to protect children from sexual exploitation, but ask that legislation properly accommodate First Amendment principles and protection.

If we can supply any additional information or be of assistance in any way please contact us.

Sincerely


Doris Riemann


Russ Riemann

Alexander J. Burke, Jr. Chairman
Thomas D. Wolfe President
Richard R. Edelman Senior Vice President

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STATEMENT OF
THE ASSOCIATION OF AMERICAN PUBLISHERS, INC.
CONCERNING PROPOSED AMENDMENTS TO THE
PROTECTION OF CHILDREN AGAINST SEXUAL
EXPLOITATION ACT OF 1977

To the Subcommittee on Juvenile Justice
Senate Judiciary Committee
December 8, 1982

The Association of American Publishers, Inc.

("AAP"), the major trade association of book publishers in the United States, submits this statement for inclusion in the record of this Subcommittee's hearings on proposals to amend the Protection of Children Against Sexual Exploitation Act of 1977 ("Act"). The impact of those proposals -- S.2856 and S.2788 -- upon book publishers is specifically addressed in the comments below.

AAP's more than 300 members represent a substantial segment of the book publishing community and are responsible for the publication of numerous prominent works concerning health, sexuality, psychology, child rearing and human development. It is AAP's belief that the book publishing industry must -- and does -- play a vital role in the production, dissemination and preservation of ideas and knowledge. AAP and

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its members are committed to the belief that the free exchange of ideas through publishing is the greatest service the publishing industry can render society, and further that the public's access to such ideas in book form should not be restricted.

Towards these goals, AAP and its members have diligently followed legal developments regarding publishing generally and judicial and legislative events which may implicate First Amendment rights in particular. The efforts of Congress and state legislatures to protect children from sexual abuse by outlawing child pornography have been viewed by AAP with both interest and concern. AAP's members of course deplore the exploitation of children to support a "kiddie porn" industry and fully support legislative efforts to curb such abuses. At the same time, they are deeply troubled by statutory provisions which, in an effort to control child pornography, threaten to sweep within their grasp a variety of serious works deserving of wide availability and unrestricted dissemination.

This concern over the potential overbreadth of child pornography statutes led AAP to closely monitor the enactment of, and the subsequent litigation concerning, New York's child pornography statute. As this Subcommittee is aware, it was a prosecution under one section of that statute that was reviewed by the Supreme Court in New York v. Ferber.

AAP participated as an amicus curiae in the Ferber litigation, urging both the Supreme Court and the New York Court of Appeals constitutionally to limit the legislative arsenal against child pornography to the prosecution of (1) persons who employ minors in the creation of kiddie porn, and (2) persons who publish or otherwise disseminate depictions of sexually explicit conduct by minors, provided the works containing such depictions are shown to be legally obscene. It was, and remains, the book publishing community's concern that more wide-ranging efforts to control child pornography -- through penalties upon the dissemination of non-obscene works containing portrayals of adolescent sexual behavior -- would eviscerate the significant societal benefits to be derived from the availability of a variety of materials concerning human sexuality and adolescent sexual development without significantly enhancing the enforcement effort against truly hard core pornography. We note that Congress, in enacting the present child pornography legislation, apparently agreed with this sentiment. As the Senate Committee on the Judiciary noted in 1977, "virtually all of the materials that are normally considered child pornography are obscene under the current standards . . . In comparison with this blatant pornography, non-obscene materials that depict children are very few and very inconsequential."

AAP is of course aware that the Supreme Court in Ferber upheld the constitutionality of New York's statutory scheme prohibiting the dissemination of materials depicting specified sexual conduct by a minor even where the materials are not legally obscene. In reaching its result, the Court determined not to interfere unduly with legislative judgments as to how best to proscribe the production of hard-core child pornography and thereby avoid the perceived detrimental impact upon children used as subjects of such pornographic materials. As we discuss below, the Court's opinions in Ferber did recognize the potential that a statutory scheme seeking to achieve such a result could improperly impinge upon the dissemination of materials of a non-pornographic nature which have serious literary, artistic, scientific or educational value. In responding to the Ferber decision with any new legislative initiatives, Congress must, we submit, not merely address the problem of child abuse arising out of pornographic depictions, but also must make provision for the unfettered dissemination of non-pornographic, socially-useful materials which may involve depictions of minors engaged in otherwise forbidden sexual conduct.

AAP's concern over the potential impact of amended federal child pornography legislation on the creation and distribution of important and responsible works is far from hypothetical. At least two works of which AAP is aware

illustrate the problem. The first is a book entitled Show Me!, published in translation by the distinguished St. Martin's Press in 1975. Show Me!, authored by a Swiss child psychologist, was designed as a tool for parents to use in discussing sex with their children. This it attempts to do through explicit and realistic photographs and text. The book, while highly controversial, has been praised by educators and others as a valuable resource tool and has been purchased and read by tens of thousands of families wishing to approach the subject of sexuality in an open, frank and uninhibited manner.

The second book, to be published by G. P. Putnam's Sons in the coming months, similarly deals with a mother's efforts to educate her daughter about female sexuality, and comprises both photographs and text.

Works such as the foregoing may be controversial, but they are neither pornographic nor exploitive. That one may agree or disagree with the ideas in, or manner of communication adopted by, such works is not the point; history teaches us that it is perilous to predict which ideas will one day achieve wide acceptance. Unless we are prepared to adopt the authoritarian view that controversial teaching tools such as Show Me! have no place in our society, provision must be made in the federal legislative scheme for such works to exist and be freely available.

If Congress is to consider, in light of the Ferber decision, eliminating the requirement from § 2252 of the Act that prohibited works must be "obscene" -- a key feature both in S.2788 and S.2856 -- at a minimum, provision must be made to exempt from the statute's coverage depictions of sexual conduct engaged in by minors that are contained in works that have serious literary, artistic, scientific or educational value. This approach finds support in the Ferber decision itself.

Each of the four opinions in Ferber recognized that the statute at issue in that case invited unconstitutional applications because, broadly applied, it covers depictions which do not threaten the harms sought to be prevented. Justices Brennan and Marshall expressly stated that application of such statutes "to depictions of children that in themselves do have serious literary, artistic, scientific or medical value, would violate the First Amendment." They further opined that in the case of such depictions, the argument of harm to the child resulting from the creation of a "permanent record" of his participation "lacks much of its force." Similarly, Justice Stevens recognized that "a serious work of art, a documentary on behavioral problems, or a medical or psychiatric teaching device, might include a scene from one of these films [proscribed by the statute]

and, when viewed as a whole in a proper setting, be entitled to constitutional protection."

Further support for appropriately limited statutory language is found in the opinion of the New York Court of Appeals issued on remand of the Ferber case from the Supreme Court. In a concurring opinion joined by Judge Fuchsberg, Judge Meyer stated that he would, "as a matter of state constitutional law, recognize an affirmative defense for literary, scientific, educational, governmental or other similar justification." He further stated that in his view, "without such a defense, the chilling effect. . . upon serious depictions which do not actually threaten the harms addressed by that statute will cause greater harm to this state's interest in free expression than is constitutionally permissible."

Additional precedent for legislation containing similar saving language may be found in several state statutes, some of which were enacted in specific response to the Ferber decision. While some of these provisions are, in AAP's judgment, constitutionally deficient, they nonetheless reflect commendable attempts by various states to ameliorate the problem addressed herein.

For example, a bill was recently passed in Alabama to strengthen that state's child pornography law "by making certain changes permitted by a recent United States Supreme

Court decision." The statute prohibits knowing dissemination or possession with intent to disseminate "obscene matter" containing a visual reproduction of a person under the age of 17 engaged in various enumerated acts. The statute defines "obscene" as follows:

(a) When used to describe any matter that contains a visual reproduction of breast nudity, such term means matter that

1. Applying contemporary local community standards, on the whole, appeals to the prurient interest; and
2. Is patently offensive; and
3. On the whole, lacks serious literary, artistic, political or scientific value.

(b) When used to describe matter that contains a visual reproduction of an act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, genital nudity, or other sexual conduct, such term means matter containing such a visual reproduction which reproduction itself lacks serious

literary, artistic, political or
scientific value.

Similar, although more narrow, exceptions may be found in
statutes in other states.¹

AAP urges this Subcommittee, in its consideration
of possible amendments to the present law, not merely to
strike the obscenity requirement from § 2252, without more.
For if publishers are to be deprived of the protection
afforded by the present obscenity requirement -- which change
in law we do not concede to be either appropriate or
necessary -- a meaningful substitute that will preserve the
opportunity to disseminate serious works otherwise falling
within the statute's prohibitions must be devised. S.2856
makes a commendable effort to address the problem, in

1. Pennsylvania and South Dakota have statutes which except
from their reach "materials involving only nudity, if such
materials are made for and have a serious literary, artistic,
educational or scientific value." South Dakota Statutes §
22-22-25; Pennsylvania C.S.A. § 6312(e). Likewise, the anti-
child abuse law in Michigan contains, in its definition of
"erotic nudity," a requirement that the nudity be displayed
"in a manner which lacks primary literary, artistic, educa-
tional, political or scientific value and which the average
person applying contemporary community standards would find
appeals to prurient interests." Michigan C.L.A., § 750.145c
(1)(d). Still another state, Massachusetts, allows an affir-
mative defense in any prosecution under its child pornography
law "that such dissemination of any visual material that con-
tains a representation or reproduction of any posture or ex-
hibition in a state of nudity was produced, processed, pub-
lished, printed or manufactured for a bona fide scientific or
medical purpose, or for an educational or cultural purpose
for a bona fide school, museum or library. . . ." Mass. Gen.
Laws, Ch. 272 § 29B.

providing that exhibition of the genitals or pubic area of a minor falls outside of the statute if such exhibition has literary, artistic, scientific or educational value. But we submit that that language is inadequate.

For one thing, a showing of literary, artistic, scientific or educational value should protect depictions of "sexually explicit conduct" without regard to whether they involve merely nudity (as S.2856 contemplates) or some other conduct. From AAP's perspective, if depictions of nudity may be said to be justifiable and deserving of protection in certain instances, then it is difficult to condemn depictions of other types of sexual behavior that may equally be a part of legitimate educational or other desirable works. The book Show Me!, for example, contains several photographs which arguably depict not merely nudity but sexual exploration in the form of masturbation. Is it logical to conclude that the social value of Show Me! -- indeed, its very ability to be marketed -- should turn on precisely the form of sexual conduct depicted? We think not.

We further find inadequate the apparent intention, in S.2856, to apply the test of literary, artistic, scientific or educational value to individual depictions themselves, as apart from the works as a whole. We are frankly at a loss to understand how one would meaningfully determine whether a particular depiction of nudity, or other sexual conduct, standing alone, and outside of the context of the work of

which it is a part, has educational, scientific or other value such that it would fall outside of the reach of the statute. In a book with scores of pictures and accompanying text, such as Show Me!, is the intention to view each photograph for its own intrinsic worth? AAP submits that the provision as drafted is both vague and lacking in meaningful protection for serious works containing non-pornographic depictions. We recommend instead a test that would focus upon whether the work in which the depictions appear, taken as a whole, has serious literary, artistic, scientific or educational value.

We finally find problems with the scienter test in § 2252(a)(1) and (2), on the assumption that the term "obscene" were stricken from the present language of (a)(1) and (a)(2). The present scienter requirement is meaningful in requiring the knowing transport, shipment, or receipt of any obscene visual or print medium, as defined. In the absence of the term obscene, all that would be required would be the knowing transport, shipment, or receipt of any visual or print medium -- a meaningless scienter standard. We believe the statute, if amended to delete the obscenity requirement, should make clear that it is the transport, shipment, or receipt of materials with knowledge that such materials contain depictions prohibited under the statute that constitutes illegal activity.

Were the Subcommittee to adopt the foregoing suggestions, § 2252(a) might be amended to read as follows:

(a) Any person who -

(1) transports or ships in interstate or foreign commerce, or mails any visual or print medium, with knowledge that -

(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

(B) such visual or print medium depicts such conduct; and

(C) such visual or print medium, taken as a whole, lacks literary, artistic, scientific or educational value; or

(2) receives any visual or print medium that has been transported or shipped in interstate or foreign commerce or mailed, with knowledge that -

(A) the producing of such visual or print medium involves the use

of a minor engaging in sexually
explicit conduct; and

(B) such visual or print medium
depicts such conduct; and

(C) such visual or print medium,
taken as a whole, lacks literary,
artistic, scientific or educa-
tional value;

shall be punished as provided in subsection (b) of
this section.

We thank the Subcommittee for its consider-
ation of AAP's views on this important legislative subject.