

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

4012 SJUD CHILD PROTECT. : JOHN WALSH. . - SEXUAL ABUSE OF MINORS

13. Child Pornography and Child Prostitution

Recent Congressional inquiries have indicated that both the exploitation of children in pornography and the issue of child prostitution are critical problems that can be addressed at the state level. Traditionally, there have been significant obstacles to the effective investigation and prosecution of these cases because of the difficulties in enforcing particular state statutes.

The issue of child pornography is complex, involving both the issue of obscenity as well as the power of the First Amendment. Child prostitution has in some cases been a difficult crime to prevent because of relevant conduct that is not proscribed in the particular state law and because of the fact that many of these offenses are treated as misdemeanors or lesser crimes.

Because of the complexity of each issue and the wide variety of state laws impacting upon these crimes, the text of this section contains specific recommended principles for state legislation.

Child Pornography

New York v. Ferber In the summer of 1982, the United States Supreme Court decided a case, *New York v. Ferber*, 458 U.S. 747 (1982), that allowed the individual states to constitutionally regulate the production and distribution of material that depicts children engaged in sexual activity even when the material is not legally obscene. This opened the door for the federal government (the Child Protection Act of 1984, P.L. 98-292), as well as the states, to expand coverage of the proscribed conduct under the topic of child pornography. As a result, many states adopted legislation similar to Georgia's 1983 Sexual Exploitation of Children legislation (§16-12-100), which follows:

- 16-12-100. Sexual exploitation of children.
- (a) As used in the Code section, the term:
- (1) "Minor" means any person under the age of 18 years.
 - (2) "Performance" means any play, dance, or exhibit to be shown to or viewed by an audience.
 - (3) "Producing" means producing, directing, manufacturing, issuing, publishing, or advertising.
 - (4) "Sexually explicit conduct" means actual or simulated:
 - (A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
 - (B) Bestiality;
 - (C) Masturbation;
 - (D) Sadomasochistic abuse for the purpose of sexual stimulation; or
 - (E) Lewd exhibition of the genitals or pubic area of any person.
 - (5) "Visual or print medium" means any film, photograph, negative, slide, book, magazine, or other visual or print medium.
- (b) (1) It is unlawful for any person knowingly to employ, use, persuade, induce, entice, or coerce any minor to engage in or assist any other person to

engage in any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct.

(2) It is unlawful for any parent, legal guardian, or person having custody or control of a minor knowingly to permit the minor to engage in or to assist any other person to engage in sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct.

(3) It is unlawful for any person knowingly to employ, use, persuade, induce, entice, or coerce any minor to engage in or assist any other person to engage in any sexually explicit conduct for the purpose of any performance.

(4) It is unlawful for any parent, legal guardian, or person having custody or control of a minor knowingly to permit the minor to engage in or to assist any other person to engage in sexually explicit conduct for the purpose of any performance.

(c) Any person who violates a provision of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than three years nor more than 20 years or by a fine not more than \$20,000.00, or both.

Enactment of this kind of statute is significant for the following reasons:

1. It protects children by allowing sexually explicit conduct to be defined as, among other things, "masturbation," or the "lewd exhibition of the genitals or pubic area" of any person. This is significant because much trading and exchange in child pornography is done with "mere nudes," which may involve an exhibition of the genital area.
2. A child or minor is defined to be any person under the age of 18 years. This is significant because in many statutes the protection for children only extends to age 14 or 16.
3. The statute penalizes individuals who use or entice children to engage in sexually explicit conduct as well as parents or individuals having custody or control of a minor who knowingly permit the child to engage in this kind of activity.

The Georgia statute could be improved by what California (Penal Code, § 11166) did when it defined "sexual conduct" to include "exhibition of the genitals, pubic or rectal areas of any person for the purpose of sexual stimulation of the viewer." This definition would assist in covering many of the materials that are traded or exchanged in child pornography.

Of course, the additional provisions of the Penal Code in Georgia prohibit the *sale, loan, and exhibition* of this kind of child pornography.

Commercial Purpose A different kind of legislative improvement to restrict pornography was adopted by Colorado (1984, H.B. 1018). Colorado removed the requirement of a commercial purpose from the offense of sexual exploitation. This is critical because many of the transactions that occur in the world of child pornography are not done for commercial purposes or profit but rather as a straight exchange or trade.

Report by Processors A critical provision enacted by the State of California (Penal Code, § 11166) requires commercial film and photographic processors to report items that they observe in their professional capacity depicting a child under the age of 14 years engaged in the act of sexual conduct.

RICO It will be important for states to consider the use of the RICO (Racketeering Influenced Corrupt Organizations) provisions, which some states currently have and which allow for a judge or jury to be shown evidence of additional acts of a child pornography scheme. The RICO provisions are often used for such offenses as drug dealing, burglary, and car theft. The unique nature of child pornography means that the RICO provisions would give an added advantage to the investigation and prosecution

of these cases. Also, the provisions of these statutes often provide for seizure and forfeiture of the sources used to further the criminal activity.

Basic Principles It is recommended that any child pornography statute include provisions that will accomplish the following:

1. Cover the production, distribution, financing, and reproduction of such pornography, as well as pornographic modeling and performances in shows.
2. Provide for criminal penalties, regardless of whether the material is considered legally obscene.
3. Provide for criminal penalties regardless of whether or not there is any anticipation of profit or other commercial gain. Any distribution of child pornography should be prohibited.
4. Apply to all children through their eighteenth birthday.
5. Provide for the age of the child portrayed in the material to be established by expert testimony.
6. Include penalties for parents or custodians who knowingly allow their children to be used in child pornography.

Proof of Age of the Victim The State of New York has a law that allows the age of the child to be proved by an expert—for example, a physician or sociologist. This is critical because many times investigators have no knowledge of the identity of the child portrayed. That statute is as follows:

§263.25 Proof of age of child—When it becomes necessary for the purposes of this article to determine whether a child who participated in a sexual performance was under the age of sixteen years the court or jury may make such determination by any of the following: personal inspection of the child; inspection of a photograph or motion picture which constituted the sexual performance; oral testimony by a witness to the sexual performance as to the age of the child based upon the child's appearance; expert medical testimony based upon the appearance of the child in the sexual performance; and any other method authorized by any applicable provision of law or by the rules of evidence at common law.

Child Prostitution

Because of the extremely diverse nature and variety of state laws affecting child prostitution, this section will include principles that address some of the typical problems. Each state should consider legislation that accomplishes the following:

1. Creates a separate offense for aiding, assisting, or promoting the prostitution of children, which has criminal penalties greater than those for promoting prostitution generally.
2. Provides for specific penalties for parents, guardians, or custodians who knowingly permit their children to engage in prostitution.
3. Defines a child as anyone under the age of 18.
4. Eliminates any existing statutory language that may require the children involved in prostitution to be of "previously chaste character."
5. Makes the act of patronizing a child prostitute a criminal offense and provides greater penalties where younger children are involved.

Finally, runaway and homeless youth programs like New York's (§ 532) have provided alternatives to the children on the street who often turn to prostitution.

Additional Sources

Because this legislation package is not comprehensive, additional sources of information are listed below. These agencies and organizations are working diligently in the areas of child abuse, victims' assistance, education, restitution, and parental kidnapping.

American Humane Association
9725 East Hampden Avenue
Denver, Colorado 80231
(303) 695-0811

American Humane offers expertise, technical assistance, training, advocacy, and information on child welfare, child protection, and related areas. While American Humane has published legislative analyses and has been involved in legislative advocacy, its efforts are now directed more toward continuing the compilation of national statistics on intrafamily child abuse and neglect and toward training of child welfare personnel and technical assistance to involved agencies.

Council of State Governments
P.O. Box 11910
Iron Works Pike
Lexington, Kentucky 40578
(606) 252-2291

The Council of State Governments is a non-profit, state-supported service organization of all fifty states and the U.S. territories. The Council collects and distributes information, promotes interstate cooperation, and works to improve state administration and management on both a national and regional basis.

Juvenile Justice Clearinghouse
National Criminal Justice Reference Service
P.O. Box 6000
Rockville, Maryland 20850
(301) 251-5500
(800) 638-8736

The Clearinghouse, as part of the NCJRS, maintains and will access on request a data base containing information and research on all juvenile justice issues, including missing children and child exploitation. The data base includes, but is not a comprehensive source of, state and federal legislation and related materials. The Clearinghouse also provides information on current programs, policy issues, and other areas, and can refer callers to other sources.

National Association of Counsel for Children
1205 Oneida Street
Denver, Colorado 80220
(303) 321-3963

The Association, which serves attorneys representing children, guardians ad litem, juvenile court judges, and other advocates of children, has expertise in legislative developments in the states and litigation related to such areas as child abuse, child protection, children's rights, child prostitution and pornography, and child custody disputes. The Association publishes a newsletter with a section on state legislation, has assisted in the development of relevant state laws, and can make referrals to members throughout the country with expertise on specific legal issues.

National Clearinghouse on Child Abuse and Neglect Information

U.S. Department of Health and Human Services

P.O. Box 1182

Washington, D.C. 20013

(301) 251-5157

The Clearinghouse is a national resource for information on child abuse and child neglect, including medical neglect of handicapped infants and abuse in out-of-home day care facilities. The Clearinghouse disseminates model child protection legislation developed by the National Center on Child Abuse and Neglect and maintains a searchable data base available through DIALOG Information Services that contains, among other materials, portions of state laws relevant to child protection, child exploitation, and related issues. The Clearinghouse distributes several analyses based upon its collection.

National Committee for the Prevention of Child Abuse

332 South Michigan Avenue

Suite 1250

Chicago, Illinois 60604-4357

(312) 663-3520

The National Committee works for the prevention of child abuse and child neglect through state and national public awareness programs, a network of state chapters, and through advocacy and information dissemination. The National Committee supports, with the efforts of the National Child Abuse Coalition, an advocate in Washington, D.C., who tracks state child abuse legislation and lobbies for and monitors federal child abuse legislation. The National Committee publishes a newsletter and a variety of informational materials on child abuse, child neglect, and related issues.

National Conference of State Legislatures

1125 17th Street

Suite 1500

Denver, Colorado 80202

(303) 292-6600

The National Conference of State Legislatures is a nonpartisan organization that provides a wide range of services to the nation's 7,500 state legislators and their staffs. Its Children and Youth Program produces publications, responds to requests for information, conducts research, and provides technical assistance and seminars on child support and child welfare reform.

National Council of Juvenile and Family Court Judges

P.O. Box 8970

Reno, Nevada 89507

(702) 784-6012

The National Council, through its training arm, the National College of Juvenile Justice, provides membership services and training for judges and others involved in juvenile and family courts. Areas of interest include child support enforcement, permanency planning, and child advocacy. The Council's research arm, the National Center for Juvenile Justice, collects and analyzes juvenile court data and conducts statutory analyses in such areas as confidentiality, fingerprinting of juvenile offenders, waiver, and transfer. The Council publishes a newsletter, a quarterly journal, and a monthly digest of juvenile court decisions.

National District Attorneys Association

1033 North Fairfax Street

Suite 200

Alexandria, Virginia 22314

(703) 549-9222

The Association serves the nation's prosecuting attorneys and works to improve the ad-

ministration of justice through educational and informational programs for its members. The Association prepares amicus briefs to assist the court, conducts surveys of prosecuting attorneys, awards scholarships to prosecuting attorneys, and publishes a variety of educational and resource materials, including a national directory of prosecuting attorneys. The Association has information and expertise on juvenile justice, juvenile delinquency, child welfare, and the prosecution of child sexual offenders, and can make referrals through its committees and its membership.

National Governors Association
444 North Capitol Street, N.W.
Washington, D.C. 20001
(202) 624-5300

The National Governors Association, founded in 1908, represents the governors of the fifty states, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of the Virgin Islands, Guam, and American Samoa. Its missions are to influence the shaping and implementation of national policy and to apply creative leadership to the solution of state problems. The Association's operations are supported by member jurisdictions, and its policies and programs are formulated by the governors.

National Legal Resources Center for Child Advocacy and Protection
American Bar Association
1800 M Street, N.W.
Washington, D.C. 20036
(202) 331-2250

The Legal Resource Center provides technical assistance, consulting, and training on legal issues related to child welfare and child protection. The Center, through these activities and through dissemination of publications and analyses, promotes the reform of child welfare laws and administrative and judicial

procedures. The Center produces publications and has expertise in the areas of parental kidnapping, missing children, and child sexual and criminal exploitation.

National Organization for Victim Assistance (NOVA)
1757 Park Road, N.W.
Washington, D.C. 20010
(202) 232-8560

NOVA, which recently established a child victimization committee, tracks victim-related state legislation and publishes a directory of legislation that reviews and gives citations for state laws related to victim rights and services. The directory includes, in an appendix, some model pieces of legislation. The 1985 edition, which will be available in January 1985, will include new legislative developments relevant to child sexual assault and exploitation. NOVA also publishes a victim service program directory.

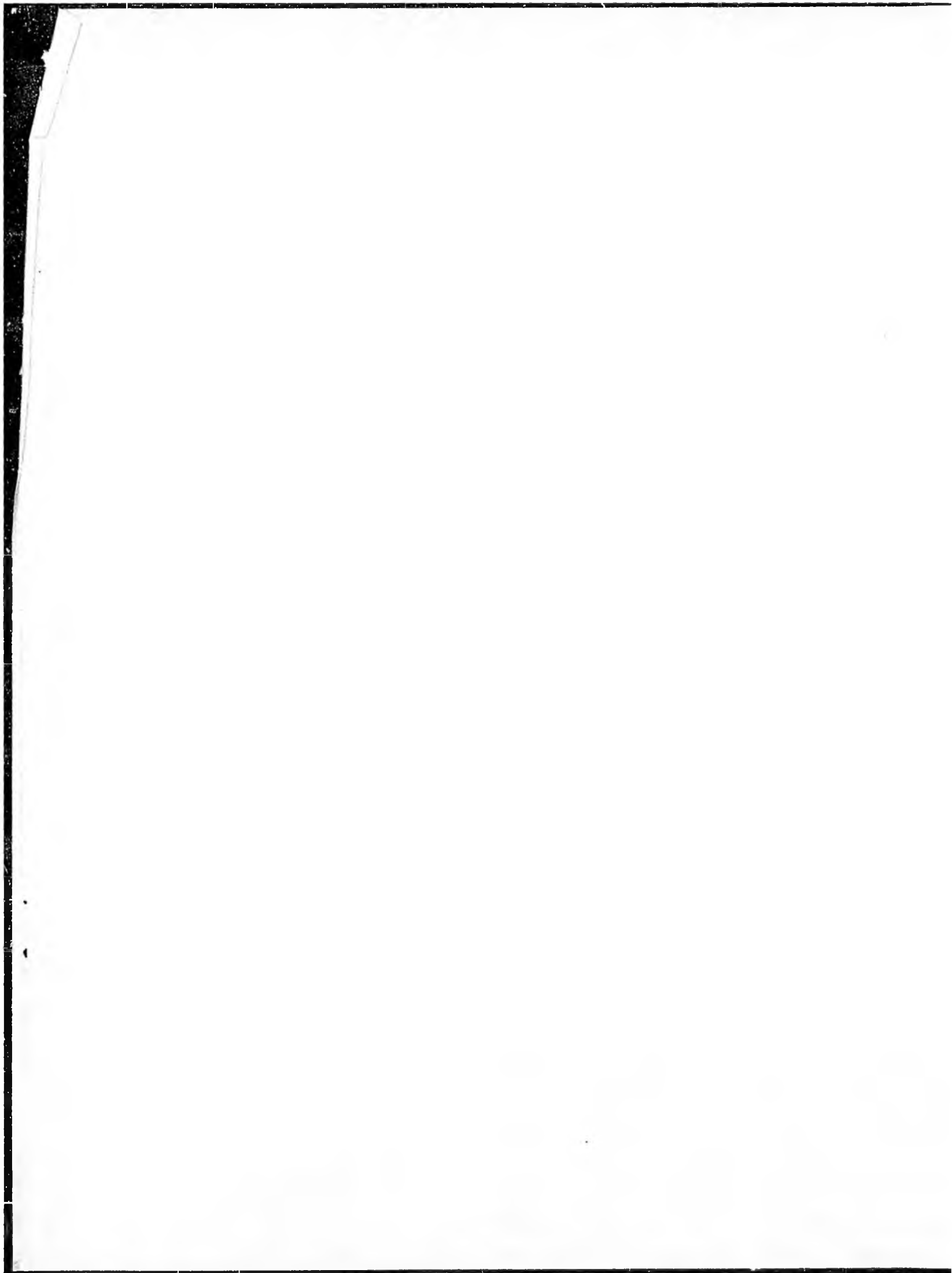
National Victim Resource Center
Suite 1342
633 Indiana Avenue, N.W.
Washington, D.C. 20531
(202) 724-6134

The Center is a national clearinghouse of information on victim assistance and compensation and relevant legislation, programs, and organizations. A computerized data base of state laws concerning victimization includes some legislation on child victims of sexual assault and sexual exploitation, as well as videotaping of child victims for use in legal proceedings. The file tracks pending as well as enacted legislation, and includes citations and summaries. The Center also maintains a computerized file of descriptions of national victim assistance programs.

Index

- Adoptive parents, information on, 33
- Background information. *See* Criminal history.
- Child care institutions, licensing of, 34
- "Child in the Courtroom. The," 19-22
- "Child Pornography and Child Prostitution," 45-47
- Child pornography, determining age of the child, 47
- Child prostitution, suggested legislation to prevent, 47
- Child protection teams, 12-13
- Clearinghouses, 1-2
- Closed-circuit television, 21
- Confidentiality of those reporting child abuse and victimization, 11
- "Consent" of the child victim, 17
- Corroboration rules, 21
- "Court-Appointed Advocates," 39-40
- Courtroom procedures, 19-21
- "Criminal Code Provisions," 17-18
- Criminal code provisions, parental kidnapping, 41-43
- Criminal history, federal law requiring, 31
- Criminal history, those supervising children, 32-33
- Criminal justice professionals, training for, 35
- Disposition of child victim case, 22
- Dolls, use of in courtroom, 21
- "Education and Prevention," 25-26
- Emergency protection for the child, 10-11, 14
- Evidence, allowing out-of-court statements, 20
- Examination of sexual offender, 18
- Examinations, payment for, 14
- Exploitation, 45-47
- Federal Parent Locator Service, 43
- Ferber, New York v.*, 485 U.S. 747 (1982), 45
- Foster parents, information on, 33
- Guardian ad litem, 39
- Hearsay. *See* Evidence.
- Identity, confidentiality of, 23-24
- Immunity for those who report child abuse and victimization, 11
- Jail sentences for sexual offenders, 17-18
- Judges, education program for, 35
- Kentucky legislation to protect children, 4-8
- Kidnapping, parental, 41-43
- Law enforcement, pre-service and in-service training for, 35
- Leading questions, 19-20
- "Licensing and Criminal History Information," 31-34
- Licensing child care institutions, 34
- Lists of missing children, 28
- Mandatory prison sentences for sexual offenders, 17-18
- "Missing Children," 1-8
- Missing children, lists of, 28
- Model state legislation for protecting the privacy of child victims of sexual assault, 24
- Name, confidentiality of, 11, 23-24
- National Crime Information Center (NCIC), 3
- National Crime Information Center (NCIC) computer, 3, 4
- NCIC. *See* National Crime Information Center.
- Notification of child sexual assault to agencies, 10

- "Parental Kidnapping," 41-43
- Parental kidnapping, age of child protected, 41
- Parental kidnapping, civil provisions for, 43
- Parental kidnapping, concealment, 41
- Parental kidnapping, felony, 41
- Parental kidnapping, problems in enforcement, 41
- Parole board, 18
- Parole hearing, 18
- Paroling sexual offenders, 18
- Physical examinations, payment for, 14
- Prevention programs, 25-26
- Prison sentences for sexual offenders, 17-18
- Privacy of child victim, 23-24
- Procedures, courtroom, 19-21
- Prosecutors, education programs for, 35
- "Protecting the Privacy of the Child Victim," 23-24
- Protection, emergency, for child, 10-11, 14
- Protection programs, 27-28
- Protection teams, 12-13
- Protective measures for those who report child abuse and victimization, 11
- Racketeer Influenced Corrupt Organizations (RICO), 46-47
- Recording testimony, 20-21
- Registering sexual offenders, 18
- Reporting cases of child sexual exploitation, 9-11
- Reporting by film and photographic processors, 46
- Restraining orders, 14
- RICO. *See* Racketeer Influenced Corrupt Organizations.
- Rights of child victims, 22
- Rights of child witnesses, 22
- School, withdrawal of children from, 28
- School employees, criminal history information on, 33
- School employees, report of arrest of, 29
- School programs, 27-28
- "Schools," 27-29
- Search warrant, 10
- "Sexual Abuse and Exploitation," 9-15
- Sexual assault and exploitation, 10
- Sexual assault, protecting privacy of victim, 23-24
- Sexual exploitation of children, 45-47
- Sexual exploitation, commercial purpose, 46
- Sharing information among agencies, 10
- Social service professionals, pre-service and in-service training for, 35
- State child protection boards, 1-2
- Statute of limitations, 17
- Temporary protection for the child, 10-11
- Testimony, allowing the child to testify in court, 19
- Testimony, recording, 20-21
- "Training for Youth System, Social Services, and Criminal Justice Professionals," 35
- Treatment costs, payment of, 37
- "Treatment and Rehabilitation of the Child Victim," 37
- Treatment for sexual offender, 18
- Unidentified deceased persons, 3
- Victim interviews, 14-15
- Videotaping, 20-21
- Waiting periods, 3
- Youth system professionals, training for, 35

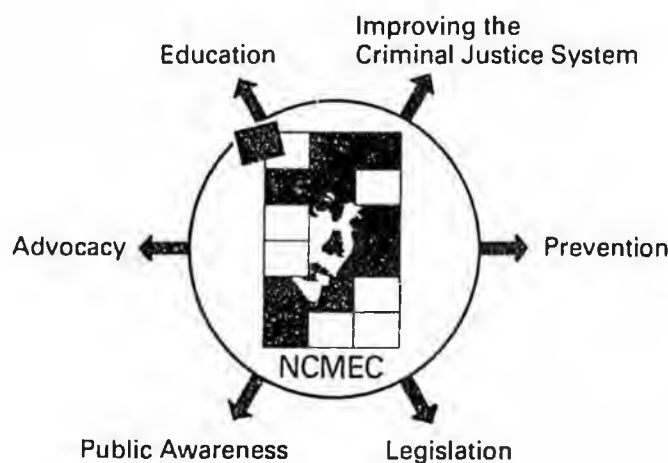


The National Center for Missing and Exploited Children

- provides training assistance to law-enforcement and child protection agencies to develop effective procedures to investigate and prosecute cases of missing and exploited children
- assists individuals, groups, agencies, and state and local governments involved in investigating and prosecuting cases of criminally or sexually exploited children
- provides information and advice on effective state legislation to assure the safety and protection of children
- provides prevention and education programs for parents, schools, action groups, agencies, communities, volunteer organizations, law enforcement, and local, state, and federal institutions
- distributes comprehensive instruction packages to aid communities in protecting children
- organizes networks of information among school systems, school boards, parent-teacher organizations, and community organizations about proven techniques for implementing educational programs
- conducts an outreach program to alert families, communities, the criminal justice system, and concerned organizations about the nature and extent of child victimization and exploitation
- ensures coordination among parents, missing children groups, and the media to distribute photos and descriptions of missing children
- coordinates the exchange of information regarding child exploitation

. . . Is at the Center of the Problem

The Center is a primary resource for assistance and expertise in all these areas:



Information Please

The National Center for Missing and Exploited Children offers a national clearing-house that collects, compiles, exchanges, and disseminates information. Anyone who is seeking information or who wishes to contribute information about the problem should write to the following address:

The National Center for Missing and Exploited Children
1835 K Street, N.W.
Suite 700
Washington, D.C. 20006

Contents

Foreword

A Message to the Citizen

- 1. Missing Children**
- 2. Sexual Abuse and Exploitation**
- 3. Criminal Code Provisions**
- 4. The Child in the Courtroom**
- 5. Protecting the Privacy of the Child Victim**
- 6. Education and Prevention**
- 7. Schools**
- 8. Licensing and Criminal History Information**
- 9. Training for Youth System, Social Services, and Criminal Justice Professionals**
- 10. Treatment and Rehabilitation of the Child Victim**
- 11. Court-Appointed Advocates**
- 12. Parental Kidnapping**
- 13. Child Pornography and Child Prostitution**

Additional Sources

Index



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

11/7/89
Date

CHILD
PROTECTION:
SEXUAL
ABUSE OF
MINORS

Senate Judiciary Chairman-Patrick Rodey
Rm 504 Capitol
Juneau Ak 99801

*Revised
2-5-86*

January 30, 1986

Several months ago I read several articles in the Fairbanks Daily Newsminer regarding suggested reduction of sentence for sex offenders. I think it is appalling to even suggest a reduced sentence in most cases, especially involving children under the age of 13 years. We are living in a society today who flaunts sexual promiscuity and where children are learning the facts of life much earlier than when I was a child in school, which has not been all that long ago. It saddens my heart, that our laws are also diminishing and have become unbalanced in favor of the criminal. Laws and sentences for sex offenders are no exception to this trend. I feel that just because children are being prematurely exposed to pornography and slanted views of sex education does not mean that they fully understand the consequences. I think you the representatives of the people are negligent of your responsibilities if you allow such laws to continue, and we the people negligent if we don't begin to express our feelings on such matters.

According to some law enforcement acquaintances statistics support the claim that few sex-offenders are ever rehabilitated, but rather are repeat offenders. If a defenseless child is sexually abused, whether it be by a stranger or a relative, the offender is sick and a misfit in our society. If your young child were sexually penetrated how would you feel about the sentence. Castration sounds like an appropriate punishment to me. I feel the punishment should match the crime, and increase in severity, drastically with repeat offenses. I feel it is time to take our heads out of the sand and quit hoping the problems of our day will go away, because we all know that will not happen. Our problems will only intensify as we continue to ignore them or slap the hand of the repeat offenders, regardless of the crime.

I would appreciate hearing your response to this letter. Thank you.

Sincerely,

Pat Moss

✓ PO Box 61155
Fairbanks Ak. 99706

A battle against incest

Attorney's tough stand wins cases

By SHEILA TOOMEY
Daily News reporter

Nothing in Betsy Sheley's past prepared her for the job. Nobody warned her about the things some men do to children.

"I never heard of child sex abuse or incest back in Texas," she said. "It must have been happening, but it wasn't prosecuted and they never talked about it" — not in Dallas.

Now, at 31, Sheley heads the child sex abuse unit in the Anchorage District Attorney's office. For all practical purposes, she decides who gets arrested in Anchorage for child sexual abuse — and how hard they get prosecuted.

The caseload of her unit has increased 100 percent each year since she has been there, from one or two to four or five new cases a week.

Sheley's policy of aggressively prosecuting incestuous fathers and her belief that all child sex abusers have an incurable sickness and should be locked up has angered defense attorneys, disturbed some treatment counselors but apparently delighted juries.

Her unit has lost only one jury trial in two years.

Sheley says people who still think treatment is a realistic approach to child sex abusers are out of step with science and out of touch with public opinion. Jurors who returned a guilty verdict Friday in an incest case pleaded with her to "don't ever let that guy live

See Page A-14, ANCHORAGE



Anchorage Daily News/Fran Durner

Betsy Sheley holds an anatomically correct doll in room used to interview children.

Anchorage prosecutor takes an aggressive stand against incestuous fathers

Continued from Page A-1

with that little girl again," she said.

Along with the public, Sheley (pronounced Sheelie) has learned more over the past two years about child sex abuse than she once cared to know.

It wasn't until two years ago, when she became an assistant district attorney, that Sheley read for the first time a police report spelling out in clinical detail exactly how an adult had used a child for sexual pleasure.

"That shock stayed with me for three months," she said. "I got disgusted. It took three months of reading police reports before I didn't want to cry or bark."

"It took 25 cases."

"Then I found out people do it to boys too. Then I started getting incest cases. I never even read about that. Now there are articles in Time Magazine."

Books about incest were not on the recommended reading list for proper Southern Baptist belles when Sheley was growing up — middle-class and bright — in a family that was Texan before the Alamo fell to Santa Anna.

Her father was a certified public accountant who became Deputy Comptroller of the U.S. Her mother stayed home.

That Sheley happened to be born when her mother was in Memphis, Tenn., "is the great shame of my family," she said. "I'm the only one not born in Texas."

It's the same with her husband's family. Clark Reed Nichols is also a lawyer. He works for a private firm in Anchorage. Their five-month old son is the first male child in five generations of Nicholsons not born in Texas — a defect his parents have tried to make up for by naming him Denton — after Denton, Texas, Nichols' home town.

Sheley is small, attractive and ambitious. Friends and enemies say she is competent, works hard and usually gets what she wants.

"From the fourth or fifth grade, I always knew what I wanted to be," she said. "I always knew I wanted to be a trial lawyer."

A trial lawyer, yes, but not the kind of lawyer who spends 60 hours a week mired in human misery.

"I never wanted to be a criminal attorney. I never even thought about it as a kid," she said. "Criminal lawyers are fairly low regarded by the rest of the profession and I was into status. I wanted status and money. I wanted to be courted by the largest law firms in Dallas."

But her husband hated the Texas heat. And Sheley soon realized that new civil lawyers rarely get to strut their stuff before a jury. The couple headed north, first to Seattle and then to Anchorage.

From the time she hit Alaska, Sheley seemed destined for controversy. To get a license to practice law in the state, she had to sue the Alaska Bar Association over its residency requirement. Her passing grade on the Bar exam was sealed until the Alaska Supreme Court ruled in her favor and threw out the requirement.

With no jobs available in the district attorney's office, Sheley worked in the Office of Special Prosecutions and Appeals for nearly two years, mostly arguing legal issues before the Court of Appeals, but also handling an occasional prosecution.

It was during this period that she twice prosecuted Rock Smith, the tax protester and leader of Patriots in Action, an anti-government group. Sheley convicted Smith for contempt of court but, in an embarrassing Keystone Cops mix-up, lost a highly publicized tax case against him.

Judge Ralph Moody declared a mistrial

•The absolute best you can hope for, and that's with the most effective therapy program, which is not available in Alaska, is that they can control the urge . . . Nobody's ever going to be cured. •

— Betsy Sheley

when documents from a Seattle bank, introduced as evidence against Smith, proved to be from the account of a different Rock Smith. Local newspapers carried Moody's stinging criticism of Sheley.

While Sheley was learning — as she puts it — "the realities of life in a felony courtroom," a quiet revolution was taking place upstairs in the district attorney's office.

Frustrated for years over their lack of muscle in dealing with incest cases, a group of social workers from the state Family and Youth Services agency approached then-District Attorney Larry Weeks and asked him to start prosecuting incestuous fathers according to a plan developed in California.

Under the Giarretto Model, fathers suspected of incest are criminally indicted. In return for a confession, they are given little or no jail time but a long suspended sentence with the condition that they participate in therapy.

According to Sue Harris, staff director of the Anchorage FYS office, this method of dealing with incest cases covers all the necessary bases: The father acknowledges that he is the wrongdoer, that the child bears no blame for what happened; it leaves the father available for treatment and makes it possible to salvage the family, if that seems appropriate; it saves the daughter from having to testify against her father and relieves her of the guilt of having sent her father to jail; and, at the same time, it leaves a long jail sentence hanging over the father's head, which can be invoked if he steps out of line.

When Sheley first took over child sex abuse prosecution, she used the Giarretto Model. But after a year of experience and training with Outside experts, she concluded that incestuous fathers were not much different from abusers who went after other people's children instead of their own.

"The sexual pathology is the same," she says. "There's no clinical difference. Your sexual preferences are set so young."

Child molesters of any variety "are never going to not want to molest children," she says. "The absolute best you can hope for, and that's with the most effective therapy program, which is not available in Alaska, is that they can control the urge . . . Nobody's ever going to be cured."

Armed with this belief, and with a new law establishing an eight-year presumptive sentence for first-time child sex abuse involving any penetration, including with a finger or an object, Sheley stopped offering suspended sentences in return for confessions.

Now everybody gets prosecuted. Everybody goes to trial if they insist. Everybody goes to jail.

Sue Harris from FYS and some defense attorneys tend to agree that pedophiles — people whose preferred sex partner is a child — probably are incurable. The criticism directed at Sheley is almost entirely due to her conviction that "incest father" is just a

euphemism for pedophile.

"We know enough that they don't all fall in the same category," said Harris. "Pedophiles who have a sexual preference for children are probably not treatable. There are many others that are treatable."

Still, Harris is not critical of Sheley. Harris' office now gets 25 new incest cases a month. "I don't like the eight-year sentencing. I hope that will change," she said.

"We need the suspended sentencing. But, if you look at the mood of the public, you hear a lot of people calling for stronger prosecution."

A defense attorney, who asked not to be named, criticized Sheley for rejecting "a reasoned, tested, proven mainstream alternative" for dealing with incest cases. The attorney's comments were representative of other members of the local defense bar who were interviewed.

"When you have a kind of attitude that absolutely everybody needs to go to jail for as long as possible, an attorney can't in good conscience advise their client to plead guilty," the attorney said. "They can't tell them to admit to the daughter that he was wrong, she was right, and you need that admission for therapy to begin."

"She doesn't recognize the trauma to the victim in going through trial. She's so unreasonable."

Another attorney said Sheley's policy of prosecuting all cases "harms some victims and families when it's not necessary to achieve the end they want."

Sheley is very aware of the storm swirling around her. "I understand why they get mad." But she says her critics are not familiar with the latest studies in the field, which support her philosophy and the eight-year sentence.

"The courts were putting these guys back in the home. They would say, 'Oh, he's been treated.' There are counselors in this town coming into court, saying this guy will never do it again."

They all do it again if they get the chance, she says, and they've all done it before.

Sheley questions the approach that makes keeping the family together the most important goal. "What's the big deal about taking a child molester out of a home? Half of the marriages these days end in divorce. People are breaking families up over things like, 'I don't like the way he doesn't pick up his clothes.'"

"Splitting up the family is not the worst thing in the world. The worst thing is that the kid put him away, but I don't know of a safe alternative."

Competent therapists can deal with the child's pain, she says. "I've talked to too many past incest victims," she says. "You tell them eight years, they say fine, my younger sister will be out of the home by then."

Experts agree that some child sex abusers can be treated, Sheley says, but experts also agree that there is no reliable way of telling

who will respond to treatment and who won't. "At least I know my solution and the legislature's solution works."

"Zealot" is a word often used by Sheley's critics. It's a word she doesn't shrink from. "Zealot? You bet. Someone has to protect these kids."

There is a persistent rumor in courthouse hallways that Sheley was herself a victim of child sex abuse. She says it's not true. The story apparently persists because of the emotion she sometimes displays during trials. "Sure, I cry," she agreed. "I let the juries know they're the last stop if this child is going to be protected."

Sheley laughs at the story of a local minister who testified for the defense in one of her trials and became so concerned about her that he later called and offered to counsel her about her unfortunate childhood experiences. "I think it was totally Christian of him to do that," she says with a smile. "Actually I had a totally wonderful childhood."

As for her feelings about the men she prosecutes, "I rarely lose my temper with offenders," she says. "By and large they're fairly pitiful people . . . Some are evil."

"I come from this black and white, right and wrong background. We were raised very morally. I really do believe there's a right and wrong. They have to be punished for what they did and they mustn't do it again. They should never live with children again. It would be like an alcoholic working in a bar."

Sheley says she only gets mad at defense attorneys "if they hurt my kids." By "hurt," she means things like insisting the children testify when it might not be necessary or otherwise pressuring the child. Defense attorneys say her hard-nosed attitude makes it necessary for them to challenge the children's testimony.

By and large, Sheley saves her anger for "women who choose their husbands over their children" — mothers who refuse to believe a child's story and pressure them to recant. "These women ought to fry in hell for what they do to their daughters," she says.

The certainty of prison has reduced the number of guilty pleas among men charged with child sex abuse, so Sheley spends a lot of time doing what she said she always wanted to do — be a trial lawyer. Although it's not quite what she had in mind back in Dallas, it's what she wants to be doing now.

"I actually asked for the job. I know people think it must be awful depressing but most of them are just normal kids. They've got to be the most helpless victims in society. What could be more rewarding than to help them?"

"Some days I'll swear I'll never take another incest case, never, never. I hate it. But if the D.A.'s office doesn't do it, it's not going to get done."

If current trends continue, there will be plenty of victims for Sheley to protect and plenty of defendants for her to prosecute. Child sex abuse is actually happening more, not just being reported more, she says. Families are more mobile, people more anonymous — isolated from relatives and long-term friends who might be a check on behavior.

"Family conditions exist to create this kind of offender," she says. "Most of my offenders were abused as children."

When Sheley took over prosecution of child sex abusers two years ago, she believed she had never met one of their victims. She was wrong.

"Last month I found out for the first time that my mother had been victimized as a child."

"I might have lost perspective," Sheley says of her involvement with her job, "but I still think I'm doing the right thing."

Police plan child sexual assault unit

A new police investigative unit that will work exclusively on child sexual assault cases is expected to be in place by the first of next year, the head of investigations for the Anchorage Police Department said this week.

Capt. Del Smith said the unit will include two Anchorage police investigators already assigned to juvenile services. Officers Steve Warner and Bill Cox will be joined by another Anchorage police officer to be named later, and Alaska State Trooper Roy Segraves, currently assigned to the state Judicial Services unit.

A \$150,000 state grant given to the city to combat child sexual assault problems will be used to hire a fifth officer and a clerk for the unit and pay for extra office space, Smith said.

The unit will be a joint project between Anchorage police and troopers in the Anchorage area, Smith said.

News 10/19/84

Alaska State Legislature

REPRESENTATIVE
BARBARA LACHER
PO BOX 478
PALMER, ALASKA 99645
907/376-4215



WHILE IN JUNEAU
P.O. BOX V
JUNEAU, ALASKA 99811
907/465-4894

House of Representatives

MEMORANDUM

TO: Governor Bill Sheffield

FROM : Representative Barbara Lacher

DATE: February 6, 1984

RE: Individuals who will be attending meeting scheduled for 2:30 p.m.,
February 7, 1984.

Thank you for the opportunity to meet with you to discuss the growing problem of sexual abuse of minors, and the possible appointment of a Governor's Task Force on Sexual Abuse of Minors. The following is a list of individuals who will be attending the meeting, and the reasons for their attendance.

* Representatives Lacher, Phillips, Flood and Clocksin, as sponsors of legislation dealing with sexual abuse of minors, will be attending to indicate their support of the formation of a Governor's Task Force on this topic.

* Barbara Miklos, as Executive Director of the Council on Domestic Violence and Sexual Assault, administers 19 domestic violence and sexual assault programs throughout Alaska. She has visited every one of the programs, has talked to individuals state-wide about sexual abuse of minors, and can provide an excellent overview of the problem of child abuse in Alaska.

* Alaska State Trooper Paul Bartlett, as a full-time sexual assault investigator in Fairbanks, is extremely knowledgeable and very concerned about sexual abuse of minors. A member of the Child Sexual Assault Task Force in Fairbanks, he will provide insight into the problem from a law enforcement perspective.

* Carol Swartz, past director of the South Peninsula Women's Service, and a trained mental health professional, possesses practical expertise in child sexual assault programs. She is currently working with the Bering Sea Women's group in Nome as a consultant, and has been traveling to many villages in an effort to teach children about sexual abuse.

PROBLEM

SEXUAL ABUSE OF MINORS HAS RECENTLY COME TO THE FOREFRONT IN ALASKA. THERE IS AN INCREASED AWARENESS ON THE PART OF CHILDREN, PARENTS, FRIENDS, AND PROFESSIONALS THAT SEXUAL ABUSE IS WRONG AND CHILDREN SHOULD TELL SOMEONE. REPORTED ABUSES DO NOT, HOWEVER, REFLECT THE ACTUAL NUMBERS OF CHILDREN BEING ABUSED BECAUSE MANY DO NOT UNDERSTAND THEY CAN TALK ABOUT IT AND RECEIVE HELP. MANY ADULTS MINIMIZE THE PROBLEM AND WANT TO DENY IT IS HAPPENING. NATIONAL STATISTICS INDICATE THAT ONE OUT OF EVERY FOUR GIRLS AND ONE OUT OF EVERY EIGHT BOYS WILL BE SEXUALLY ABUSED BEFORE THEIR EIGHTEENTH BIRTHDAY.

ACCORDING TO POLICE STATISTICS, FROM 1980 TO 1982, REPORTED SEXUAL ASSAULTS AGAINST MINORS INCREASED BY 106 PERCENT STATEWIDE; FROM 142 INCIDENTS IN 1980, TO 201 INCIDENTS IN 1981, TO 293 IN 1982. PRELIMINARY FIGURES FOR 1983 INDICATE THAT REPORTED SEXUAL ASSAULTS ARE CONTINUING TO INCREASE; IN THE FIRST SIX MONTHS OF 1983, THE STATE TROOPERS HAD ALREADY RECEIVED 71 PERCENT AS MANY REPORTS OF SEXUAL ASSAULTS AGAINST MINORS AS THEY HAD RECEIVED IN ALL OF THE PREVIOUS YEAR. IT SHOULD BE NOTED THAT THESE STATISTICS EXCLUDE SEXUAL ASSAULTS REPORTED TO THE ANCHORAGE POLICE DEPARTMENT.

THE DIVISION OF FAMILY AND YOUTH SERVICES' RECORDS SHOW A TWO TO THREE-FOLD INCREASE IN CASES IN WHICH THE PRIMARY PROBLEM OF THEIR CLIENT WAS CONFIRMED OR SUSPECTED TO BE SEXUAL ASSAULT OF A MINOR. ACTIVE CASFS INVOLVING SUSPECTED SEXUAL ASSAULT INCREASED FROM 142 IN 1980 TO 529 IN 1983!

THE RECORD FOR PROSECUTION OF THIS CRIME IS NO MORE ENCOURAGING. ACCORDING TO THE CHIEF PROSECUTOR'S OFFICE IN THE DEPARTMENT OF LAW, CRIMINAL JUSTICE DIVISION, OF THE 252 CASES SCREENED IN 1983, THE CHIEF PROSECUTOR DECLINED TO PURSUE 85 CASES BECAUSE HE FELT THE STATE'S EVIDENCE IN THE CASES WAS INSUFFICIENT. IN ADDITION TO THE CASES THAT THE STATE DECLINES TO PROSECUTE, SOME CASES MAY BE DISMISSED AFTER THEY ARE FILED WITH THE COURTS. IN 1983, 190 CASES INVOLVING SEXUAL ASSAULT OF A MINOR WERE DISPOSED OF IN ALASKA COURTS. OF THESE 190, 117 DEFENDANTS PLEADED GUILTY AND ANOTHER 27 DEFENDANTS WERE CONVICTED IN COURT OR JURY TRIALS.

SOLUTION

THERE ARE SEVERAL DIFFERENT POSITIONS FROM WHICH TO ATTACK THE PROBLEM OF SEXUAL ABUSE OF MINORS. FIRST, WE MUST FOCUS ATTENTION ON PREVENTION AND EDUCATION WITHIN THE GENERAL POPULACE. SECOND, ADEQUATE TREATMENT PROGRAMS MUST BE AVAILABLE FOR VICTIMS, FOR NON-OFFENDING FAMILY MEMBERS, AND FOR PERPETRATORS. FINALLY, CHANGES MUST BE MADE WITHIN THE CRIMINAL JUSTICE SYSTEM TO FACILITATE THE PROSECUTION AND PUNISHMENT FOR THIS CRIME.

ACTION
REQUIRED
BY
GOVERNOR

WE FEEL THAT THE APPOINTMENT OF A GOVERNOR'S TASK FORCE ON SEXUAL ABUSE OF MINORS WOULD PROVIDE THE MOST EFFECTIVE MEANS OF FOCUSING ATTENTION ON THIS PROBLEM. IT WOULD ALLOW A PANEL OF EXPERTS, WITH PRACTICAL EXPERIENCE IN THIS FIELD, TO STUDY THE PROBLEM OF SEXUAL ABUSE OF MINORS AS IT EXISTS IN ALASKA.

WITH THIS OVERVIEW PERSPECTIVE, THESE EXPERTS WOULD BE BEST EQUIPPED TO PROPOSE METHODS FOR HELPING THOSE WHO ARE ABUSED, OBTAINING JUSTICE FOR ABUSERS, AND PREVENTING FURTHER ABUSE OF INNOCENT VICTIMS.

THE FOLLOWING IS A LIST OF INDIVIDUALS WHO WE BELIEVE WOULD BE HIGHLY QUALIFIED FOR A POSITION ON THIS TASK FORCE. THESE PEOPLE ALL HAVE EXPERIENCE IN THE FIELD OF SEXUAL ABUSE OF MINORS, AND EACH WOULD PROVIDE A UNIQUE PERSPECTIVE BASED ON THEIR EDUCATION AND BACKGROUND.

LAW ENFORCEMENT

PAUL BARTLETT, ALASKA STATE TROOPER, FAIRBANKS
JOHN BAUS, FAIRBANKS POLICE DEPARTMENT
ROLLIE PORT, ALASKA STATE TROOPER, PALMER

DISTRICT ATTORNEY

VICTOR KRUMM, DISTRICT ATTORNEY, ANCHORAGE
SHARON EMELEY, ASSISTANT DISTRICT ATTORNEY, NOME

DOMESTIC VIOLENCE/SEXUAL ASSAULT PROGRAM

CAREN ROBINSON, DIRECTOR, A.W.A.R.E., JUNEAU
PAULA HALEY, DIRECTOR, S.T.A.R., ANCHORAGE

SCHOOL REPRESENTATIVE

DAVE BOWLING, PRINCIPAL, GAMBELL SCHOOL
MARY RUBADOE, SPECIAL EDUCATION DIRECTOR, BERING
STRAITS SCHOOL DISTRICT, UNALAKLEET
MIKE BROWN, PRINCIPAL, UNALAKLEET

DIVISION OF FAMILY AND YOUTH SERVICES

JAMES FOX, REGIONAL SUPERVISOR, FAIRBANKS
ROD CASKEY, SOCIAL WORKER, BARROW

HEALTH REPRESENTATIVE

BESSIE KAGINOOK, HEALTH AIDE, GAMBELL
A PUBLIC HEALTH NURSE
PHYSICIAN

EXPENDITURES FOR FY85:

TRAVEL \$20,000
SUPPORT STAFF 50,000

TOTAL \$70,000

SOURCE OF FUNDS:

GOVERNOR'S CONTINGENCY FUND/LEGISLATURE

ATTACHED IS A PACKET OF MATERIAL WHICH MAY BE OF USE TO YOU OR YOUR STAFF IN AN ENDEAVOR TO FULLY RESEARCH THIS TOPIC.

DEFINITION OF SEXUAL ABUSE/SEXUAL VICTIMIZATION*

MARILYN J. TERRILL, Ph.D., 1982

SEXUAL ABUSE OR SEXUAL VICTIMIZATION is inappropriate, actual or suggested sexual activity between persons who are at different stages of development (usually a child/adolescent and an adult).

1. The victim is DEVELOPMENTALLY IMMATURE, especially in comparison to the offender who is typically older.

2. SUGGESTED OR ACTUAL SEXUAL ACTIVITY includes:

Exhibiting or exposing genitals;

Sexual contact or handling of one or both participants' penis, vagina, breasts, buttocks, anus, or pelvic area;

Oral-genital contact (cunnilingus, fellatio);

Sexual intercourse;

Intrusions, however slight, into the child's body for sexual gratification, such as anal intercourse, interfemoral (between thighs) intercourse, placing objects in the child's vagina, anus, or mouth; or using the child's armpit for sexual gratification.

3. "The activity is INAPPROPRIATE because the child does not understand the (sexual) nature of the request and/or is coerced into the activity through deceit, threats, or because the activity is offered under the guise of normal affection." (Sanford, 1980)

4. VICTIMIZATION: Exploitation of the relationship between the child and the offender based upon the imbalance or DISCREPANCIES BETWEEN THE OFFENDER'S AND THE VICTIM'S

trick PHYSICAL AND EMOTIONAL POWER,
↓
manipulate RESOURCES, and
↓
force KNOWLEDGE

- (a) knowledge of what sexual activity is,
- (b) knowledge of the meaning and significance of sexual activity,
- (c) knowledge of the consequences of sexual activity.

*References: Authier, 1979; Faller, 1980; Finkelhor, 1979; and Sanford, 1980)

MYTHS VS. INFORMATION ABOUT SEXUAL ABUSE

<u>MYTHS</u>	<u>INFORMATION</u>
An extremely rare occurrence	Not an extremely rare occurrence
Only girls are victims.	Both boys and girls are victims.
Older children are victims.	Children of all ages are vulnerable.
Offender: Stranger	Offender: Someone the child knows and trusts
Offender: Stranger	Offender: A relative
Offender: "Dirty Old Man"	Offender: All ages
Use of physical violence	Exploiting the child's age, ignorance, or relationship to the offender.
Sudden Attack	Gradual Development
Isolated Incident	Frequent or Repeated Incidents
Public Places (restrooms, theatres, schoolyards, offender's car)	Familiar Place: Victim's or offender's home
Sexual intercourse	Immature sexual activity

*Developmental Disruptions of Victims
of Incest and Childhood Abuse*

BARBARA L. MYERS

BACKGROUND

Incest. For too long, people have feared the word. Victims have suffered quietly, surrounded by the darkness of shame and secrecy. Now, as a result of strengthened child abuse laws and persistent public education efforts, reported cases of incest and childhood sexual abuse are on the rise. Incidents are surfacing, people's stories are being told, and help is being given.

Christopher Street's program on incest and childhood sexual abuse began in July of 1976 when the subject was all but taboo. Since that time, hundreds of women have come for help in resolving their anger, hurt, pain, and confusion. Each of these victims has had some form of self-destructive behavior, from an inability to protect herself from further abuse to prostitution and self-mutilation. We see these behaviors as survival skills, ways of showing someone that something is wrong, and releases for emotions. Victims of incest and childhood sexual abuse experience a lot of sexual, physical, and emotional violence at the hands of their abusers, but the subsequent effects of that abuse and what they have done to themselves as a result of it has had as profound an influence on the course of their growing up as the abuse itself.

I believe that children engage in violent and/or self-destructive behavior for a reason. I believe that when children have pain which is hard to express, they will sometimes do destructive things to themselves and to others in order to be heard. I believe every victim of incest and childhood sexual abuse tried to tell someone, either verbally or by behavior, that something was wrong. We are all so uncomfortable with destructive behavior that we often cannot see beyond it. We deal with the outward, visible signs of feelings because they are more concrete and easier for us to manage than the secret, pain, or fear that may lie beneath them. As a result, it is often a child's behavior that we confront, rather than what a child is really trying to say. We must learn to do more than just see the behavior or treat the symptoms of incest. We must learn to hear the pain and offer new survival skills.

For clarification, in using the word incest I am talking about an adult exploiting a child. This can be an older sibling with a younger sibling where they are at two different stages in their sexual development and one person is exploiting the other, instead of its being a "normal sibling experience" where it is a learning, exploring process where both are equally getting something. When looking at incest and childhood sexual abuse as a

dysfunction, we must also look at society and our cultural norms which permit incest to go on, e.g.: 'Children are their parents property, children must do as adults tell them, and children "act out" for no reason at all.

One of the things we do to children is push them to obey and respect adults, e.g.: "Go kiss Uncle Henry, he brought you a nice present," when the adults won't kiss Uncle Henry because they pick up "funny" or exploitative things from him. Children don't have the right to touch only whom they want, only those people who feel comfortable to them. All human beings can sense exploitative touch. We know when someone is giving us something, sharing, or taking something from us with touch. We react to those who are taking something by withholding or not wanting to touch. Children are not given this right. It leaves a child confused, if they are supposed to touch Grandpa when Mom and Dad are around what is the difference when Grandpa has got them alone?

I believe that giving children the right to touch only whom they want and when they want is a preventative step. Talking to children about touch and exploitation, and how no one, not even you, has the right to touch them if they don't want it can prevent a lot of sexual abuse.

BEHAVIORS - SURVIVAL SKILLS

I am going to go through a list of behaviors we have seen with children, adolescents, and adult women who were victims of incest and childhood sexual abuse. These behaviors may appear after a child has been known to have been sexually abused or they may be used to identify victims of incest and childhood sexual abuse. These behaviors do not always mean that a child has been sexually abused, but they do mean that something traumatic has happened to the child and we still need to see beyond the behavior to what a child is trying to tell us. Because incest and childhood sexual abuse are taboo to talk about, children often try to tell you by "acting out" behavior. Also, a lot of incest and childhood sexual abuse take place before a child has words to tell you about it. I believe it is up to us as professionals and adults to look beyond the behavior and to start asking about incest, childhood sexual abuse, and other forms of family abuse. Asking the question often leads a victim to believe that you will believe and listen to the answer.

DETACHMENT - DISCONNECTION

Children learn to detach themselves from experiences that are painful and/or confusing. They do this by denying the experience, depersonalizing it, or by "acting it out" in their behavior. Victims of incest learn this detachment early in their lives. Some have learned to detach their minds from their bodies, pretend that all fathers are sexual with their daughters, pretend that it is a dream, pretend that it really isn't abusive, pretend that it is happening to someone else. I think it is important for us to

imagine our father coming into our room at night and sexually abusing us, and then getting up the next day and having to resume another role as your father says "Let's all have pancakes for breakfast" as he smiles at you. This may help you understand the need for detachment. Other victims have learned to pinch themselves during the sexual abuse and put all their energy into concentrating on self-abuse, rather than sexual abuse. Then there are those who pretend they are sleeping so they can block out what is happening. It is important to understand that this detachment was probably what helped them to survive the experience. Often victims are not believed because of their detachment from the experience, either emotionally or verbally.

PRE-SCHOOLERS

Pre-schoolers often regress to earlier forms of behavior that remind them of safer and/or more comfortable times such as; thumb-sucking, bed-wetting, baby talk, over-eating, resume sleep with special toy, fear of dark, whining, clinging, fretfulness, fear of sleeping in their own room.

SCHOOL-AGE

School-age children may have continuous nightmares, sleep disturbances, they may develop phobias, often they will act out sexually with toys, animals, and their peers; beyond the "normal" acting out such as "playing doctor," and exploring. Children this age often develop physical symptoms relevant to the type of assault; such as abdominal pain, sore throats, and so forth.

ADOLESCENTS

Adolescents may lack emotions when talking about traumatic experiences or become overly emotional and not be able to find words to talk. They will have a sexual development "beyond normal." They tend to act out sexually a lot to please boyfriends or go to the opposite extreme and shy away from any physical touch. Running away is very common among adolescent victims, suicide attempts, drug and alcohol abuse, stealing, lying, and delinquency. Adolescent victims are vulnerable to other assaults. They tend to look outside of their family for love, affection, and security and cannot distinguish the difference between abuse and affection. An example of this is an adolescent who said she was walking the street wishing someone would just take her away. Two men came by and said "Hey, baby, come with me, we'll take care of you." All this child heard was that someone was going to take care of her. She went with the men and they raped her. She did not let the thoughts, "What did they want? Where were they going?" go through her head. All she responded to was that they said they would take care of her and she needed that. A number of other adolescents went with pimps the same way and became involved in prostitution. Self-mutilation is also common among victims of incest. Cutting themselves, burning themselves, hitting themselves, causing themselves physical injuries, trying to put the emotional pain somewhere visible. Over-eating and under-eating are also common among

adolescents and adult victims. School problems, inability to concentrate, inability to get up in front of a class for fear that they will be able to tell the secret. Refusal to attend gym, to undress, shower with the other girls. Peer relationships are struggles, they often feel less than other girls and when Susie talks about kissing Johnny, they are reminded of what is going on at home so they withdraw.

ADULT

Adult women who were sexually abused as children have a lot of the same behavior that adolescents develop. They also have frustrated dependency needs; feelings of helplessness, longing for a mother that can be depended upon. They often have an underlying immaturity and lack of ego development with fearfulness of the world beyond the family. Adult women often express either a fear of or anger at men. Adult women tend to pick abusive relationships because this has become their "normal" type of relationship. I am seeing that incest is generational and that adult women tend to abuse their own children and/or younger siblings. This may not always be sexual, it may be physical, emotional, etc. They tend to distrust their own reality and disconnect from any childhood memories. I am including in this paper a case study. It is my own. I was a victim of incest and also of destructive behaviors. It is my wish that you will gain knowledge to identify victims earlier and also see beyond behaviors.

In the last few years, I have been open about sharing my experience as an incest victim. I began doing this so that other victims would feel free to come out and share their own experiences and feelings. I also talk about what happened to me so that helping professionals can begin to get a glimpse of what it was like to have been sexually abused by someone in a trusting position, and so that they can develop a better understanding of some of the damages that may occur as a result of childhood sexual abuse. I am often asked to describe what my father did to me; the focus of interest or concern or curiosity is usually leveled at the sexual interaction itself, rather than at my feelings about the incest or what I did with those feelings. It is true that I experienced a lot of physical, sexual, and emotional violence at the hands of my father, but the subsequent effects of that abuse and what I did to myself as a result of it had as profound an influence on the course of my growing up as anything he did to me physically.

WHAT HE DID TO ME

My mother went into the hospital with a nervous breakdown when I was about seven years old. I was supposed to stay with the neighbors but my dad would make me come home to make him dinner and visit. All I wanted was my mother to come home. I missed her so much that even the house and the furniture seemed physically different to me. Once in a while my dad would call the neighbors and tell them that I was going to stay overnight at our house with him. He'd have me sit by him and he would tell me how much he needed

me because my mother was gone; that was when he began touching me sexually. I didn't really mind at first. I was so alone and wanted the attention that he was giving me.

When my mother came back home I didn't need or want my dad to touch me anymore, but by that time a pattern had been set that lasted until I was 15 and was old enough, or scared enough, or sick enough, or angry enough to cry out for help in a way that was finally heard by some of the adults around me.

In the beginning, I would wake up just as he was leaving my room at night. I wouldn't really know what had just happened. Then I would wake up with his hands on me or just before he came into the room. Later it got so that I would wake up just before his car drove up in the driveway. I lived in constant fear; never knowing when he would be coming into my room. If I could wake up before he got to my room I would often scream as though I was having a nightmare (thinking that he couldn't do anything if I woke the rest of the family). They would wake up but he would just wait until they were all asleep again and then come back for me. I also tried sleeping with my sister but he would come and get me telling me I was too big to sleep with someone else. He would sometimes carry me out to the couch and tell others I'd been sleepwalking if I was still there in the morning.

At first he would just stand by the bed and touch me. Later he began to lay in the bed beside me. Although he began by being gentle, as time went on, his touch became rougher and rougher. He would leave me feeling sore and bruised for days. It was as if he completely lost touch with the fact that I was a child. He was a bully who physically dominated everyone in our family. I saw and heard him beat up my mother so many times that I was in constant fear that he would kill her. I knew that I was no match for him, and I guess I believed that his sexual abuse was somehow better than the physical abuse my mother received. Total detachment became my way of dealing with what went on at night. I would roll into the wall when he came in, pretending to be asleep, trying to be part of the wall. I would cry hysterically in order to get so far into my own pain that I wouldn't notice what he was doing. With the pillow over my face, I taught myself to detach my mind from my body, I could actually see myself from the far upper corner of the room; I saw the little girl crying in bed and I felt sorry for her.

When the intercourse started it was so physically painful that I couldn't detach from my physical self. I was around 11 years old at the time. It was also the time I began acting out in more overt ways. I began to identify with the physical and emotional pain that was around me. My tolerance for physical pain increased, and the physical pain that I inflicted on myself acted as a release for the emotional pain that I couldn't express. The rest of this story is about the things that I did to myself during and following the years of incest with my father. Mostly, it is about how I felt during that time. It isn't necessarily chronological, instead I have put it into

categories because I have different feelings about each of the things I did. It was as though I knew that I couldn't destroy my father or the things he did, but I could destroy myself, thereby destroying the pain and self-hate he caused me.

WHAT I DID TO MYSELF

Self-Mutilation

When I was young, crying and thumb-sucking were my major forms of release. I sucked my thumb to detach and to escape into my own little world. My mother allowed me to do it, but my father hated it. He used to come up behind me and hit me very hard on the back of the head every time he caught me. It was always a tremendous jolt from my world back into his. Mostly though, I cried a lot. I cried myself to sleep at night, thinking that if I could cry all the feelings out of me maybe it would all go away. I'd cry until my eyes were swollen and my throat sore, and, when I couldn't cry anymore, I used to pinch myself and try to hurt myself in order to keep on crying. That way, I could concentrate on the pain, rather than on what was happening to me. I sprayed perfume and hair spray in my eyes because it stung and kept me crying. I thought that if only I could make myself go blind, my father would be nice to me and my mother might take care of me. The fact that I didn't go blind made me cry even more.

I continued to try to get sick or be physically injured. I told myself that no one would continue to hurt a really sick child. I tried to break my foot by pounding it with a hammer. I jumped off the garage for the same reason. I went out into the rain and soaked my head under the drainpipe trying to get pneumonia. I wanted someone to take care of me, someone to see that I hurt. If they couldn't respond to the real reason, at least they might react to my external pain. But I found that if I got sick and stayed home from school, my father would abuse me during the day. I wanted to go into a hospital so I could get away from my house.

I realize now that my self-destructiveness was also my anger. My crying was an expression of being so afraid and anxious all the time. I was afraid I would turn all of my feelings into anger and end up fighting everyone and everything and be hated. I remember a conscious switch toward anger when I was about 12. I felt such rage that I had to hurt someone. So I'd hurt myself because I hated myself for being so powerless. I also wanted to be tough - to show others that nothing could hurt me anymore. It gave me a sense of self-worth. My tolerance for physical pain increased, and the physical pain I inflicted on myself acted as a release for the emotional pain I couldn't express. I got several tattoos and prided myself on not feeling the pain. I burned myself from my wrists to my elbows with a cigarette; I still have the scars today. My father said I looked like a zombie, but I didn't care, I wanted to be one. I also wanted someone, anyone, to see my pain and acknowledge it. They saw the burns, but I guess they just thought I was crazy, and nothing changed.

SCHOOL

I never knew how to act, how to look, or what to wear in school. I had no sense of the appropriate because I always felt that everyone was laughing at me or talking about me behind my back. I felt that they somehow knew about my father, but I was never sure, so I attributed most of these feelings to my looks. I couldn't bring myself to wear makeup or earrings like the rest of the girls (even though I admired theirs). I didn't want to be sexy or look like a woman. If I tried, I just felt uglier. Worst of all, I never really had any peers. They thought I was aloof, whereas I simply didn't know how to relate to them. How could I join in their conversations about boyfriends and first kisses when I was having sex with my father? I never felt like a part of that teenage world because I never was. I could only relate to older boys who were two or three grades ahead of me. The boys talked about sex a lot, and at least that was something to which I could relate. The other girls thought I was a slut because I only hung around with older boys, but none of those relationships was sexual. I never knew how to explain it to them, so I always felt left on the outside.

I always skipped classes that required close contact or focused attention on me. I was good in any subject that didn't require me to perform. I skipped English on the days we were to give a speech or read aloud. I couldn't stand up in front of a class; I was afraid they would see something or, if I opened my mouth, everything about my father would come pouring out. I never asked any questions for the same reason and for fear of sounding stupid. Home economics was another class I avoided because it required both performance and close contact with other girls. I was so afraid I'd fail at whatever project had been assigned and that they would be able to tell something about my secret. Gym class was also a great source of anxiety for me. I wouldn't undress in front of the others; I was afraid they would see something if they saw my body. To me, it was always dirty and ugly and a source of shame. I felt fat, even though I was skinny; I thought I looked different, even though I didn't. I was good at individual sports that didn't require group participation, and I liked them. But I was inept at anything that required involvement with others. Math and spelling were my best subjects, naturally, because I could do them alone. I failed both Gym and Home Economics, because when we weren't doing activities that could be done individually, I didn't go to class. I think of school as an incredibly isolated experience which, like everything else, I survived because I had to.

RUNNING AWAY

When I was little and ran away, I always left a note so they would find me (and, I hoped, treat me better when I came back). Later, I hid in a shack clubhouse owned by neighborhood boys. They let me hide there as long as they could be sexual with me. I didn't care. Sometimes, I ran to the home of a girlfriend whose mother was separated from her father. I always hoped her mother would feel sorry for me and adopt me. Every minute I could stay away from home was worth the beating I received when I returned. My father

began grounding me for long periods of time so I would be around him more; that was even worse, so I ran away more frequently.

I never thought about where I was running to - only what I was running from. I didn't care where I was going or with whom. I was looking for anyone to take care of me and protect me from my father. I used to think that some man would come along and marry me and take me far away. I used to steal things, hoping the police would catch me and take me out of my home as an incorrigible child. When I was running, I felt that people showed me the love and caring I hadn't gotten anywhere else. They felt sorry for me, gave me money and food, and made me feel special. I mistook the sympathy of strangers for the caring I needed so badly. I also learned that strangers aren't always nice. I was raped by some of the men who picked me up. I wanted so much to be taken away by someone that I never even thought about the risks of being physically and sexually abused again. My vulnerability must have been quite obvious in those days. I didn't much care what happened to me, and, as a consequence, a lot of other people didn't either. I was put in my first foster home at the age of 15 because of my behavior. But by then, running had become my way of dealing with stress.

As I got older, I wasn't afraid for myself when I ran away. I felt that I could take care of myself if no one else would take care of me. What I became afraid of was the thought that I would never be able to stop running. When I was in foster homes, I did stop for awhile, but then I always started again. I was afraid I would destroy those other families with my pain. I preferred taking responsibility for not wanting them, rather than risking the possibility of their rejecting me. (In the same way, it was always easier for me to be angry and tell my mother to go to hell than have to face her inability to protect me from my father). I was afraid that if I stayed too long in a foster home, others would see how ugly and evil I was inside and wouldn't want me anymore. I was often afraid to start running again, but I was more afraid of staying.

DRUGS

I was 11 years old when I first discovered that drugs could make the terrible world around me disappear. I began sniffing glue to get out of my pain, and it worked. Drugs became my great escape; there was nothing I wouldn't try in order to get high. I never knew how I'd feel dealing with different people, but, on drugs, I could be anything I wanted to be. I could make up my own reality: I could be pretty, have a good family, a nice father, a strong mother, and be happy. When I was on drugs, I felt high, happy, and in control of my life. When I was high, I had peers; I finally belonged somewhere - in a group with other kids who took drugs. I got a sense of self-worth from being able to handle any kind of drugs. Whatever the others were taking, I took twice as much or more. I wasn't afraid like the rest of them; I got high without worrying about how much I could handle or what it would do to me. It made me feel big and powerful because I didn't care what happened to me.

People said that taking too many drugs would burn out your brain. I used to think that I could become a vegetable if only I could succeed in burning out my brains. I wanted to be a vegetable. I used to picture myself as a head of lettuce. I used to look at mentally retarded people and think that they were so happy and didn't care about anything. I envied them because you could spit at them, and they would smile; they didn't seem to understand what hurt was.

Sometimes, I am amazed that I didn't succeed in destroying myself with drugs; God knows, I tried hard enough. Half the time, I didn't even know what I was swallowing or care. Later, I purposely used dirty needles in order to get hepatitis. I developed a kind of love/trust relationship with drugs that I had never had with people. I knew they would never fail me the way people had. I could be sure about what the drugs would do to me; I had found a way to feel good and happy - even if it was with drugs instead of people.

DRINKING

For me, drinking had the opposite effect of drugs, which is probably why I did so much of it. Drinking got me back into my pain; it allowed me to express my anger (which, of course, I couldn't do on drugs because I couldn't feel any pain). I used to get off on feeling depressed, on examining how rotten my childhood had been, and how lonely it was to be a kid. I played sad records when I was drunk and let the tears come pouring out.

When I started drinking, I was much too young to buy alcohol so I got older people to buy it for me. They were usually men, and, since they were always interested in sex, I always had something with which to pay. When I drank too much, I got physically sick, but even that was socially acceptable. It wasn't like the times I freaked out on drugs; everyone gets sick from too much booze, so it was all right.

I also got more physically self-destructive when I was drinking. I could tolerate more physical pain when I was drunk: I had been drinking when I burned my arms and during several suicide attempts. I could express my anger under the influence of alcohol, and I purposely started fights so my boyfriends would beat me up. I felt I deserved it. I also remember longing for human closeness, for physical contact of any kind that would prove others were paying attention to me.

Drinking and drugs put me in touch with different feelings and different people. Drugs made me feel mellow and accepting and gave me passive people from whom it was easy to detach myself both physically and emotionally. Drugs allowed me to be alone in my own world and made me numb to my other painful reality. By embracing the violence with my own self-destructiveness, I tried to prove that I could withstand any amount of pain and hurt. Neither of them gave me what I needed, but, in a negative way, they gave me ways of coping with what I had.

PROSTITUTION

I felt marked. I knew that, wherever I went, men would find me and abuse me. So, my attitude toward prostitution was, "Why Not?" If I had to have sex, I thought, why not get something for it? I felt I deserved the money: other men were going to have to pay for every time my father had me. Nothing they did could repulse me. I had lived with too much of it while I was growing up. After a while, I even made my father give me money and other things I wanted. Even after I left home, I still had that power over him because I carried his secret. I figured that if I couldn't get anything else from him I needed, at least I could get material things.

Since I thought that the only thing men wanted was sex, the only way I could see to get power in a relationship was by making them pay for it. It was my only control, and I could keep it as long as the men didn't mean anything to me; once I cared about them, I felt they had all the control. Prostitution was another way of expressing my rage, of getting back at all of them for what had been done to me. I thought I was ripping them off, rather than the other way around. I saw men as suckers who were going to have to pay for their weakness and desperation. I saw them as needy children. I saw them only in terms of fifty or a hundred dollars. I saw them as anything, except people. I liked to pick up men who didn't speak English; then, I didn't have to listen to them or relate to them in any way except physically. I had learned to detach my mind from my body at such an early age that it was easy to disassociate myself from those brief, sexual encounters. I thought that other girls were stupid to give it away. I wanted to make a lot of money and get rich so I wouldn't need anyone anymore - not my family, my destructive friends, or men.

Prostitution was a way for me to capitalize on what I thought was the only thing I had to offer. I didn't know how to get pleasure, but I knew how to give it, and, anyway, that was what I was used to. Although I had offers, I would never allow myself to be managed by a pimp. The idea made me furious. No man was ever going to control me like that again. At the same time, I still felt that I wanted somebody to take care of me. I guess taking money from strangers was my way of having them take care of me, even if only financially.

SUICIDE

I felt so doomed that I often thought I might as well shorten the agony. I was very young the first time I tried to overdose on a bottle of aspirin. It was scary and difficult to decide whether it was harder to kill myself or to go on living the way I had been. As a result, my suicide attempts were of two kinds: wanting to die and wanting to attempt suicide. With the latter, I was saying "Help me, or I'm going to die." With the former, I was simply resigned to dying because no one would help me.

I would think about killing myself when all of my other crazy behaviors weren't working and no one seemed to see or care that there was something wrong. I also wanted to die at the times I realized that my various escapes weren't working anymore, and I couldn't keep my feelings and memories pushed out of my consciousness. Mostly, I tried to overdose on drugs, but sometimes I did other things, like cut my wrists. Sometimes, I was relieved to wake up (hoping that others would finally see how bad things had gotten for me); other times, I was bitterly disappointed to find I was still alive.

FINAL THOUGHTS

Well-meaning people often see the behaviors that are associated with pain but fail to hear the pain. Others may actually see the pain but are afraid to deal with it. If they cannot succeed in "curing" the symptoms of childhood pain, they may spend a lot of time diagnosing and labeling those symptoms. Many incest victims bear the various labels of manic depressive, nymphomaniac, frigid, aggressive, schizophrenic, passive, hostile, detached, juvenile delinquent, etc. These labels may help professionals categorize their clients' behavior, but it usually doesn't help them or victims of incest understand why the behavior is happening. Incest victims have been conditioned throughout childhood not to talk about what happens to them. They have been bound to a terrible secret that keeps their feelings locked inside of them. As a result, they may try to express feelings in ways that seem senseless and purely destructive to those who cannot imagine what a childhood of sexual abuse can be like. It doesn't help to tell them to stop feeling sorry for themselves, that they're just trying to get attention, not to be angry, that everybody has pain, or that they must learn to let the past be the past. We must help them share what they are feeling. We must give them encouragement and permission to talk, and listen very carefully when they do. We must give them access to each other so they will realize they are not alone and that it was not their fault.

My anger and my acting out were my survival tactics for many years. These tactics were contained in my self-destructive behavior, and I couldn't stop until I found other ways to survive. It is painful to help people get in touch with the source of their pain. I was lucky to find people who were willing to do that. Thank God someone finally heard what I was saying and what I wasn't saying, so that I could find the words and the tools I needed to get it out of me. I realize now how close it was. I could have died first.

Copyright 1978 by Barbara Myers. All rights reserved.

IS THE CHILD VICTIM OF SEXUAL ABUSE TELLING THE TRUTH?

by

Kathleen Coulborn Faller, M.S.W.
Lecturer in Social Work, Co-Director
Interdisciplinary Project on Child Abuse and Neglect,
University of Michigan
Ann Arbor, Michigan

I. INTRODUCTION

A question asked of child welfare workers and mental health experts in cases of child sexual abuse is whether or not a child's statement that he/she has been sexually mistreated can be taken at face value or believed. The implications for action if the child's story is trusted are far reaching for both the child and the family. Likewise, if professionals decide not to believe the child (and the allegation is true) the effect on the child will almost surely be devastating. Because of these implications, mental health professionals need guidance in assessing allegations of sexual mistreatment. For the most part, this article will focus on sexual abuse with female victims and male perpetrators and will pay special attention to the problem of substantiating allegations by young children.

II. THE PROFESSIONAL'S PROPENSITY TO DISBELIEVE

When a child reports he/she has been physically abused or neglected by a parent, (or by someone else), professionals spend little time querying whether the child is telling the truth. Not so in a case of sexual abuse. With sexual abuse reports, professionals may agonize for a very long time over whether the allegation is true or not. While the lack of physical evidence may contribute to this caution, the major obstacle for professionals and lay people alike is difficulty in coping with the fact that some adults have sexual involvement with children. For many people human sexuality in general, is an anxiety producing topic, and sexual encounters with children invoke even more psychological stress.

However, it is not sufficient for professionals who work with sexual abuse to understand these dynamics and take them into account in evaluating their own responses to a case. They still must persuade others, be they lawyers, police, judges, or treatment personnel of the veracity of the child's story.

III. WHO HAS THE MOST TO LOSE?

It is useful to frame an understanding of an allegation of sexual abuse in terms of various parties vested interest in the story being true or not true.

For the victim, she (and most reported cases are of female victims) may suffer significant losses as a result of telling. She may be rejected and ostracized by the perpetrator and also by her family. She may be "punished" by placement in foster care or an institution. The family may be torn apart and the victim may see herself as responsible for its demise. She will have to tell the intimate details of her story to many people. She frequently must tell it in the court room, to strangers and with the perpetrator facing her, and she may be subjected to harsh cross-examination by the perpetrator's attorney. Often the perpetrator will warn the victim of these consequences and tell her not to tell. In such a situation the child feels helpless in the face of a powerful adult. Because of the anticipated consequences, victims may keep the secret for months and sometimes years.

Therefore a delay in the report of sexual abuse, particularly when there is a close personal relationship between the victim and the perpetrator, is to be expected rather than seen as a reason to question the veracity of the allegation. Similarly, it is quite common for a child to reveal that she was molested and later retract her story as she experiences the negative effects on herself and her family of telling.

In contrast, the perpetrator has everything to lose if the child's story is believed and thus in most cases will deny the allegations. The perpetrator may be rejected and extruded from the family because of the abuse. In father-daughter incest cases, divorce may ensue. The extended family may ostracize him. In some cases, his employment may be in jeopardy. He has reason to fear the Juvenile Court who may deprive him of his child, impose treatment, and intrude in other ways into the family. He has even more cause to fear the Criminal Court where he may be tried for Criminal Sexual Conduct, sent to prison, or at least placed on probation.

Because a substantial percentage of sexual abusers are to some extent character disordered, they may lie and lie convincingly, and they may lie persistently over a period of months and even years. It is not uncommon for them to continually call the caseworker insisting upon their innocence and to enlist the help of others, family and friends, in this endeavor.

Mothers, in father-daughter incest cases as well as in other types of in-household sexual abuse, may also have a lot to lose if the child's allegation is believed. Incest often develops when the sexual relationship between the perpetrator and spouse is not good, and this may happen because the mother does not wish a sexual relationship with the perpetrator. The child victim relieves the mother of that sexual responsibility, and therefore there may be costs for the mother if the incest relationship ends.

More concrete and practical problems may arise for the mother. She may be financially dependent upon the perpetrator. Therefore, if she has to expell him or he goes to prison, she must seek other means of support. This may mean going on ADC or seeking employment when she has never worked or has not worked for years.

Finally she loses the emotional support of her spouse when he leaves or is incarcerated. While he may not seem to the outsider as very supportive, frequently he is all the mother has, and she cannot imagine life without him. Often mothers of incest victims are very dependent upon their spouses, suffer from low self-esteem, and may choose their spouses over their children when they must take one side or the other.

Therefore, it is not uncommon for mothers to disbelieve their daughters allegations, to ignore them when they are made, or to try to deal with the problem without bringing in outside help. Alternatively, mothers may initially side with the child, but as they experience the practical consequences of the spouse's anger and/or loss of the spouse, may switch their loyalties and side with the perpetrator.

IV. EXAMINING THE CHILD'S STORY

We know for the reasons stated already that children do not make up stories asserting they have been sexually molested. It is not in their interests to do so. The only cases where that possibility should be considered is where an adolescent who is making an allegation appears character disordered. An angry acting-out adolescent who does not invest in people might possibly make up such a story in order to gain some immediate goal (getting back at the perpetrator, getting out of the house). However, even such cases as these reports should be taken very seriously because difficult adolescence is the frequent outcome of an experience of sexual abuse. Thus the victim in adolescence may be belligerent and aggressive, may truant from school and violate curfew, and may be sexually provocative and promiscuous.

For a long time some mental health professionals attributed children's allegations of sexual molestation to oedipal fantasies. It is easier to believe that these assertions are fantasies rather than the truth. If the report is to fit the oedipal fantasy conceptualization, it should be placed in time when the child would be four or five, and we expect the memory to be shadowy or repressed. However, today many professionals question whether there is such a phenomenon as an oedipal fantasy, and query whether we are not dealing with instances of molestation even in cases which fit the description above.

Reports of sexual abuse can usually be differentiated from fantasy by the victim's ability to report specific details (if they are willing to discuss the incident(s)). The best way to get information in cases where the child is verbal is to ask about the last time it happened. Usually considerable detail can be elicited about surrounding events so that the idiosyncratic nature of the incident is quite clear. (E.G., "It was raining and I thought my daddy was asleep so I was playing in my brother's room where I'm not supposed to play. My dad came in and I thought he would be mad at me, but he said he wouldn't be mad if I laid on the bed with him".) The child may be much more reticent about giving the detail of the sexual abuse, and may get embarrassed or agitated in answering questions about the abuse, than in giving specific events surrounding the incident.

It is important to get this specific detail if possible. Sometimes this can be effected by asking question "did he do this", "did he do that", or by relating what you think happened and asking the child to respond "yes" or "no" to each statement.* It is preferable however, to get a spontaneous statement if this is possible.

A young child may become somewhat confused about the exact sequence of events, or may forget certain parts of the story at certain times, but this should not call into question the veracity of the story. Further, children, depending upon their age, may not be able to afix dates or exact times but will be able to locate incidents of molestation in relation to significant events (E.G., birthday, the day it rained, about supper time).

Another important finding may be that the child has knowledge about sexual matters which go well beyond what can be expected of the child's age or indicates sexual information for which the family cannot explain the source (E.G., a child of four may know a penis gets big and white juice comes out of it). While it is possible that the child gained this knowledge from observation of sexual acts, it is not likely. If the observation is the source of the victim's information, there is cause to be concerned about children being exposed to sexual activity.

It is important to go beyond eliciting information about the most recent incident of sexual abuse and query whether it happened before and how often. Does the victim know whether the perpetrator ever did this kind of thing with anyone else? Thus the goal of the interview is to elicit specific detail but also to get a broader picture of the perpetrator's sexual activity.

* Note: The suggestion of the author to ask the child whether certain things have happened is not endorsed. There are many problems with this technique of gathering information. Generally, specific, narrow questions tend to mislead the respondent into believing you only want to hear about the things you ask about, so the respondent will not add other information. More specific to sexual abuse of young children, there are two risks. First, one important way of establishing the likelihood that abuse occurred is by showing that the child described sexual events that childrens of his or her age seldom know about unless they have been victimized. If you describe the event, the child's credibility may later be attacked by someone alleging that you planted the idea. Secondly, if the child has not experienced the activity you describe, you are further adding to whatever experiences he or she has had. This information can be very frightening to the child, even when dealt with matter-of-factly.

Myra M. Munson
Division of Family and Youth Services
Staff Development Training Center
December, 1981

V. STRATEGIES FOR CORROBORATING DIRECT STATEMENTS BY THE CHILD TO THE INTERVIEWER

A. The Child's Statement to Significant Others

As a rule a case of sexual abuse comes to professional attention because the child has made a statement to someone (other than the evaluator) about the molestation. The interviewer should talk directly with those persons to get all the information they have and to assess the reliability of these reports. Often a child will be candid with a parent or relative but will be quite reticent with a professional.

Having those persons whom the child has told tape record the child's statements can be useful. If the child has not been forthcoming during the evaluation but later talks about the incidents sometimes a parent or relative can call the evaluator on the phone and get the child to make statements over the phone. Therefore at the end of the interview, the professional should tell the caretaker to call if the child says or does anything related to the abuse after the interview.

B. Indirect Methods of Assessment

There are certain child behaviors indicative of molestation which can be used to substantiate a report of sexual abuse. One type are indirect indicators which can be elicited in doll play, drawing, story telling, and other projective techniques. Such indirect methods are much less threatening to the child, and with children who are reticent, may be the only data which can be elicited from the child in a formal evaluation. The interviewer must be patient and willing spend a fair amount of time and sometimes several sessions gathering information.

What one looks for are sexual themes in play, pictures, or stories. The interviewer allows the child to use these media in whatever way he/she wants to for a period of time, but may later structure the interaction so it focuses on the context in which the interviewer thinks the molestation took place.

For example, if a doll house and doll play are used, the interviewer will begin by allowing the child to play with the dolls in the doll house. Sometimes sexual concerns may immediately emerge. For instance, the child undresses all the dolls and looks between their legs. The worker may nevertheless want to structure the situation by focussing on the daddy doll and the little girl doll and asking "what do daddies and little girls do together?" or "what does the daddy doll do with the little girl doll?" If sexual content is elicited, for example the child puts the two dolls in the bed with the daddy doll on top of the little girl doll, it is important to then ask what the child does with her own daddy. A potential disadvantage of indirect methods of

assessment is that the evaluator may get sexual themes in play but may not be able to tie what occurs in play to the allegations. By moving gradually in play closer to the actual allegation, it is possible to make the link between the general sexual content and the reported sexual abuse. Similar strategies can be employed with picture drawing, and story telling.

We must also understand why certain children are not forthcoming about the molestation. First, most interviewers are relatively unknown to the child and usually less wellknown than the perpetrator. The child may admit the abuse to someone he/she trusts, the mother, an aunt, or friend of the family, but be much less willing to make the revelation to a stranger. A related point is that in many cases even though the child has been molested by the perpetrator, the child may be attached to him and will not want to cause him trouble. Alternatively as noted earlier, the child may fear negative consequences for the family or retribution by the perpetrator if she reveals the sexual abuse.

C. Sexual Behavior

Another source of corroborative data is sexual behavior by the child. This is somewhat different from information elicited in a structured interaction with the interviewer. It is more spontaneous and may occur in the context of the interview or in other settings. These sexual behaviors will vary with the age of the child.

Excessive masturbation is one kind of behavior to ~~look~~ for in young children. While all children masturbate, molested children may do so to a marked degree. Thus, they may masturbate when they are upset or when they are questioned about the sexual abuse. They do so even though an adult requests they not masturbate in public or they may injure their genitals in the course of repeated masturbation.

Young children who have been sexually molested may also initiate sexual encounters with others. In a day care or hospital setting, they may sexually accost other children. In such a context, they may take on the role of the aggressor and victimize other children, or they may persist in their victim role. They may also attempt to elicit sexual responses from adults for whom they have some affection, assuming that is the way adults and children who like one another interact. Thus, a little girl may rub a male worker's penis or wriggle her bottom on his lap. A boy who has been a victim of a female perpetrator may attempt to squeeze a nurse's breast.

Latency aged victims are often described as seductive and extremely concerned with their physical appearance. They may appear unusually feminine and coy. As they grow older and reach early adolescence, they are likely to be sexually quite active and to be described as promiscuous. The sexual encounters may be with peers or with older men. In later years victims may develop lesbian relationships because their heterosexual experiences have been exploitative, and look for more nurturing relationships with other women.

D. Other Behavioral Indicators

Additional supportive evidence which can complete the picture may be behaviors which indicate the child anxiety or mental state arising from the sexual abuse.

With young children regression is frequently seen as a result of the onset of sexual abuse. A child who previously was toilet trained may begin to wet the bed or may become fearful of the dark and refuse to go to bed without a trusted adult in the room when previously bedtime was not problematic. Nightwaring and night waking may also occur.

A child's fear of the perpetrator may generalize to all men (assuming the perpetrator is a man). Sometimes this fear is more apparent with other men than with the perpetrator. Often observers note a personality change in the victim, which seems to coincide with the onset of the abuse. Alternatively the symptoms occur around the incident, then diminish, and recur when another incident occurs. Thus, one victim's mother stated her daughter used to be "a motor mouth" before the molestation began but now appears shy and worried. Children may appear depressed and become withdrawn. Victims who previously did well in school sometimes present with school problems.

Adolescents may present with acting out or self-destructive behavior. Thus, the adolescent victim may run away, be aggressive toward others, be incorrigible, hating both parents, but often mother more than father, steal and shoplift, and in general appear out of control. In general, the intensity of the adolescent victim's acting out is greater than the typical adolescent rebelliousness. Professionals often suggest institutional treatment for these victims because their deviance is so severe, (frequently without comprehending the underlying cause). Self destructive patterns found in adolescent are alcoholism, drug use and addiction, self mutilation, and attempts to suicide (or success).

CONCLUSION:

If the professional takes together a child's statements which may have been made to others but not to the professional or were made at one point and later retracted and buttresses these with other information a clear picture will evolve. Supplementary data may be sexual themes in play, in picture drawing or story telling elicited in an interview, sexual behavior by the child, or non-sexual behavioral indicators that the child is under stress. Obviously, the more information from the range of areas described the evaluator has, the more convinced the evaluator will be and the more persuasive the report will be to others. However, the only information which should not be taken by itself as a sign there has been sexual abuse is the non-sexual behavioral indicators. These indicators can also be a result of problems other than sexual ones.

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

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.

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

<u>PROGRAM</u>	<u>MAILING ADDRESS</u>	<u>PHONE NUMBERS</u>	<u>CONTACT PEOPLE</u>	<u>POSITION</u>
Abused Women's Aid in Crisis (AWAIC)	100 S. 13th Ave. Anchorage 99501	279-9581 Office 274-4561 Shelter 272-0100 Crisis	Barbara J. Burke Joan Klein	Director Program Director
Advocates for Victims of Violence (AVV)	P.O. Box 524 Valdez 99686	835-3980 Office 835-2999 Crisis	Carolyn Dallinger	Director
Aiding Women from Abuse and Rape Emergencies (AWARE)	P.O. Box 809 Juneau 99802	586-6623 Office 586-1090 Crisis	Caren Robinson Rosemary Murray	Director Women's Prog. Dir.
Alaska Women's Resource Center (AWRC)	P.O. Box 10018 Anchorage 99510	276-0528 Office	Carol Richards	Director
Arctic Women in Crisis (AWIC)	P.O. Box 69 Barrow 99723	852-2942 Office 852-4357 Crisis 852-3999 Health Dept.	(open position)	Director
Bering Sea Women's Group (BSWG)	P.O. Box 1596 Nome 99762	443-5444 Office 443-5444 Crisis	Vicky Horton	Director
Juneau Women's Resource Center (JWRC)	110 Seward #5 Juneau 99801	586-2977 Office	(open position)	Director
Kodiak Women's Resource and Crisis Center (KWRCC)	P.O. Box 2122 Kodiak 99615	486-6171 Office 486-3525 Crisis	Mary Monroe	Director
Kotzebue Women's Crisis Project (KWCP)	P.O. Box 38 Kotzebue 99752	442-3969 Office	Coileen Dougherty Flo Hawk-Jetton Gayle Garrigues	Director Board President Board Member
Men Emerging Now (MEN)	211 4th Street Juneau 99801	586-3585 Office	Walter Majoros	Director
Men's Support Network (MSN)	P.O. Box 1071 Anchorage 99510	272-4822	Fred Jenkins	Director
Safe and Fear-free Environment (SAFE)	P.O. Box 94 Dillingham 99576	842-2316	Beverly Fletcher	Director

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

<u>PROGRAM</u>	<u>MAILING ADDRESS</u>	<u>PHONE NUMBERS</u>	<u>CONTACT PEOPLE</u>	<u>POSITION</u>
Sitkans Against Family Violence (SAFV)	P.O. Box 1573 Sitka 99835	747-3370 Office	Mary Buchanan	Director (out-going)
South Peninsula Women's Services (SPWS)	P.O. Box 2328 Homer 99603	235-7712 Office 235-8100 Crisis	Joyce Andreen	Acting Director
Standing Together Against Rape (STAR)	P.O. Box 3356 Anchorage 99501	276-7279 Office 276-RAPE Crisis	Paula Haley	Director
Tundra Women's Coalition (TWC)	P.O. Box 1537 Bethel 99559	543-3424 Office 543-3455 Office 543-3456 Crisis	Liz Illg Elizabeth (Cookie) Guinn	Director
Valley Women's Resource Center (VWRC)	P.O. Box 1518 Wasilla 99687	376-4080 Office 376-3706 Crisis	Ruth Ellen Anderson	Director
Women in Crisis-Counseling & Assistance (WICCA)	702 Tenth Avenue Fairbanks 99701	452-2293 Office 452-RAPE Crisis	Ruth Lister Tricia Livinston	Director Human Resource Manage
Women in Safe Homes (WISH)	P.O. Box 6552 Ketchikan 99901	225-9474 Office	Janet Wipfli	Director
Women's Resource & Crisis Center (WRCC)	P.O. Box 2464 Soldotna 99669	262-9378 Office	Judy Osborne	Director

Sexual abuse

Whom can parents trust?

By ABIGAIL JUNGREIS
Daily News reporter

In 1981, Harold Depp, principal of Unalaska City School, was found guilty of sexual assaulting three boys under the age of 12. He is now serving an eight-year prison term.

□ In January 1984, two students accused George Koenig, a music teacher at Iditarod Elementary School in Wasilla, of molesting them. He pleaded no contest in May after being indicted on 16 counts of sexual abuse and assault involving eight grade-school girls.

□ In July 1984, Jerry Wayne Lewis, a Homer Boy Scout leader, was charged with sexually assaulting two troop members. Police say the Homer's former Citizen of the Year might have been sexually involved with more than a dozen young boys during the past four or five years. Lewis has pleaded not guilty to all charges.

For years we've taught our children not to take rides from strangers, to run away from people they don't know, to spend time with family friends and youth leaders. Now the news is filled with stories of adults in positions of trust taking advantage of the children in their care.

Figures published by Standing Together Against Rape (STAR), the Anchorage rape crisis center, show that one out of every four girls and one out of every eight boys will be molested before

they reach age 18. Between 75 and 90 percent of those assaults will be committed by someone the child knows.

Whom can we trust with our children?

"There aren't specific people that you can automatically trust," says Tom Denton, a counselor at the Community Mental Health Center in Homer. "Clearly you don't trust

they have the right to resist any touching that makes them feel uncomfortable, experts say. Rear your child with the idea that there's a difference between respect for authority and blind obedience.

Letting children know that they have control over their private parts and a right to say no to an adult who tries to violate that privacy is only one part of prevention. It's not enough if kids don't also feel comfortable about reporting a violation.

Children must be able to report unacceptable touching without fear of being doubted or angering a parent. Let them know that you are always willing to listen and believe them — and that you love them no matter whom they're accusing. Experts say it's particularly important that a child be supported when the accusation involves someone within the home.

"If kids say something about abuse going on, *something is going on*," says Milli Andreini, executive director of the Center for Children and Parents. "You'd do better to check it out than soft-pedal it." Andreini points out that young children do not have the vocabulary or experience to make up the details of a sexual assault.

Don't expect children to give you an exact description when they first mention being molested; they may feel embarrassed talking about it, or they may not understand exactly why the incident seemed wrong. Karma Van Gelder, an Alaska State Trooper who works

'If a kid says, "I don't like that man," don't say, "He's a nice man." Ask why.'

— Karma Van Gelder

on child abuse cases in the Palmer area, says you must really listen to your child.

"If a kid says, 'I don't like that man,'" says Van Gelder, "don't say, 'He's a nice man.' Ask why."

Van Gelder says boys are particularly embarrassed about reporting abuse. That's because of distorted social attitudes. If a

take rides from strangers, to run away from people they don't know, to spend time with family friends and youth leaders. Now the news is filled with stories of adults in positions of trust taking advantage of the children in their care.

Figures published by Standing Together Against Rape (STAR), the Anchorage rape crisis center, show that one out of every four girls and one out every eight boys will be molested before they reach age 18. Between 75 and 90 percent of those assaults will be committed by someone the child knows.

Whom can we trust with our children?

"There aren't specific people that you can automatically trust," says Tom Denton, a counselor at the Community Mental Health Center in Homer. "Clearly you don't trust the Boy Scout leader. Don't even trust Policeman Andy just because he's a policeman, or Minister Bob. All these people could potentially be child molesters."

The person to trust in a child molestation case is your child. Denton and other experts agree that you must prepare your child to recognize and report anything that smacks of sexual abuse.

Early this month, the Alaska Senate held hearings on sexual abuse in day care centers. One tearful woman testified that her daughter, who'd been left in a church care center while her mother attended services, was taken to a nearby home and sexually assaulted by six adults.

"Talk to your children, listen to your children," the mother said. "I overlooked so many signs."

Her daughter was 3 years old.

Start talking to your children when they're young — and keep talking. As soon as a child is old enough to understand concepts — around the age of 3 or 4 — introduce them to the idea of "private parts." Marianne von Hippel, a local pediatrician who has written a book on parenting, says private parts can be easily defined: the area covered by a bathing suit.

Von Hippel suggests that parents bring up the concept naturally, while the child is in a bath or being dressed. "Emphasize privacy," says von Hippel. "This is yours and yours alone."

Be specific about the times when adults do touch that area — mommy and daddy in a bath, the doctor in an examination. Experts emphasize again and again that generalities are rarely understood by children, who think in concrete terms. Let them know that if anybody touches them in a way that hasn't been described as OK, they should report it.

Parents should also teach their children

‘If a kid says, “I don’t like that man,” don’t say, “He’s a nice man.” Ask why.’

— Karma Van Gelder

children and parents. You do better to check it out than soft-pedal it." Andreini points out that young children do not have the vocabulary or experience to make up the details of a sexual assault.

Don't expect children to give you an exact description when they first mention being molested; they may feel embarrassed talking about it, or they may not understand exactly why the incident seemed wrong. Karma Van Gelder, an Alaska State Trooper who works

on child abuse cases in the Palmer area, says you must really listen to your child.

"If a kid says, 'I don't like that man,'" says Van Gelder, "don't say, 'He's a nice man.' Ask why."

Van Gelder says boys are particularly embarrassed about reporting abuse. That's because of distorted social attitudes: If a young boy is molested by an older woman, he's supposed to feel lucky; if he's molested by a man, he may be frightened of homosexuality. The stigma is so strong, says Van Gelder, that in one case she's investigating, men molested more than 10 years ago are still unable to talk about the experience.

"Be very careful," she warns. "If a boy makes a first report that is just innuendoes and nothing is done about it — they won't bring it up again."

He was a member of a Boy Scout troop in Homer. This year, says his mother, he was molested by the scoutmaster.

The boy's mother says she worried, almost instinctively, about the scoutmaster, but when she asked her son if he had seen anything, he said no.

The scoutmaster took the boys fishing and hiking; he even took a few to Disneyland. Says the mother: "He held over their head that they wouldn't be with their friends anymore if he was discovered . . . (he) worked them, had them pretty much where he wanted them."

The scoutmaster has been indicted on two counts of sexual assault and has pleaded not guilty to all charges.

No matter how well you teach your child, experts say, a sophisticated child molester may be able to get around the youngster's defenses.

"The child molester takes advantage of parents' desire to get away from their child every once in a while," says Tom Denton of the Homer Community Mental Health Center. Parents have a responsibility to find out about the people with whom they leave their children.

If you're sending your child to a day care center, interview the staff, talk with others who have left their children there, visit. Responsible day care managers say parents

Anchorage Daily News photo illustration/Paul Brown

Figures Indicate that one of every four girls and one of every eight boys will be molested.

should never be banned from dropping by the center at any time.

"Ask your child every day about what's going on," says Milli Andreini. "If there is anything suspicious, check it out. Really listen."

Check out the adults with whom your child is spending time, too. Child molesters don't have horns on their heads, but you can often pick out suspicious behavior.

If a neighbor spends all his free time with children, experts warn, don't automatically think, "What a nice man"; be suspicious. If a teacher is overly generous with gifts, ask why. If a youth leader discourages other adults from being involved in activities, look into it.

Look at what's going on with your child; too. "Most children are pretty happy-go-lucky," says Denton. "If you see a significant shift — they're often lost in thought, have trouble sleeping, seem troubled — sit down with them."

Don't be afraid to ask specific questions. Has an adult touched your child between the legs? Has your child been asked to touch an adult between the legs? Listen to the answers and watch the response.

If your suspicions are confirmed, call the police or the state Division of Family and Youth Services, which have workers especially trained to deal with children. Trooper Van Gelder says it's best if you don't question children too closely before they speak to authorities. The child often feels too embarrassed or too guilty to tell his or her

parents the whole truth — and any discrepancy may end up being a problem in court testimony.

Talking about being molested is traumatic for children, but it can be an even greater trauma for a parent to hear about it, says Andreini. Even though you're upset or enraged, it's important to stay cool in front of your child.

Let your child know that you still love him or her, that you don't blame the child and that you believe him or her. "Ideally, the first thing is to hug the child and cry with her," says von Hippel. "Like someone had hurt her physically."

The parents had taught their children about the right to control their own bodies. They let their children know that the truth is more important than anything. They checked out day care centers and wouldn't send the children to overnight camp because of the possibility of molestation there.

Then a 15-year-old babysitter, the son of someone they knew well, molested their 8-year-old daughter.

Says this Anchorage mother: "I thought this would never happen to my kids because I prepared them."

The molester told the child that no one would believe her if she talked. But she told her father anyway, and he immediately reassured her that it wasn't her fault, that

Sexual abuse

Continued from Page D-1

she had been right to tell, that he believed her.

That was the only incident; the case is now in the courts. Two months later, life for this family is returning to normal.

Following all the rules and suggestions won't save your child from the possibility of sexual abuse, but it may prevent any assault from developing into a long-term trauma.

"Parents need to face the uncomfortable realization that wherever they live, there's a danger of this happening," says Denton, "and they need to prepare their children and themselves."

d-1



Alaska Juvenile Crime Commission

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, LOUUVILLE 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 survivors].
 - 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 to 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.

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 causal factor of criminal behavior to a greater impact on our state and future.

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 McYC 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.

- \$3,000,000.....PROPERTY LOSS IN 4 YEARS AS A RESULT OF THIS ONE EXPLOITER.

COMPUTATION #6

ASSUMPTION:

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.

McLaughlin study shows history of abuse

Jeff Berliner

Staff Writer

Eighty percent of the teenagers at McLaughlin Youth Center were abused before they were sent to McLaughlin, and 63 percent were abused sexually. And 40 percent of those delinquents said they have abused others in the same way they were abused.

A in-house survey detailing McLaughlin residents' history of abuse concluded that the delinquency of McLaughlin's residents can be traced back to childhood abuse.

Although there have been national studies of such abuse, McLaughlin superintendent Jerry Jackowski said this is the first such local look at the incidence of abuse.

The study was prompted, Jackowski said, by the Carlos "Chico" Rodriguez case and subsequent estimates of the number of youths who have been victims of sexual abuse.

Rodriguez was convicted of 25 felonies as part of an illicit commercial network employing under-age youths as prostitutes, pornography stars and burglars. Police contend that as many as 60 Anchorage youngsters were used by Rodriguez. Rodriguez will be sentenced Sept. 30.

Although the report does not mention Rodriguez by name, Jackowski said it was that case — and the revelations that so many youngsters were involved — that prompted McLaughlin to survey its residents.

"The Rodriguez case showed

us how extensive this kind of thing was, how many kids were involved," Jackowski said. "We knew it was occurring here, but we thought it was on a smaller scale. We had no idea how extensive it was."

The survey, dated Aug. 25 and submitted in the Rodriguez case, file this week, was conducted by McLaughlin clinical services administrator George Buhite. Sixty youths, or about half of McLaughlin's current population, took part in the survey.

Most of the McLaughlin residents questioned, like most of the victims in the Rodriguez case, were boys.

"The exact connection between abuse and delinquency cannot be determined on the basis of this study," Buhite con-

cluded. "However, the conclusion is inescapable that the adolescents have been victimized. The residents' victimization and the subsequent humiliation and anger is a significant contributing factor to their delinquency."

Although Jackowski said that abuse problems which surfaced in the Rodriguez case have led to new programs and counseling at McLaughlin, Buhite said the survey will be studied further "with a goal of gaining a greater understanding of these problems and to expand our research in the future."

Among the findings in the report are:

- Eighty percent report multiple incidents of physical abuse.
- See McLaughlin, page

McLaughlin study

Continued from page B-1

Some report being tied up, food being withheld or being burned.

• Sixty percent of McLaughlin's population said they ran away from home for fear of more physical abuse.

• Forty percent of McLaughlin's residents acknowledged committing the same kind of physical abuse against others. One-fourth of those who were

sexually abused admitted committing such acts later.

• Sixty-eight percent reported sexual abuse and 25 percent of the McLaughlin population has been "extremely sexually abused."

• Twenty-seven percent of these underage youths said they have had sex for money and the same percentage said they were forced to have sex with someone.

FRIDAY
FINAL

The Anchorage Times

80 pages

69th year

FRIDAY, MAY 13, 1983

25

Crime panel recommends unit for youths

by Jeff Bestner
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.

The Anchorage Times

FRIDAY EVENING, JANUARY 13, 1984

Child abuse prompts police plan

by Jeff Beriber
Times 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. 6 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 Smeed. But before figuring out how to fund the proposal, Blume said the impact on corrections and other state agencies

See News, page A-8



MARROYCE 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 60 Anchorage teens, many of them runaways, were lured into a network of drugs, burglary, prostitution and pornography. Rodriguez, 48, 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 Raben, 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 Kolvosky 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.

Kolvosky 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 Kolvosky 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.



WE RECOMMEND THAT YOU MOVE WITH HASTE TO CREATE AND FUND:

A STATEWIDE JUVENILE UNIT funded by direct appropriation apart from the current law enforcement budget. A new and separate investigative section would be established consisting of a minimum of three investigators and a supervisor with appropriate clerical support. These investigators should be officers with experience in working with juveniles and in investigative techniques that relate to semi-organized and organized criminal activities. The purpose of the section would be to initiate and follow through investigations into the forces responsible for juvenile prostitution, both male and female, and those forces behind the rising juvenile drug problem and fencing operations involving juveniles. The notable difference between this unit and other units presently in existence is that they would self-initiate these investigations, rather than responding to isolated cases presented to them. It would allow this section to expand upon other investigations presented by other units and to initiate investigations based on intelligence reports from other agencies or information provided by informants. This unit should have the flexibility to work varying hours and have available communications equipment to permit discreet investigation and surveillance.

Specific areas of concern should be (1) juvenile pornography, both the sale and distribution of and the making of, (2) adults and groups who gain by juvenile prostitution activities, (3) organized or semi-organized activities involving the sale and use of drugs by juveniles, (4) organized or semi-organized activities in which juveniles are used as the source of stolen property to be fenced.

As cases in these areas begin to be made, consideration should be given to the establishment of a special prosecutor to be funded to handle these cases from beginning to end for the purpose of maintaining the necessary confidentiality of any investigation involving juveniles as victims and/or participants in sensitive areas and for the purpose of maintaining direction in the legal system throughout investigations that will necessarily be involved, complicated and sensitive.

To be effective, this unit must have available to it sources of funds to be used for the paying of confidential informants and to be used for such special operations as purchases of stolen property and drugs through undercover operatives. In addition, this unit must have the capability to operate discreetly, involving the use of unmarked cars and certain kinds of surveillance equipment and office security equipment.

The Juvenile Unit would be utilized as appropriate to assist, co-ordinate and work with local law enforcement efforts in juvenile crime and exploitation cases, using the metro concept of cooperative efforts in populated areas.

Alaska Juvenile Crime Commission

Post Office Box 4-2850 Anchorage, Alaska 99503

Projected Budget

SPECIAL UNIT FOR THE INVESTIGATION OF CRIMINALLY EXPLOITED CHILDREN.

Unit will be developed on the Task Force concept of the Metro Drug Enforcement Unit, will consist of one state trooper, two A.P.D. law enforcement officers, one FBI agent, one Attorney representing the Justice Department, one Assistant District Attorney.

Manpower/Cost Breakdown

Law Enforcement Officers - 2	APO (full-time + equipment) expenses
State Troopers - 1	(Full-time) + equipment and expenses
FBI Agent - 1	Part-time, As appropriate
U.S. Attorney - 1	Part-time, As appropriate
Assistant District Attorney - 1	Part-time, As appropriate
APD Clerk	Full-time, Office equipment

Special Unit for the Investigation of Criminally Exploited Children.....\$337,939.00



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.

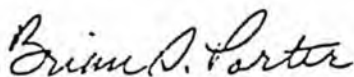
Exploited Children-Proposal
August 26, 1983
Page Two

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

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.

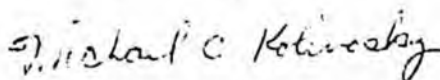
The person assigned to this Special Unit must be prepared to cope with juvenile personalities and problems and have a Proclivity for communicating with juveniles

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,



Colonel Michael C. Kolivosky
Director
Alaska State Troopers



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

October 4, 1963

Ms. Marroyce Hall, Commissioner
Alaska Juvenile Crime Commission
P.O. Box 4-2850
Anchorage, AK 99503

Dear Ms. Hall:

This is to acknowledge receipt of your letter of September 20 regarding your outline proposal on the crime problems and related issues. I have taken the liberty of forwarding copies of the report you provided me to the Commissioner of Public Safety and the Commissioner of Corrections.

The issues you raised, and the remedies you are suggesting, are definitely worthy of examination, and I would expect that, following evaluations by the appropriate Executive agencies, we will be in touch with you to further pursue this approach.

I appreciate your bringing this matter to my attention, and my staff and I look forward to discussing this in the near future.

If you have any questions, please contact my Special Staff Assistant Allen Blume.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

MEMORANDUM

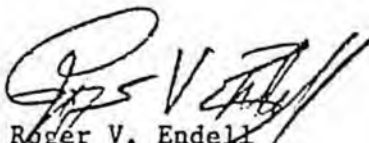
State of Alaska

TO: Allen Blume
Special Assistant

DATE: October 31, 1983

FILE NO

TELEPHONE NO

FROM: 
Roger V. Endell
Deputy Commissioner
Adult Corrections Agency

SUBJECT: Alaska Juvenile Crime
Commission Report

Thank you for forwarding the Alaska Juvenile Crime Commission Report to me. The connection between child sexual abuse and delinquent behavior is clear to people and agencies working with such children. The various components of the justice system can and must work together on this problem. In the material furnished by Ms. Marroyce Hall, the geometric progression of cost to the State both in monetary and human terms, from just one instance of child sexual abuse, is well illustrated.

The commission is recommending that a statewide special unit for the investigation of sexually exploited children be developed and funded. Corrections would support such a move. Although in the short range, it may result in further overcrowding of our already overcrowded prison system, in the long range, the fewer children exploited, the fewer children become delinquents and possibly adult criminals.

The commission makes a number of recommendations for legislative action. All these recommendations merit further examination; in particular, I believe the following are worthwhile:

1. Strengthening child prostitution and pornography laws.
2. Funding specialized training for State personnel involved with handling exploited children and juvenile offenders with a history of exploitation (This would include McLaughlin Youth Center staff and Juvenile Probation staff as well as law enforcement personnel).
3. Fund juvenile emergency centers.
4. Provide incentive for the creation of non-profit group, halfway and foster homes, but ensure quality care through adherence to rigorous standards and frequent program monitoring and audits.
5. Establish a 24-hour information and referral hotline for exploited and abused children.

In the prevention section of the commission's report, of particular interest is the in-district suspension from school to include counseling and further referral if necessary. This appears to be a possible alternative to complete suspension from school.

Page two

Another way in which the State can help is in its support of daycare, job sharing arrangements and flexible working schedules for parents, so that parents can arrange their schedules to be with their children as much as possible. The possibility of child exploitation is diminished in this manner.

RVE:SH-B:as2

✓ cc: Susan Humphrey-Barnett, Director
Statewide Programs

MEMORANDUM

State of Alaska

TO: Jay Hogan, Associate Director
Division of Budget Review
Office of Management and Budget
Office of the Governor

DATE: January 6, 1984

FILE NO:

TELEPHONE NO:

465-432

SUBJECT:

Crimin: ited
Childre

FROM: *W. M. J.*
Jos Mapranath, Director
Division of Administrative Services
Department of Public Safety



We have reviewed the materials submitted on criminally exploited children in Alaska and wish to express our support for the formation of a special law enforcement unit in Anchorage to deal with this serious problem. The unit would be a joint State and local cooperative effort similar to the successful Anchorage Metro Drug Unit. The cost is estimated at \$375.0 for FY 85 and would include one Anchorage P.D. Sergeant, one Anchorage Police Officer, one Anchorage clerical position, and one State Trooper Sergeant.

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 Division of Alaska State Troopers to divert limited existing resources to form the proposed special unit. We would, however, be pleased to participate in such an effort if funding is provided. Therefore, I urge your support of an appropriation in the amount of \$375.0 to fund a special investigative unit on criminally exploited children.

Further details are available upon request. Your consideration of the requested appropriation to deal with this problem is appreciated.

cc: Commissioner Robert J. Sundberg
Commissioner Roger Endell
Peter B. McDowell, OMB
Brian Porter, Chief, APD
✓ Colonel Michael C. Kolivosky, AST
Marroyce Hall, AK Juvenile Crime Commission
Sandra Borbridge, Spec. Assistant to the Governor
Allen Blume, Spec. Staff Assistant to the Governor

BILL SHEFFIELD, GOVERNOR

REPLY TO:

DEPARTMENT OF LAW

CRIMINAL DIVISION

March 30, 1984

OFFICE OF THE CHIEF PROSECUTOR
POUCH K
JUNEAU, ALASKA 99811
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTION,
AND APPEALS
1031 WEST 41H AVENUE, SUITE 31
ANCHORAGE, ALASKA 99501-5993
PHONE: (907) 279-7424

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

The Honorable John Sackett
The Honorable Don Bennett

March 30, 1984
Page -2-

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.

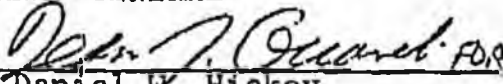
Cases of this nature also generally involve multiple victims. The Rodriguez case, for example, involved 11 victims. Due to the sensitive nature of the crimes involved, victim/witness services are required in order to properly prepare youthful victims who face the difficult ordeal of appearing at trial 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
Chief Prosecutor

DWH/gb-59
Enclosure

10966 44 JUNEAU STATE CAPITOL BOOCH A 1984
LIBRARY LEGISLATIVE REFERENCE
DIS. LEGAL *** 12 20 AL DEC 84

THE NATIONAL LAW JOURNAL

1984 The National Law Journal

VOL. 6—NO. 42

PRICE \$2.00

The Weekly Newspaper for the Profession

MONDAY, JUNE 25, 1984

New War on Child Abuse

Reforms Are Making Prosecutions Easier

BY MARY ANN GALANTE

National Law Journal Staff Reporter

THE WITNESS BOX was empty. Instead, the packed Los Angeles courtroom audience watched a 5-year-old girl testify on a large TV screen placed before a podium from which lawyers asked her questions.

The tiny witness could have been at home, or even in another state. She was in the next room.

Washed in the glare of floodlights, the child was demure until questioning turned to details of her alleged molestation by an elementary school principal, Hugh Greenup, 57, of Northridge, Calif., charged with sexually assaulting seven students. The little girl, seated beside her mother, stared into space, then froze. "Your honor, we'll need a little time," came the voice of the bailiff as the sound of sobbing rose.

The testimony by two-way, closed-circuit TV was

used in California for the first time last month. *People v. Greenup*, A752-34. It is one of several innovations being tried across the country to spare children who allegedly have been molested yet another assault by the legal system.

Sexual abuse of children brings out strong emotions. Dramatic reforms are being adopted nationwide to change courtroom procedures, sentencing laws and rules of evidence to facilitate prosecution of accused child molesters. But some question whether the trend is an overreaction at the expense of constitutional rights.

State laws vary widely, but the more common reforms include:

- Abolishing statutorily set ages below which children are presumed to be incompetent as witnesses.
- Abandoning corroboration requirements. Only two jurisdictions — Nebraska and the District of Columbia — still retain blanket prohibitions against finding someone guilty of sexual abuse solely on the word of a child.

• Changing hearsay rules to allow into evidence both out-of-court statements from children and videotaped interviews. A related technique — used in the

Continued on page 26

Growing Disillusion

Is Partnership Worth It All?

BY DAVID A. KAPLAN

National Law Journal Staff Reporter

"Probably every new and eagerly expected garment ever put on since clothes came in, fell a trifle short of the wearer's expectation."

— Charles Dickens in "Great Expectations"

FOR JUNIOR partners in the nation's major law firms, was the catch worth the chase?

The chance at partnership — what essentially amounts to lifetime job tenure, financial security and social status — is the brass ring that spurs those fresh out of law school to toil as overworked associates for as long as 10 years in hundreds of firms across the country.

Continued on page 22

Child-Abuse Prosecutions Are Increasing

Continued from page 1

group case — allows live testimony on closed-circuit television to shield very young witnesses from exposure to grand juries, spectators the press or even defendants.

Growing Awareness

The trend toward innovation can be traced to growing public awareness about a previously hidden issue that suddenly has burst out of the deepest corner of the American closet. In California alone, more than 40 bills aimed at easing young victims' trauma have been introduced in the Legislature.

Because prosecutors' offices tally cases differently, there are no reliable statistics to gauge the success of these efforts. But there's little doubt that "more cases are being filed," notes Josephine A. Bulkley of Washington, D.C., former project director of the American Bar Association's two-year national study on how legal systems cope with child sex abuse.

Change has been slow. For years, prosecuting cases involving preschoolers was the exception rather than the rule because such cases, relying heavily on the testimony of the young witnesses, are difficult to prove.

Today, however, prosecutors and child therapists alike bristle at the widespread view that sexually abused youngsters cannot separate fact from fantasy. They counter that toddlers as young as 2 or 3 are incapable of describing sex acts unless they have actually experienced them.

Special Units

Although they are still rare, special prosecuting units have been set up in a few major cities. Two years ago, Jean Matusinka, who heads the Los Angeles District Attorney's Child Sex Abuse Unit, won funding from the Los Angeles County Board of Supervisors for

her section. Her pitch was easy: The county had 750 incest cases, and half were being ignored for lack of lawyers.

Last year, her team of five trial lawyers and two investigators filed about 130 cases involving sexual abuse. They won convictions in all but two.

A major plus of the special units is that they usually allow for vertical prosecution — in which one lawyer follows a case through all phases, rather

The younger the victim, the more likely he'll 'babble, wander, twirl in the chair, then look at you and freeze.'

than the assembly-line approach used in most felonies.

That approach, which minimizes a child's contact with the legal system, was started in the mid-1970s by what became the King County Special Assault Unit in Seattle, long a leader in innovative prosecution of child sex-abuse cases. Lawyers there prosecute 275 to 300 cases involving child molestation a year — an unusually high figure even in larger cities.

Another way prosecutors minimize the trauma of eliciting testimony from young victims is by using anatomically accurate dolls. They are helpful "for kids who can only verbalize with names like 'peanut' and 'koochie' to show what happened [to them]," explains Laurie Boerma, chief of Philadelphia's Child Abuse Unit.

Seattle offenders who are found to be

suitable candidates for treatment often receive light jail time of perhaps 90 days, and then are allowed into a therapy program — provided they admit the crime.

The approach results in guilty pleas in 80 percent of the filed cases. Its success has led to plans in Florida's Dade County to launch soon a similar program to treat entire families of pedophiles who admit intrafamily abuse.

It's when cases go to trial, lawyers on both sides agree, that child sexual-abuse cases are the toughest.

Prosecutors often have no more than the story of a terrified toddler. And the younger the victim, the more likely he or she is "to babble, wander, twirl in the chair, then look at you and freeze," notes Robert H. Lynn, assistant county attorney in Minneapolis.

Moreover, the cases' sensitive nature results in an exhausting emotional drain for both sides, observes Seattle defense lawyer Michael A. Frost. "After three days of trial, everybody feels like it's lasted two weeks. You don't want to get 'up and go to court."

The defense burden is doubly difficult because jurors resent a lawyer who bullies children. "With adults, you can be tough to get at the truth. But how do you deal with a 4-year-old" who may be lying? asks Deputy District Defender Susan Alkema of Albuquerque, N.M.

Nonetheless, the odds still favor the attacker because most cases continue to go unreported and untried. But as many states amend their rules of evidence, prosecutors are gaining an edge.

Competency Rules

A major trend has been toward dropping competency criteria. At one time, legal scholars note, children were in the same class as felons and atheists — jurors were told their testimony was

suspect. The shift started in 1974, when the Federal Rules of Evidence were enacted, eliminating the competency requirement for children.

Nonetheless, about half the states today still presume witnesses younger than 10 are incompetent. A substantial number of states have no presumption, leaving it up to the judge to decide whether children in specific cases meet competency standards.

The cases are exhausting, says one defense lawyer. 'After three days of trial, everybody feels like it's lasted two weeks.'

The competency hurdles have been "the No. 1 legal rule preventing successful prosecution of child-molestation cases," says Irving Prager, a professor at California's University of La Verne College of Law.

But competency standards clearly are being eroded. Several states — including Colorado and Utah — have gone at least as far as the federal rules, and similar reforms have been proposed in California and Ohio.

An even greater barrier to prosecution has fallen with the elimination of requirements that all cases of sexual abuse be corroborated independently. 'Substantial Impact'

In New York, which just amended its law to drop the corroboration requirement in sex abuse cases, the Brooklyn
Continued on following page

easing

shift started in 1973, when Rules of Evidence were eliminating the competency for children.

es, about half the states to presume witness as younger incompetent? Substantial states have no presumption. up to the judge to decide children in specific cases competency standards.

s are exhausting, defense lawyer. free days of trial. y feels like it's o weeks.'

ency hurdles have been gal rule preventing succution of child-molesta-ys Irving Prager, a professor at the University of La e of Law.

ency standards clearly ded. Several states — in-ado and Utah — have s far as the federal rules, reforms have been pro-ornia and Ohio.

ater barrier to prosecu- with the elimination of that all cases of sexual orated independently. mpact'

, which just amended its e corroboration requ- use cases, the Brooklyn following page

Some prosecutors use anatomically correct dolls to elicit testimony from victims. Those help kids who can only verbalize with names like 'peanut' and 'koochie,' says one prosecutor.

Continued from preceding page

district attorney's office alone in the past two years dropped 56 cases involving child sexual abuse for lack of corroboration, claims District Attorney Elizabeth Holtzman. The prosecutor said she expects the state's newly amended law will have "a substantial impact on our ability to prosecute child-molestation cases."

That seems to be proven in those states that no longer require more than a child's word to convict sexual offenders. The Sacramento, Calif., district attorney's office, for example, won a conviction in a case within the past year using the uncorroborated testimony of a 4-year-old. The tiny victim, notes Deputy DA Robin Shakely, "testified beautifully. . . She was a really sharp little girl."

But defense lawyers are concerned that removing corroboration requirements will wipe out needed constitutional safeguards. "Juries tend to believe victims," notes Linda Jacobson, an attorney with Washington, D.C.'s Public Defender Service, which opposes changing the district's rule. "A lot of these are unsubstantiated and not a tremendous amount of proof."

Even more controversial are those reforms that create exceptions to the hearsay rule. Throughout the country, these have taken two forms: exceptions that allow admission of youngsters'

out-of-court statements, and those that involve videotaped interviews with child victims.

Washington state took the lead by adopting a hearsay exception in 1982 to admit children's statements when the victims are under 10 and allege sexual abuse. To be admissible, the court must find the time, content and circumstances of the child's statement provide enough "indicia of reliability." Corroboration is needed if the child is unavailable. Wash. Rev. Code Ann. 9A.44.120.

Similar exceptions have since been adopted in Colorado, Kansas, Minnesota and Utah. Legislators in four other states — California, Ohio, Virginia and Wisconsin — are looking at adopting hearsay bills.

Hearsay exceptions allow mothers, teachers, counselors and others having the child's trust to tell a court what a child too young to testify for himself privately confides about sexual abuse. A vivid example occurred recently in Colorado, when prosecutor Yvette Kane used hearsay testimony against a man who eventually admitted fondling his 2½-year-old grandchild.

Such cases show that the exceptions clearly are a prosecutor's tool. But

Continued on page 28

**MEDICAL EXPERTS FOR:
MEDICAL & HOSPITAL
MALPRACTICE**

No. 17

Turn Judgments into Fees!

The practical solution is
SIDNEY SHERWIN, Esq.'s
1984 latest edition of

HOW TO COLLECT A MONEY JUDGMENT

Send \$39.95 post paid to:



th

Annual

Institute on

Law Office

Management

Denver, Colorado
July 9-13, 1984
Marriott Hotel / City Center

74 different workshops
and symposiums in:

general law office management
law office personnel

Reforms Aim to Minimize Child's Trauma

Continued from page 27

there are pragmatic limits. Because live testimony of child victims has a far greater impact on juries, prosecutors say they only resort to hearsay evidence when cases can be prosecuted no other way.

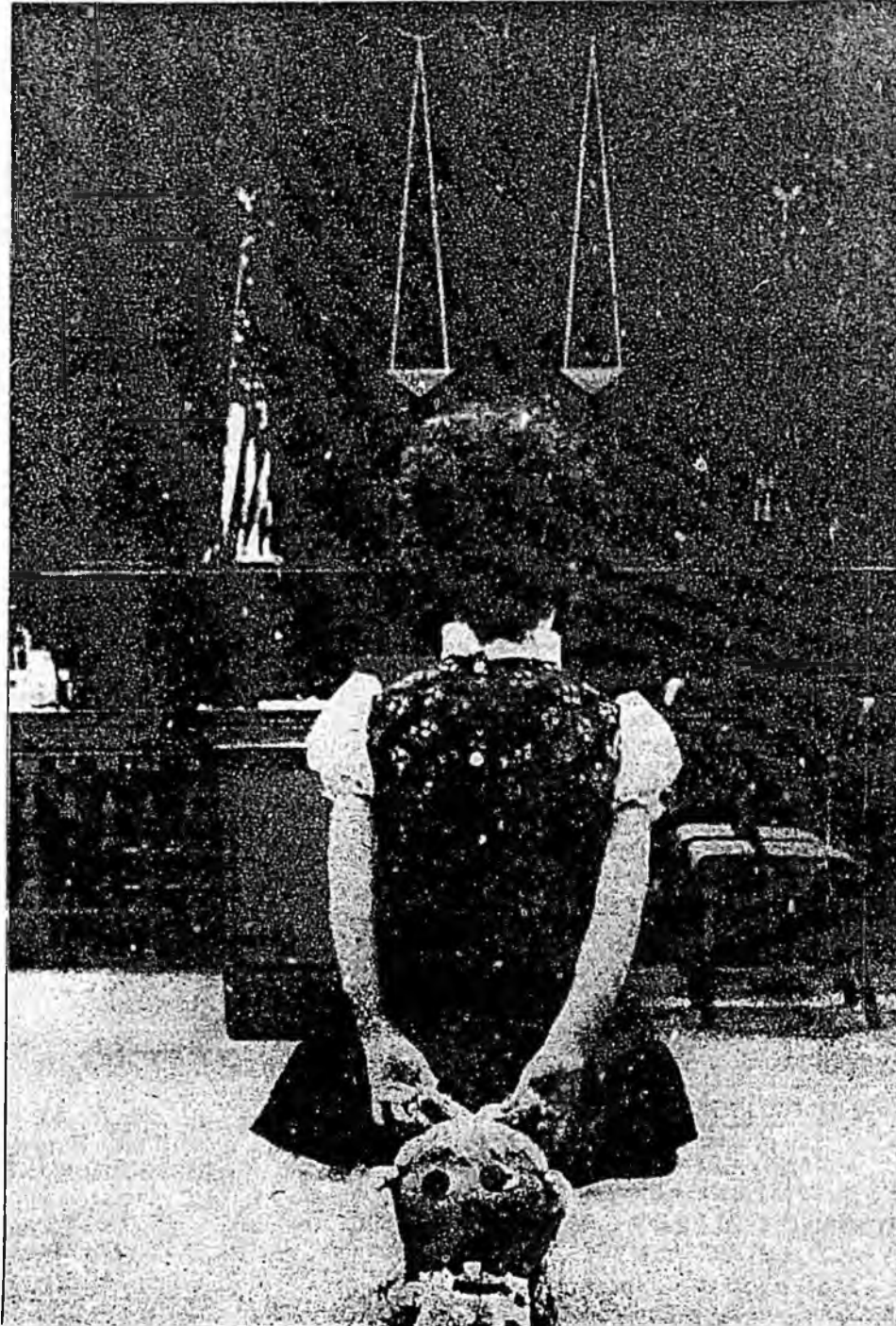
In the two years since the Washington law was enacted, for instance, prosecutors in King County have used it in only 15 cases. "Frankly, if a victim can testify and is competent, I want the jury to see and hear the child," says Rebecca Roe, supervising attorney of the Special Assault Unit in Seattle. "It's usually much more convincing."

Washington's law already has been appealed to the state Supreme Court in a case from Okanogan County. *State v. Ryan*, 50216-1. And legal experts predict that more appeals on laws that create new hearsay exceptions are certain. Colorado lawyers, for instance, point to the fact that that state's law has no definition for what constitutes witness "unavailability," or what kind of corroboration is needed if a witness does not testify.

Controversy Over Tapes

Defense lawyers have raised equally strong arguments about videotaping of victims' interviews and depositions, the second method of admitting abused children's out-of-court statements.

'With adults,' says one lawyer, 'you can be tough to get at the truth. But how do you deal with a 4-year-old?'



in dry runs before they actually testified, showing them monitors and explaining procedures.

He said the 5-year-old who broke down did so because a bright light was shining in her eyes. "Once we found out what was bothering her and removed the light, she did fine," Mr. Freeman noted. In fact, he continued, for that terrified youngster, the closed-circuit cameras "made the difference in getting and not getting testimony."

Despite initial reservations, defense lawyer Edward Masry of Los Angeles says he, too, is pleased with the results of the two-way video-camera experiment. He agreed to the experiment, he says, because *Greenup* "involves an innocent man in a high-profile case." The closed-circuit testimony, he explains, eliminated the highly charged emotional state that a small child will display to a jury.

So Mr. Greenup, the defendant, agreed to the procedure at the preliminary hearing with the understanding it will be used again at trial, his lawyer claims. The ultimate decision will be left with the superior court judge who hears the case, based upon a showing that further testimony will cause emotional trauma to the victims.

Even if the judge agrees, there may be other hurdles to the procedure in Los Angeles, as well as elsewhere. The

Some say the outcry is overdone. 'It's gotten so I'm afraid to get in an elevator with a little girl' says one defense lawyer.

tough to get at the truth.
But how do you deal
with a 4-year-old?'

In the past several years, a number of states have enacted provisions allowing videotaping in child sex abuse cases. The list includes Arizona, Colorado, Florida, Minnesota, Montana, New Mexico and Texas.

Depending on the jurisdiction, the videotaping can be of a formal deposition with full cross-examination and a judge in attendance, as in New Mexico. Or it can be as informal as a playroom interview between the child and a social worker, videotaped only to preserve testimony.

Either way, videotaping is intended to prevent trauma to a child who is spared having to retell his or her ordeal before a grand jury or, in some states, at trial. New Mexico's law, for instance, has allowed prosecutors for the past several years to record depositions of witnesses under 13 who have been proven unable to testify in court without physical or mental harm.

Some experts — including prosecutors — dispute the value of videotaping children's testimony in sexual-abuse cases at all. Instead, they argue, young victims benefit from being able to tell their stories.

"It's important for kids to realize they're going to be listened to and believed," insists Ms. Sha'ely. She feels the procedure often is suggested by "people who don't know what they're doing. Having the power back and the ability to control their own lives makes kids feel good."

Two-Way Solution?

Some of the objections to videotape — constitutional as well as practical — may be resolved by allowing children to testify via closed-circuit television. When the transmission is two-way, as in the Greenup preliminary hearing in Los Angeles last month, constitutional problems are avoided, advocates sug-



AP Wide World Photos

gest. Meanwhile, child victims can testify in person, while still being insulated from the courtroom, spectators and the alleged attacker.

Because closed-circuit testimony is live and allows witnesses to respond to questions from both the prosecution and defense, the issue becomes whether the accused has the right to "eyeball-to-eyeball" confrontation.

In a leading related case, *U.S. v. Benfield*, 593 F.2d 815, the 8th U.S. Circuit Court of Appeals in 1979 found videotaping was unconstitutional when a woman with a "psychiatric infirmity" was deposed while her alleged kidnaper sat in another room and viewed her testimony. But because the victim was unaware of the defendant's presence, the court found the right to face-to-face confrontation was not met.

A California appellate court used a similar rationale in a 1981 ruling, *Herbert v. Superior Court*, 117 Cal.App.3d 661. Confrontation rights were denied in that child sex-abuse case, the court said, when the victim was allowed to testify with her back to the defendant.

But attorneys in *Greenup* believe the

confrontation issue is resolved because the video monitors are two-way. The seven alleged victims viewed the accused molester, as well as the questioning attorney at the same time those in the courtroom watch the children testify.

A 'Real' Confrontation?

Los Angeles Municipal Court Judge Candace Cooper, who presided over the preliminary hearing of the case, believes the simultaneous nature of the two-way closed-circuit transmission meets constitutional muster. "The issue is: Is this 'real' confrontation or not? I believe there's no constitutional problem because all parties are aware and viewing everyone at the same time," the judge said.

Potential challenges aside, both lawyers and the judge found the closed-circuit technique seemed to result in the child-witnesses being more relaxed in a comparatively isolated setting.

Part of that ease may be due to the pains taken by prosecutors beforehand. Los Angeles Deputy District Attorney Kenneth R. Freeman walked each of the children through in the courtroom

so I'm afraid to get in an
elevator with a little girl'
says one defense lawyer.

closed-circuit camera in *Greenup* cost roughly \$1,000 per day — a figure that could place the technique well out of smaller counties' economic range.

Financial considerations aside, the closed-circuit procedure — as well as other innovations — are not likely to be readily embraced, at least by the defense bar. The current public outcry is seen by many as bordering on hysteria. "It's gotten so that I'm afraid to get into an elevator with a little girl," observes defense lawyer Masry wryly.

While readily acknowledging a sexual abuse epidemic, some see the potential for reforms going too far.

In Los Angeles, where the McMartin Pre-School case, *People v. Buckley*, A 750900, has public sentiment at a fever-pitch, the ACLU already has come down against such suggested reforms as allowing hearsay exceptions in child sexual-abuse cases. "Any court proceeding is traumatic" for every victim, notes Marjorie Swartz, an ACLU legislative advocate. "We're going to be convicting innocent people if we don't preserve cross-examination and confrontation to the greatest degree."

A similar view was echoed by Mr. Lynn in Minneapolis, who is prosecuting a sexual-abuse case against the artistic director of the famed Children's Theatre Co. and School in Minneapolis.

Reflecting on recent changes in Minnesota — notably to that state's hearsay rules — Mr. Lynn talked about his "gut reaction, even as a prosecutor. . . . The more afield we get, the more nervous I am that some poor innocent guy will go down the tubes" he notes.

"I've got to sleep at night and look at myself as I shave in the morning," he adds. "Constitutional rules serve a purpose — making sure that we convict only the guilty. Schmaltzy as it sounds, it's true."

MEMORANDUM

TO: Representative Barbara Lacher

FROM: Ann Plunkett

DATE: April 11, 1984

RE: Criminal Justice Group Meeting; The Criminal Justice System
Response to Child Sexual Abuse in Alaska

I. An Overview of the Problem by Dan Hickey, Chief Prosecutor,
Department of Law.

Hickey provided the group with a brief definition of child sexual abuse, and posed the following questions:

- 1) What should be the role of the state system?
- 2) Should the primary effort be the protection of the child or preservation of family?
- 3) What is the current disposition of cases?
- 4) Is the emphasis on treatment or incarceration?

II. The Role of Individual Agencies

A. Department of Health and Social Services, Mike Price, DFYS

Price presented the Department's Annual Report, and gave a brief description of the procedure followed by the Department in responding to reports of child sexual abuse. The attached brochure reflects his comments on that topic. He also presented the attached information relating to statistics on reported cases of child physical and sexual abuse. Price discussed the upcoming Governor's Symposium on Child Abuse and Neglect, scheduled to be held in Sitka on May 16, 17, and 18. The attached tentative agenda outlines topics to be covered at the symposium. Also, the Division of Family and Youth Services will be conducting Sexual Abuse Workshops throughout the state during the next several months.