# Sexual Abuse in Day Care: A National Study

Final Report
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DAVID FINKELHOR, Ph.D.
Principal Investigator

LINDA MEYER WILLIAMS, Ph.D.
Project Director

NANCI BURNS, M.S.W.
Principal Research Associate

KAREN GARTNER, B.S.
JEAN ABERLIN, J.D.
MICHAEL KALINOWSKI, Ed.D.
GERALD T. HOTALING, Ph.D.
Research Associates

Authors of the Report
DAVID FINKELHOR, Ph.D.
LINDA MEYER WILLIAMS, Ph.D.
NANCI BURNS, M.S.W.
MICHAEL KALINOWSKI, Ed.D.

Family Research Laboratory • University of New Hampshire
Durham, NH 03824 (603) 862-1888

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## NOTE

All the names, locations and other identifying characteristics of the respondents mentioned and/or quoted in this report have been changed except for some information from nationally publicized cases.

# EXECUTIVE SUMMARY

## Introduction

This study describes the problem of sexual abuse in day care: its incidence, dynamics, and impact on children. It also documents the experience that investigators and prosecutors have had in responding to the problem. The study was prompted by rising alarm among the public and professionals in the mid-1980s, as reports of such abuse grew in number and cases such as the notorious McMartin preschool in Manhattan Beach, California began to receive substantial publicity.

The study attempted to identify all cases of sexual abuse in day care reported nationwide during the period January 1983 through December 1985. To do so, researchers contacted high-level licensing and child protection officials in all 50 states, four dozen specialists in the field of sexual abuse, and conducted a search of newspaper clippings.

Cases were defined as within the scope of the study if:

-- they were reported within the specified time period
-- they involved a facility caring for at least six children
-- they involved at least one child under the age of seven
-- they concerned a day care (family, center based) or preschool, but not a residential facility
-- the abuse had been substantiated by at least one of the agencies assigned to investigate the report.

Data were collected on all identified cases and an in-depth study of a random sample of 43 of these cases was conducted.

## Incidence

The study identified 270 "cases" of sexual abuse in day care, meaning 270 facilities where substantiated abuse had occurred, involving a total of 1639 victimized children. However, some cases were missed due to problems in our reporting system. So we calculated the number of substantiated cases based on an extrapolation from the states with the most complete data. This yielded an estimate of 500 to 550 reported and substantiated cases and 2500 victims for the three-year period. Although this is a large number, it must be put in the context of 229,000 day care facilities nationwide serving seven million children.

The numbers can be placed in perspective when expressed as a rate. For day care centers (estimates are unavailable for family day care) we estimate that the risk to children is 5.5 children sexually abused per 10,000 enrolled. Interestingly, this is lower than the risk that children run of being sexually abused in their own households, which we calculate from national reporting figures to be 8.9 per 10,000 for children under six (based on 1985 data).

Thus, the study concludes that although a disturbing number of children are sexually abused in day care, the large numbers coming to light are not an indication of some special high risk to children in day care. They are simply a reflection of the large number of children in day care and the relatively high risk of sexual abuse to children in all settings.

## Perpetrators

Children are sexually abused in day care both by the caregiving staff and by others, including family members of staff, volunteers, janitors, bus drivers and, in a few cases, outsiders. We found cases could be classified into four major types according to the number and identity of the perpetrators (child care workers alone 35%, peripheral staff/outsiders 13%, family of staff alone 25%, and multiple perpetrator 17%). It is noteworthy that in 38% of the cases, the perpetrator was not a child care worker.

In contrast to the image of the McMartin case, the vast majority of cases (83%) involved only a single perpetrator. However, the multiple perpetrator cases are clearly the most serious ones, involving the most children, the youngest children, the most serious sexual activities and the highest likelihood of pornography and ritualistic abuse.

Women constituted 40% of the abusers in day care, a proportion much higher than in other sexual abuse. This relatively high proportion is explained by the very infrequent presence of men in day care settings. It is actually remarkable that men were still responsible for the majority of abuse in day care, when they account for only an estimated 5% of the staff.

Unfortunately, the study did not find that abusers had characteristics that would distinguish them easily from other staff or other people. In particular, most abusers did not have characteristics that one would associate with pedophilic child molesters and only a few (8%) had a prior arrest for a sexual offense. Neither were the abusers who were staff members poorly trained (50% had some college education), nor inexperienced (two-thirds had been employed two years or more). Abusers in day care do not fit prevalent stereotypes about sexual abusers.

## Victims

One alarming aspect of sexual abuse in day care is the large number of children who can potentially be subject to abuse in a single case, such as in the McMartin case, in which there were over 300 alleged victims. However, half of all cases involved only a single reported victim and two-thirds of all cases only two victims or fewer. Unfortunately, there are often suspicions about other victims who are not questioned or do not disclose. But, nonetheless, evidence suggests that in most cases, unlike the McMartin case, there are relatively few victims.

Girls are abused more frequently than boys (62% vs. 38%), but boys are abused more frequently in day care than in other kinds of sexual abuse. The most common ages for victims are three and four, reflecting the most common ages for children in day care.

Few things about the children or their families predicted who would be victimized. Children were not any more vulnerable if they were poor or rich, White, Black or Hispanic, immature or mature, popular or unpopular. Children did appear to be at somewhat higher risk if they were more physically attractive. In general, however, our judgement is that characteristics of children are not a major factor in determining who will be abused at a facility where abuse is occurring.

## Dynamics

One of the most important findings of the study concerns the large amount of abuse that occurs around toileting. In two-thirds of all cases, abuse occurred in the bathroom of the facility. This is a locale where abusers can be alone and unobserved with children who can be tricked into undressing and allowing their genitals to be touched.

The most common form of abuse is the touching and fondling of the children's genitals. Penetration (including oral, digital and object), however, is remarkably frequent considering the young age of the victims; it occurred to at least one child in 93% of all cases.

Other extreme forms of abuse were also present in disturbing frequencies. Children were forced to abuse other children in 21% of the cases; there were allegations of pornography production in 14% and of drug use in 13%.

Allegations of ritualistic abuse ("the invocation of religious, magical or supernatural symbols or activities") occurred in 13% of the cases. After studying the ritualistic allegations we decided that they needed to be subdivided into three categories: 1) true cult-based ritualism, where the abuse was in service to a larger spiritual or social objective, 2) pseudo-ritualism, where the goal was primarily sexual gratification, with ritual being used only to intimidate children against disclosing, and 3) psychopathological ritualism, where the activities were primarily the expression of an individual's obsessional or delusional system.

It is our overall impression that children in day care cases were more threatened, coerced and terrorized than in many other kinds of sexual abuse. This may be because young children are unpredictable, and perpetrators believed they needed to use "overkill" to avoid disclosures.

## Disclosure

Abusers were relatively successful in preventing disclosure. In one-third of the cases, abuse went on for more than six months before a child

told. In over one-half, it took at least a month. However, not all children were intimidated. Immediate disclosure occurred in about one-fifth of all cases.

Disclosures came about primarily in two ways. Most of the time, parents noted something suspicious about their child -- physical symptoms, pains, fears, or sexual behavior -- and this prompted them to question their child in a way that eventually led to a disclosure. But 37% of the cases were disclosed when a child simply told what happened spontaneously without prompting.

Most important and disturbing, there were extremely few cases in which staff members at the facilities were the source of disclosures. We doubt that this is because staff members never had suspicions or never received disclosures from children. Rather, we believe this indicates that there are many disincentives, a great deal of reticence and reluctance to report, massive ignorance and inattention, as well as a few cases of actual covering up of abuse, on the part of staff.

We also noted some disturbing patterns of behavior on the part of some parents. In some notable cases, for example, parents failed to believe their own children's allegations. In other cases, parents who believed their children's disclosures tried to arrange informal solutions with operators that would avoid the need for a formal report or an investigation. These patterns helped explain why so much time often elapsed before abuse was reported.

### Victim Impact

The children who had been abused manifested a variety of symptoms and problems, the most common of which were fears and sleep disturbances. Regressive behavior and inappropriate sexual behavior were also frequent. In 62% of all cases, at least one child sustained a physical injury. Children had more symptoms when they were abused by caregivers (i.e. teachers as opposed to outsiders), when the abuse involved force or ritualistic activities, and when their own mothers had some kind of impairment that limited the kind of support they could give.

Most professionals stressed the importance of family response in predicting how well a child would recover from the abuse.

### Risk Factors

The study was unable to identify categories of child care facilities that were either immune from the threat of abuse or extremely vulnerable. In general, the traditional indicators of quality in day care were <u>not</u> also indicators of low risk for abuse. Facilities with excellent reputations, well-qualified directors and years of operation were just as likely to harbour individuals who sexually abused children. Several unexpected factors were associated with less severity -- being in a high crime, inner-city neighborhood or having a large staff -- suggesting that

more supervision and general wariness about suspicious activities may act to protect children. The study also found that in facilities where parents have ready access to their children, the risk of abuse is reduced.

## Investigation

A number of different agencies crossed paths, sometimes co-operatively, sometimes uncooperatively, in the investigation of day care sexual abuse. Child protection agencies are most universally involved, followed by police, state licensing agencies and then prosecutors.

There is a very low rate of substantiation (21%) for initial allegations of day care sexual abuse. (This does not mean that most allegations are false or fictitious, simply that investigators could not amass enough evidence to confirm the abuse. Many of the cases that were later substantiated had had earlier unsubstantiated investigations). All the cases in the current study were substantiated cases, so not much can be said, unfortunately, about unsubstantiated cases.

We identified three main types of investigations: 1) In child welfare solo, the whole investigation was carried out by child protection agencies; 2) in parallel investigation, two or more agencies (most commonly child protection and police) conducted simultaneous, often overlapping investigations with frequently conflicting goals and methods; 3) in multi-disciplinary teams, agencies worked together and established goals and methods collaboratively.

The evidence from the study is very clear that multi-disciplinary teams were much more successful, in terms of objective outcomes, the satisfaction of investigators and the impact on the children.

Investigators in day care abuse cases confronted a common set of problems. One was ambiguity or imprecision in the children's statements, together with professional and public prejudices about children's credibility. A second was their relationship to the parents of victims. While both investigators and parents sought to protect children and see justice done, frequently they found themselves in an adversarial relationship. Third, investigators frequently encountered intransigence and lack of cooperation on the part of the facility under investigation. Fourth, media attention and publicity often complicated their work. Finally, most investigators were strapped by organizational problems and lack of resources, training and experience in the type of abuse they were confronting.

## Intervention - System Response

Even among the substantiated cases, there were many in which legal or regulatory action was not successful. Licensing actions were somewhat more successful than criminal prosecution. In one-third of the cases the operating license was revoked and in another third the license was provisional and would be revoked unless changes occurred. It may come as a surprise that 54% of all facilities with substantiated cases of abuse

remained open after the investigation was terminated. It must be kept in mind that many cases involved single perpetrators, who were either not employees or were dismissed from employment in the wake of the disclosure. In many of these cases, licensing agencies judged that the facility was not at fault or that it could continue if measures were taken to prevent reoccurrence.

Law enforcement, for its part, pursued day care abuse cases with different degrees of intensity, but overall its record on day care cases was similar to its record in other types of sexual abuse. Almost all substantiated cases were investigated by police. But only 60% of these police investigations led to an arrest. Moreover, only 56% of the arrests led subsequently to a trial. Unfortunately, between arrest and trial, prosecutors, for a variety of good and bad reasons, lost confidence in the cases, while child witnesses sometimes became reticent or unavailable. Of the cases that went to trial, however, the conviction rate (including the guilty pleas) was very high (85%). It was particularly noteworthy that day care cases had a conviction rate comparable to other sexual abuse in spite of a much higher rate of cases that actually required jury trial. The high conviction rate is probably due to the fact that so many day care cases that went to trial involved multiple victims who could corroborate each other's testimony, offsetting the fact that the children were so young. The study clearly shows that, perceptions to the contrary notwithstanding, day care cases do not necessarily fare badly once they reach the criminal justice system.

Certain kinds of cases do tend to fare better than others. Cases with male perpetrators, with perpetrators who were not child care employees, and cases involving force, sexual intercourse or multiple victims were all more likely to go to trial and result in a guilty verdict or plea. Despite some public perceptions, there have been quite a few convictions in the highly publicized, multiple perpetrator/ multiple victim cases, including those with controversial allegations about ritualistic abuse.

## Recommendations

These are the recommendations that grew out of the findings of this study. They do not cover all areas where recommendations might be needed (for example, concerning the handling of children's courtroom testimony). We are restricting ourselves here to recommendations that clearly follow from the important findings of the study. We have divided our major recommendations into the areas of prevention, detection, investigation and general recommendations.

## Prevention

### Preventive education that stresses anti-intimidation training

We recommend preventive education for preschool age children, particularly the kind that equips them to resist intimidation by potential abusers in day care. Much of the sexual abuse in our study occurred and continued because abusers convinced children that dire consequences would ensue if they told their parents. Parents need to contradict these warnings ahead of time. Thus, in addition to some explanation of improper touching, parents should be encouraged to emphasize to their children before sending them off to day care that: 1) nothing that happens should be a secret, no matter what they are told; 2) if anyone at the day care does anything mean, they should tell parents immediately; and 3) once they are at home, they are safe: day care staff have no power to harm them or their families.

### Reducing risk in toileting

We recommend that day care facilities institute policies and architectural changes that are aimed at preventing abuse in and around bathrooms, an area we have found to be high risk. Facilities may want to remove or minimize partitions and stalls that create private areas where children can be isolated, and make use of transparent partitions to increase surveillance. Directors may need to establish better controls over who takes children into the toilet area for what purposes at what times.

### Better screening and assessment of family members

We recommend increased attention by parents and licensing officials to the family members of day care staff and operators, including their adolescent children. Licensing needs to be aware of, talk to and screen all household members and extended family who will have access to and frequent interaction with children. Officials need to strengthen policies that allow for the denial or revocation of licenses due to the presence of family members of questionable reliability. Changes in the work and living arrangements of such individuals should be reported to licensing.

### Discourage reliance on police records check

The evidence suggests that police records checks are expensive and inefficient prevention techniques because they identify only a small fraction of potential abusers at prohibitive cost. They may also foster complacency and overconfidence when staff have passed the screening. If screening can be made very cheap, it may be eventually worth while, in spite of its small payoff, but employers and licensing officials should be cautioned against using it as their sole or primary prevention device.

Discourage reliance on pedophile profile

We recommend that training for licensing officials, day care operators and law enforcement should stress that most day care abusers do not fit the profile of a pedophile (a person with a long history of primary sexual interest in children who seeks employment in day care to have access to children). Instead, day care staff should be screened on a broad range of background information, including signs of emotional problems, substance abuse, criminal behavior, sexual difficulties, poor judgement, and insensitivity or punitiveness toward children.

Encourage free access of parents to day care facilities

We recommend that parents require access to the facility at any time. No area should be off limits to them. Parents should increase their involvement and presence at the day care facility.

## Detection

Awareness about female abusers

We recommend that parents, licensing and law enforcement officials be educated to view females as potential sexual abusers. Although they abuse much less than males in general, in day care women make up one-third of the total abusers and one-half of the abusers among caregivers. Parents and investigators seem much more apt to dismiss suspicions about females because they believe abuse by females is so improbable.

Teach warning signs to parents

We recommend an intensive campaign to teach parents how to recognize warning signs of abuse in day care. Parents are the ones who detect the majority of abuse. Yet many parents fail to note signs and symptoms. Public awareness should stress particularly signs of genital irritation and discomfort, unusual sexual knowledge, and fearfulness related to day care. Public awareness should also alert parents to be suspicious of any facility which attempts to deny them access. It may be effective to require operators to distribute this information in the form of brochures to parents.

Increase detection and disclosure by staff

We recommend a major effort to remove the barriers that prevent day care staff from detecting and reporting suspicions of abuse. Staff need education about what signs and symptoms to watch for. Even more important, to undercut inertia, loyalties and fears of reprisals, they need encouragement and insistence from directors and licensing officials on their responsibility to report suspicions. Phone numbers for reporting

may need to be displayed conspicuously within facilities. Since staff turnover rates are high, frequent reminders should be given.

Discourage informal solutions

We recommend education aimed at staff, parents and investigators that discourages them from relying on informal solutions when they suspect abuse. This information should stress their responsibility to other children, who may be victimized if the problem is not fully resolved. It should point out that, without formal attention, abusers may simply go on to abuse in other facilities. Parents should be informed about the official avenues for reporting suspicions of child abuse. Facilities should have an approved plan for responding to allegations.

## Investigation and Intervention

Multi-disciplinary teams

We recommend that all communities prepare the groundwork for multi-disciplinary team investigations of day care and other institutional child abuse. Experience demonstrates this approach to be more successful. Team members should be designated in advance, have some familiarity with each other, have some protocol anticipating initial steps in the investigation and have clear authorization to make joint decisions binding on each agency.

Training for investigators

We recommend intensive efforts to make specialized training and experience available to the investigators who will take responsibility for day care (and other institutional) abuse cases. The training can take the form of manuals and workshops on these types of cases and how they differ from other cases of sexual abuse. An important general subject matter for the training should be child development and its implications for children's reactions and children's testimony. Another subject should be the management of media attention to the case. To assist investigators, states should identify resource persons at both the state and national level, who can consult and even participate in investigations.

Attention to parents of victims and suspected victims

We recommend that investigators make special conscientious efforts to attend to the needs of the parents of victims and suspected victims. Experience suggests that the relationship between parents and investigators is crucial to the effective pursuit of investigations. These efforts need to include: satisfying as much as is feasible parents' needs for information about the abuse and the investigation; giving the parents accurate expectations about what to anticipate; helping parents meet their own needs for emotional support and expression; assisting

parents in talking with and helping their children and making other child care arrangements; and assisting parents in dealing with the media, the accused and with the facility under investigation.

We recommend that mental health services should be available to all families whose children have been abused in day care, regardless of their ability to pay. The professionals providing these services should be persons with experience working with sexually abused young children and their families. They should be familiar with specific therapeutic techniques appropriate for such children as well as the family issues provoked by such an experience. All communities should take steps to insure that they have access to such services.

Treat parents

We recommend that mental health interventions on behalf of children abused in day care settings include and in some cases rely on work with the parents. This study and others suggest that children's recovery is closely tied to the support they receive from their parents. Very young victims benefit greatly from parents who are coping with the abuse in a healthy way.

Fostering prosecutorial optimism and skill

We recommend an educational effort directed at prosecutors that would dispute the myths and promote a more accurate assessment of the problems and potentials surrounding cases of abuse involving very young children. A specific goal of this campaign should be to reduce the number of cases where arrests fail to proceed to prosecutions. Evidence suggests that some prosecutors have prejudices about such cases and are unnecessarily pessimistic about chances for success, so they get dropped. Prosecutors need to be informed about the many successful prosecutions and made aware of the strategies used in these cases. Workshops, manuals and articles in periodicals can be used to promote these approaches.

Awareness about ritualistic abuse

We recommend more research and professional awareness about ritualistic child abuse. We need to know more about the prevalence, dynamics and impact of this disturbing type of abuse. Moreover, we need better information on how to effectively investigate such allegations. Law enforcement, child welfare and licensing officials need to be educated about the existence of such abuse so that they can recognize it and include it in their investigations.

## General Recommendations

### Reassurance for parents

While giving parents information to help protect their children from and detect possible abuse, we must also reassure them about the relatively low risk of abuse in day care. With a few exceptions day care facilities are not inherently high risk locales for children, despite frightening stories in the media. The risk of abuse is not sufficient reason to avoid day care in general or to justify parents' withdrawal from the labor force or other important activities which require them to rely on day care. Rather, involvement with their child's day care, interest in its activities and sensitivity to their child's reactions are the healthy and apparently effective response to a concern about abuse.

### Avoid a disproportionate focus on day care abuse

While taking the problem of abuse in day care very seriously, policy makers should not give it attention and resources disproportionate to other kinds of abuse. The problem of abuse in day care needs more research, training, public and professional awareness. But this attention should not come at the expense of attention to other kinds of child maltreatment, which are also neglected and in need of additional attention. In the area of sexual abuse, the problem of intrafamily sexual abuse, particularly by fathers, stepfathers and older brothers, is clearly the most pressing priority both because of its prevalence and its devastating impact. Among reported cases of abuse in 1985, nearly 100,000 children were victimized by family members compared to perhaps 1300 in day care. The problems of severe physical abuse and serious neglect are also vastly larger and more pressing than sexual abuse in day care. With an estimated 1500 deaths in 1986, the problem of fatal child abuse obviously outnumbers and outweighs sexual abuse in day care.

Day care abuse has frightened many parents, baffled investigators, led to a host of misconceptions on the part of the public and cast a long shadow over the lives of many children. It deserves a high priority on the public agenda. Yet, unfortunately, it is only one entry on a far too lengthy list of unpleasant realities that affect the world of our children today.

# Chapter 1: INTRODUCTION, STUDY DESIGN, AND INCIDENCE

David Finkelhor and Linda Meyer Williams

Although sexual abuse in day care has probably been occurring for years, it was the McMartin Preschool case in Manhattan Beach, California that did the most to galvanize the issues and anxieties surrounding this problem. In a prosperous Los Angeles suburb, allegations surfaced that several rather typical seeming day care teachers in a trusted and venerable facility had subjected hundreds of three-, four- and five-year olds to sexual abuse mixed with terrorizing threats and bizarre rituals. The extremity of the abuse, the reputation of the center, the high social standing of the families affected, and the fact that the teachers seemed so far from the kinds of persons that ordinary parents might suspect to be child molesters, all combined to underline that no child and no community was safe and that even the most conscientious of parents could find themselves facing this kind of nightmare.

Other cases have since surfaced, and other communities have been rocked by cases of day care abuse. But the images and issues of the McMartin case have continued to dominate in the public and professional discussions, raising such questions as: How can children be abused without their parents knowing or suspecting? Is it possible that children could be fabricating or embellishing on stories of sexual abuse? Should an adult be charged with or convicted of a serious crime solely on the word of very young children? Is there any way to screen out child abusers from the ranks of day care employees?

Although the McMartin case has been very important, both for alerting people about the problem and also by raising important policy issues, it is not the full story. In the past several years, and particularly following the McMartin disclosures, hundreds of other cases of sexual abuse in day care have been uncovered around the country. These cases have been extremely varied. A small proportion resembled the McMartin situation with its large number of victims and perpetrators and the complexity of its legal proceedings. Other cases often involved only a single abusing teacher. Some took place in small family-based operations where the husband of the operator molested one or two children. Others involved trusted centers where bus drivers or janitors were implicated, and were quickly dismissed from their jobs. While some cases involved days of testimony by children with all the horrors frequently associated with these cases, many others involved fairly routine criminal prosecutions leading to convictions and prison sentences. In some communities, well trained and coordinated teams of child welfare workers, police investigators and prosecutors brought efficient resolutions to difficult cases.

So the McMartin case represented an extreme on the continuum, one of the reasons, in part, that it attracted such attention. But even in the absence of a case such as McMartin, it was certainly only a matter of time before sexual abuse in day care would have aroused public concern. Both the problem of sexual abuse and the problem of day care have been very

much in the public eye. And the issue of sexual abuse in day care certainly exacerbates existing controversies about both.

The public controversies concerning day care are rather well known. The enormous increase in the number of women and mothers in the work force over the last generation has created an intense demand for day care (Belsky, 1984; Guggenheimer, 1987; Hofferth, 1979; U.S. Bureau of the Census, 1987). Many advocates of day care have clamored for public agencies and employers to take responsibility to meet these needs, but they have been slow to respond (Children's Defense Fund, 1986; Kamerman and Kahn, 1981; Zigler and Gordon, 1982; Zigler, Kagan and Klugman, 1983). Most of the need has been filled in the private sector. However, its rapid growth in homes, churches and other available community locations has raised concerns about quality. Fees low enough for working mothers are conditioned on low pay for day care employees, spawning inevitable questions about qualifications and competence (Phillips and Whitebook, 1986; Ruopp, Travers, Glantz and Coelen, 1979). Government has entered the picture as a regulatory agency attempting to ensure standards, but staffing shortages and budget allocations have not allowed for very thorough regulation. Since almost everyone involved -- parents, providers and government -- empathizes with the plight of working parents, there is pressure to cut corners and tolerate mediocrity in order to meet the demand. At the same time there are scientific, moral and pedagogical controversies about whether it is healthy and proper for parents to give over their children to the care of others. Thus many partisans stand ready to seize upon new developments as arguments for their point of view. Advocates have latched on to sexual abuse in day care as evidence that, among other things, providers should be better trained, screened and paid, licensing should be made more stringent, and publicly-funded facilities should be more numerous. Others see these events as evidence that children have no business in day care at all.

Concern about sexual abuse in day care represents a controversial development for the field of child abuse, as well. Sexual abuse has come into focus as an important issue in child protection only since the mid-1970s (Finkelhor, 1984; Finkelhor and Associates, 1986). Authorities saw the number of reported cases rise from about 7,000 in 1975 to 120,000 ten years later. But the biggest surprise for everyone was the discovery that the most frequently reported cases of sexual abuse involved perpetrators who were members of the child's own family and intimate social network. Child welfare professionals have been faced with the twin challenges of persuading the public to believe children who report abuse and also to accept the fact that trusted family members might be the culprits.

The discovery of sexual abuse in day care presented some dilemmas for the child protection field. Some feared it provided a too welcome distraction for those reluctant to face the reality of abuse within the family. Some feared that it would tax public credulity too much to see teachers and other professionals accused by two- to five-year old children. Others, however, believed it to be an important opportunity to raise public awareness about the fact that even very young children may be the targets for sexual abuse and that much abuse does occur outside of the family setting.

In an effort to sort out the reality from the controversies and anxiety, the Family Research Laboratory, with funding from the National Center on Child Abuse and Neglect, has undertaken a two-year nationwide investigation of sexual abuse in day care. The study was intended to answer a broad range of questions about the problem, looking not just at the sensational and controversial cases, but at "ordinary" cases, as well, cases that were handled in a routine and unremarkable fashion. This is the final report of that study.

The report addresses issues related to the incidence of the problem and whether day care is a high risk environment for children (Chapter 1). It describes the perpetrators of this abuse, and tries to evaluate various strategies for screening them from access to children (Chapter 2). The report also describes the victims and the dynamics of abuse (Chapters 3 and 4) and the characteristics of facilities (Chapter 7), all with an eye toward finding vulnerabilities that might be better protected. The process of detection and disclosure is examined carefully (Chapter 5) for ideas about how to promote better more and earlier reports. The impact on the children is examined for help in working with the victims in the aftermath (Chapter 6).

The study also looks into the social and professional response to cases of abuse. Chapter 8 describes the types of investigations that occurred, the kinds of problems encountered by investigators, and the relative effectiveness of different approaches. Chapter 9 details the types of actions taken by licensing and law enforcement agencies, trying to evaluate whether the response was effective and appropriate. Finally, Chapter 10 discusses the kind of impact that cases had on the communities where they occurred, an impact which in some cases was profound and long-lasting. All in all, the report touches on many facets of the problem.

## Study Methodology

### Defining the Subject Matter

Although the subject of "sexual abuse" in "day care" seems straightforward enough, in fact, a number of important definitional choices needed to be confronted.

First, we decided that our idea of day care would cover child care facilities that worked with children six years old and younger, including pre-schools but excluding institutions such as orphanages or medical facilities where children were in full time residence. Day care facilities that accepted older children were included, but at least some of the children who were abused needed to be younger than seven. Facilities that kept children overnight, in effect "night-care" facilities were included, as long as it was not the children's place of residence.

Second, we included both center based and family based day care, but only family based facilities that enrolled six or more children. This size criterion acknowledges the distinction made by licensing in some states between "group day care" and simply "family" day care. "Group day

care" means facilities caring for 6-12 children. When we use the category "family day care" (FDC) cases in this report, we are referring to facilities operated usually in the owner's home and caring for at least six children and with few exceptions no more than 25.

There were several reasons for excluding from the study the very small scale operations (less than six children), even though they are a very common form of day care. First, these operations are often extremely informal and difficult to distinguish from occasional babysitting and the care of children by relatives and friends. The abuse of children who are being cared for in these settings generally appears to resemble abuse by extrafamilial caretakers, a subject that has been well described in the literature already (e.g., deYoung, 1982). Moreover, since such operations are not regulated in many states, the policy questions related to this type of day care are different.

We placed some time constraints on the search: the cases (cases refers to facilities, not children) needed to have been "disclosed" to authorities sometime between January, 1983 and December, 1985. Nineteen eighty-three marks the time around which the national concern about day care abuse began, and we excluded cases which were first disclosed after December, 1985, simply to make sure that cases had had time to be investigated before entering our sample.

Defining "sexual abuse" poses a problem for much research, but in this case, we opted to accept the definitions used by other people. If the local investigators deemed the case to be about "sexual abuse," then we accepted that definition. In most instances the allegation consisted, at a minimum, of an older person touching the child's genitalia or the child doing the same to the adult, for purposes of sexual gratification. There were cases in which accused persons claimed that the contact was for hygienic or other acceptable reasons, but these controversies concerned the question of whether the allegation was substantiated (see below), not whether the allegation concerned sexual abuse. In a few cases, the allegation of sexual abuse concerned only the taking of photographs or inappropriate kissing.

At least one of the children abused in a case (a case referring to all the sexual abuse that took place in one facility) needed to be under the age of seven. We set this criterion because most day care is for preschool age children and because a key element in the public and policy concern about sexual abuse is the fact that the children at risk are so young, posing special problems for prevention and investigation. In a few cases we included, some of the victims were older, but in all cases at least one was within our targeted age range.

We also required that the sexual abuse had been perpetrated by someone at least five years older than the victim[1]. This excluded cases

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[1] This is an age differential used frequently in research on sexual abuse (Finkelhor, 1986).

where the allegation was of abusive behavior by another very young child[2]. Moreover, the abuse had to have occurred either at the day care facility or while the child was in the official care of staff from the facility.

Finally, we required that the sexual abuse allegation have been "substantiated." This, however, was a problematic issue. One of the reasons why sexual abuse in day care inspires such controversy is that allegations are often so difficult to substantiate. In virtually every case there are both people convinced that abuse occurred and people (if only allies of the accused) who remain doubtful. Even dealing with the issue in the abstract, there are those professionals who believe that almost any allegation of abuse coming from a child so young must have some truth, and there are others who believe that many day care workers are being unfairly tarred and feathered today by mistaken allegations (Sale, 1984).

Unfortunately, we were not in a position to conduct our own independent inquiry. Even if we were, there was no reason to think that we would reach any more certainty or consensus than local professionals who had already investigated the cases.

Thus we decided to base our own notion of "substantiation" on the action of the local investigators. If at least one of the local investigating agencies had decided that the abuse had occurred and that it happened while the child was in day care or under its care, then we considered the case substantiated. This meant that either a child protection agency (CPS) had declared the case "substantiated;" licensing investigators had made a positive determination of abuse; or the police had founded the case or lodged a charge. Even if no action was taken (for example, no charges made because the identity of a perpetrator could not be determined, although it was known that abuse occurred in the day care), we included the case if the investigator had labeled the case "substantiated," believing the preponderance of the evidence demonstrated that abuse had occurred.

What did this way of defining substantiation mean in actual practice? First, it meant that the cases in our enumeration constituted only a small portion of all allegations. There were many more allegations of sexual abuse than there were substantiated cases, and the number of allegations was difficult to ascertain, since many states did not have good information on unsubstantiated cases. However, we were able to get comparative information on substantiations and allegations from seven states (Connecticut, Maine, Maryland, New Jersey, Tennessee, Vermont and Virginia) for 1984-85. Over all these states, substantiated cases constituted 21% of all allegations, meaning that four cases were unsubstantiated for each case substantiated. Note that this is a markedly lower rate of substantiation than for sexual abuse cases in general. It probably reflects the fact that parents (the individuals most concerned

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[2] In fact, in none of the cases was the main perpetrator another child in care at the day care facility.

about the child and most likely to make a report of sexual abuse) would more easily make a report about sexual abuse in day care based on a very uncertain suspicion than they would about abuse in their own family based on the same level of uncertain suspicions. But clearly there are quite a few allegations of sexual abuse in day care that are not substantiated and our count does not include these.

A second implication of our way of defining sexual abuse is that agencies were not always in agreement about whether a case was substantiated. Disagreements were not rampant, but they did occur, and we considered a case to be substantiated if only one agency substantiated it, despite what any other agency believed. Eighty percent of our substantiated cases were substantiated by a CPS agency (see Table 1-1). The remainder were substantiated either by licensing or the police. There were only three cases in which CPS was involved that were substantiated by licensing or police but not by CPS. The most common form of disagreement was for CPS to substantiate and for police to dissent. This occurred in 12% of the CPS substantiated cases. In one-third of these cases, the police did not file a charge in spite of CPS substantiation, but usually this did not mean the police doubted that the abuse had occurred. Rather it meant that there were problems in positively identifying or locating the perpetrator, or it meant that police and prosecutors felt they did not have a strong enough case to convict.

Given these considerations, our way of defining substantiation is only a way of approximating the truth. Considering the large number of unsubstantiated allegations, for example, there are probably some real cases of sexual abuse that we unfortunately excluded with this definition. Cases fail to be substantiated for a multitude of reasons, sometimes simply because local agencies do not have the resources to conduct the thorough investigation that is needed. Certainly among these cases were some or many of true abuse.

On the other hand, it is also possible that our definition allowed us to accept cases as substantiated when no abuse really had occurred. Investigators are not always objective. It is conceivable that some may be predisposed for personal or bureaucratic reasons to believe accusations. The fact that in some cases agencies disagreed about whether abuse occurred means that sometimes knowledgeable people would have counselled us to exclude a case from our enumeration.

Table 1-1: Sources of Substantiation for Sexual Abuse in Day Care -- Full Sample of Substantiated Cases

| | % Cases (N=270) |
|---|---|
| **Child Protection Agency** | |
| Substantiated | 80% |
| Not substantiated | 1% |
| Not involved/unknown | 19% |
| **Licensing** | |
| Substantiated | 54% |
| Not substantiated | 3% |
| Not involved/unknown | 43% |
| **Police** | |
| Charges filed | 51% |
| Investigated no charges | 34% |
| Not investigated/unknown | 16% |
| **Summary Source of Substantiation** | |
| CPS | 80% |
| Licensing without CPS | 10% |
| Police without CPS | 9% |

It is possible, therefore, that some of the cases we have included in our sample as "substantiated" may in fact be cases where abuse did not occur or where abuse did not occur in the day care setting. This is something that readers should keep in mind, since it means that whenever we are referring to cases, the reader should not automatically assume that we, or anybody else, knows with absolute certainty that this is a case of abuse rather than a case of mistaken allegations. It could change the character of some of our conclusions if it turned out that they were based on cases of false allegations rather than actual abuse.

However, we are comfortable with the concept of "substantiated" case as we have defined it. We see four arguments for why this is the best definition.

1) Requiring that at least one agency has substantiated a case does rule out some of the most questionable allegations. It insures that an investigation has been done and that there are at least some professionals who were able to make a credible case to their colleagues.

2) This way of defining substantiation is a middle ground. There will be those who see it as too liberal and others who see it as too conservative. There are those in this field who think that large numbers of true abuse cases are being wrongly unsubstantiated by investigators, and there are others who think that large numbers of questionable cases are being given too much credibility.

3) This definition, in effect, accepts the criteria of substantiation that are being used by professional investigators around the country given the current level of knowledge. To require more stringent criteria (for example, that all investigatory agencies must agree before a case was considered substantiated) or more lenient criteria (that any allegation would be accepted as a substantiated case) would be to try to second guess investigators. They undoubtedly make mistakes, but we have no reason to believe they err on one side or the other. To accept their judgement is judicious, given what we know.

4) To some extent, it can be argued that cases which agencies deem to be substantiated are of social policy interest, even if abuse did not actually occur. However, it is true that the questions change. We are no longer asking why did abuse occur in this center, but are asking why did an allegation occur in this center or why was the case substantiated. Nonetheless, the fact that a professional investigator substantiated a case makes clear that it is an important case from a public policy point of view.

Some of the assumptions we are making here may turn out to be invalid. There is a need for a more systematic evaluation of the criteria investigators use to substantiate cases of abuse in day care and elsewhere. However, this is not the task of this report and is probably premature at the present time.

In conclusion, we want to summarize the criteria used to define a case in the current study:

-- the case was disclosed between January, 1983 and December, 1985.
-- the case involved a child day care facility licensed to care for at least six children.
-- at least one of victims was under age seven.
-- allegation of sexual abuse was substantiated by at least one investigating agency.

## Data Collection

### Full sample

The goal of the study was to get as complete an enumeration as possible of cases meeting the study criteria. Four systematic procedures were adopted for identifying cases that comprise what we call the "full sample:"

1) We contacted the central day care licensing offices in all 50 states and the District of Columbia.

2) We contacted the official in the child protection service of each state, who was charged with collecting and reporting statewide information on cases of child abuse.

3) We contacted a list of about four dozen individuals nationwide with special knowledge about the problem of abuse in day care.

4) We contacted national organizations which deal with children and day care.

5) We asked every official we interviewed in connection with any single case, if he or she knew about any other day care cases.

More informally, we collected newspaper clippings from around the country and found cases from these stories.

In the period allocated for case enumeration, we identified 270 day care centers or family day care facilities meeting the study criteria (see Table 1-2). These cases involved a total of 1639 victims (484 girls and 296 boys and 859 whose gender was unspecified) and 382 perpetrators (222 males and 147 females and 13 whose gender was unspecified)[3]. They were geographically well distributed (see Table 1-3). However, we fell short of our goal of complete enumeration. We are aware that there are cases that escaped our search. These were some of the obstacles to more complete enumeration:

-- Officials in eleven states were unwilling or unable to cooperate with us. In some states, officials believed they were prohibited by their confidentiality guidelines from providing us the information we needed; in other states, the information was not readily available, officials simply did not have time or resources to compile the data we needed.

-- In many states, the information we sought was not kept in a centralized agency, and there were too many local officials to contact. This was a problem, for example, in California, where not all cases that

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[3] There were four cases where the total number and sex of the victims was unknown. There were seven cases where the total number and sex of the alleged perpetrators was unknown.

came to the attention of local licensing officials were communicated to a central office. We discovered a source for additional cases in California, at a point after we had, unfortunately, terminated case finding.

-- In many states, child abuse data are organized according to victim characteristics, not according to type of perpetrator or the setting of the abuse. This made it difficult to identify specifically the day care cases, and we were forced to rely on the sometimes hazy memory of the investigators.

-- It probably takes time for cases to percolate up the bureaucratic chain and out into public awareness. Although we were searching into late 1986 for cases that were disclosed only up to December, 1985 (in other words that had already almost a year to percolate into view), there were possibly late disclosure cases that we missed.

Table 1-2: Cases by Year of Disclosure -- Full Sample

| | Family (Group) Care | Centers |
|---|---|---|
| | % Cases (N=82) | % Cases (N=188) |
| 1985 | 38% | 36% |
| 1984 | 33% | 55% |
| 1983 | 15% | 7% |
| 1983-1985, unable to specify year | 15% | 3% |

Table 1-3: Cases by Region -- Full Sample

| REGION | % Cases (N=270) |
|---|---|
| South | 38% |
| Northeast | 20% |
| Midwest | 21% |
| West | 21% |

The fact that our enumeration was not complete raises a serious question about whether the sample contains some biases. Perhaps, the most obvious bias is the possibility that our sample overrepresents the highly publicized, well-known cases and underrepresents the obscure ones. Moreover, the highly publicized cases may be ones with, among other things, more perpetrators, more victims, more difficult and controversial investigations, and more frequent visible prosecutions.

In an effort to check on this possibility, we compared the portion of the sample that we collected early in our efforts (presumably the more visible cases) with those that only came to our attention late in our efforts (presumably the more obscure cases). We did indeed find some of the differences we anticipated. The cases we uncovered later in our search tended to be smaller and were less frequently prosecuted. This does mean that our sample may underrepresent such cases. Readers should keep this in mind.

Data were collected on the full sample via telephone interviews with one or two investigators knowledgeable about the case. Approximately 100 questions were answered on the type of program, the abuse allegations, the disclosure dynamics and the outcome of the investigation.

In-depth sample

Because we wished to obtain more detailed information on the day care facility, the dynamics of the abuse, the perpetrator(s) and victims, and the investigation and prosecution (if any), we selected a stratified random sample of the full sample of cases for in-depth study. The full sample was stratified into four categories of cases: single perpetrator centers, multiple perpetrator centers, single perpetrator family day care, and multiple perpetrator family day care and proportionate random samples were drawn. If the cooperation of investigators (at least one investigator -- CPS, licensing, police, or prosecutor) and other informants (day care director/ staff, journalists or therapists) could not be obtained the case was replaced by another random selection. There were 17 cases excluded from the in-depth sample because of lack of cooperation.

Detailed information was collected from respondents in a variety of roles in relationship to the center and the investigation (Table 1-4). Most interviews were conducted by telephone, although a small number of face-to-face interviews occurred and some data were collected from newspaper clippings sent to us by investigators and journalists. One hundred-ninety-three investigators and other informants were interviewed with an average of four respondents per case. On the average 40 hours was spent on interviewing and recording data collected for each of the 43 in-depth sample cases. Once completed, the case files were read and discussed by at least two additional researchers and, if necessary, the informants were recontacted for additional information and clarification.

Table 1-4: Respondants -- In-Depth Sample

| Respondant | % Cases (N=43) |
|---|---|
| CPS | 81% |
| Licensing | 88% |
| Police | 79% |
| Prosecutor | 65% |
| Day Care | 12% |
| Therapist | 40% |
| Media/Journalist | 37% |

## Incidence

Given that our sample is an incomplete enumeration of all cases of sexual abuse in day care, is there any way to estimate its true incidence? Unfortunately, this research problem has not really been conquered with any type of child abuse, although investigators have made some estimates of the number of children subjected to violent acts by their parents (Straus, Gelles & Steinmetz, 1980). But a methodology for true incidence that would inventory all cases, especially that large segment of the problem which is known only to the perpetrators and the child victims, is not currently available.

It is possible to develop some rough estimates of the number of cases that are known to authorities, however, using our data and a method of extrapolation. Although our data are not a full enumeration of cases, there are some states where it may be close to that. We identified 12 states[4] where we believed we had a virtually complete count of reported cases. These were states that had good central record-keeping systems and/or gave us very complete cooperation in identifying cases. And they were states where our interviews with investigators out in the field had failed to turn up additional cases beyond those already given to us by state officials. From the information on these 12 states we extrapolated a national estimate. That is, we calculated a national rate based on what our figures would be if all states had given us as complete information as

[4] Delaware, Florida, Illinois, Indiana, Iowa, Maine, Maryland, New Jersey, New Hampshire, Nevada, Tennessee and Texas.

the 12 best states. This yielded an estimate of 500 to 550 cases for the three years. Thus we would speculate that the true incidence of reported cases of sexual abuse nationwide for the three years was 500 to 550. We estimate that over 2500 children were victimized in these cases. Since we uncovered 270 cases, this means that for every case we enumerated there was probably another one that we missed. From our talks with other people in the field as well as our data collection efforts, this seems like a reasonable and plausible estimate of the number of cases of sexual abuse in day care (as we defined it) currently coming to the attention of authorities. For 1985 we estimate that 1300 children were sexually abused in 267 day care centers and family day care groups in that year.

**Are Day Care Centers High Risk for Sexual Abuse?**

Over 500 day care facilities where sexual abuse occurred in three years and over 2500 children victimized can seem like a lot or a little depending on one's perspective. It seemed like a lot to those of us who undertook this study thinking we would find 60 or 75 cases for a three year period. It could seem like a little in the face of the 229,000 licensed day care programs in the country (National Association for the Education of Young Children, 1985) or the 120,000 cases of child sexual abuse in all settings that were substantiated by child welfare authorities in 1985.

Fortunately we can do some very crude calculations to give some sense of whether day care appears to be an unusually high risk environment. These calculations do require some gross assumptions and estimations that may be inexact. Some of these calculations are shown in Table 1-5.

In the first part of Table 1-5, we have tried to calculate a rate of abuse per 10,000 centers. Unfortunately, there are no good statistics about the number of family group care facilities to use in our calculations. Much family day care is unlicensed, and in any case, statistics on family day care often do not distinguish the "more than six children" category that we used as a criteria for inclusion. So we were required to limit our estimates to center-based day care alone, for which statistics are reasonably good. We estimated, using our "best state extrapolations," that about 187 centers were reported to authorities and substantiated for sexual abuse each year for the two-year period 1984-1985.[5] Based on 61,000 licensed centers in 1985 (NAEYC, 1985) this yields an estimate of 30.7 centers with sexual abuse per 10,000 centers.

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[5] We took the number of day care "center" abuse cases occurring in these 12 states over two years (97) (1983 was excluded because of a small number of cases for that year) and divided it by a factor (derived from national child abuse reporting statistics) of what proportion of all national reports of child abuse are represented by these 12 states (.26). Unfortunately, we cannot give state-by-state breakdowns because of states' requests for confidentiality.

Table 1-5: Rate of Reported Sexual Abuse for Centers and Families

RATE OF SEXUAL ABUSE IN DAY CARE CENTERS

187 Centers with reports of child sexual abuse per year

÷ 61,000 Licensed centers (1985)

= 30.7 Centers with reported and substantiated sexual abuse per 10,000 centers

RATE OF SEXUAL ABUSE IN FAMILIES

95,000 Cases of reported sexual abuse (1985)

- 20% Those abused by outside persons

= 76,000 Cases sexual abuse by family and household caretakers

÷ 1.6 Cases per identified abusive families

= 47,500 families where child is abused

÷ 31 Million families with child < 18 (1984)

= 15.3 Families with reported and substantiated sexual abuse per 10,000 families

One way of trying to determine whether centers are high-risk is to compare them with some other child care institution, and the best one would be the family. When parents worry whether their child will be at risk in day care, it is usually in comparison to the "ordinary" risk that parents perceive children to be in, presumably in their "normal" living arrangement which is predominantly family households.

The bottom panel of Table 1-5 illustrates a rough calculation of the likelihood that any given family will be substantiated by authorities for sexual abuse in 1985. The total number of cases of substantiated sexual abuse reported for 1985 was reduced by a factor to eliminate abuse that occurred outside the family.[6] Then, since national figures are reported by the number of children abused but multiple children may be abused in a

[6] The estimate that about 20% of reported sexual abuse is committed outside the family comes from the National Incidence Study of Child Abuse and Neglect (1981).

single family, another factor (1.6 abused children per family[7]) was introduced to arrive at an estimate (47,500) of the number of families where a child was sexually abused by someone from within or related to that household. This was divided by the number of families with a child under 18, yielding a rate of 15.3 per 10,000. Comparing this rate of abuse for families with the rate of abuse for day care centers, it seems clear that day care centers are more likely to be reported for abuse than families.

However, this comparison fails to take into account a crucial difference between families and day care centers. Each center cares for many more children than the average family. So a comparison of the rate of abusive centers to abusive families does not convey the actual risk to an individual child. Thus we made some other risk calculations in Table 1-6.

In this calculation we multiplied the estimated 187 abusive centers per year for 1984-1985 times the average number of children abused per center in these 187 cases. (This average 4.4 is probably high, since over 50% of cases we studied involved only one child, these are the cases we were least likely to know about, and the mean is pulled up by a very few high frequency cases). We divided this estimate of 823 children abused in day care centers for 1985 by the 1.5 million children enrolled in day care centers (National Commission on Working Women, n.d.) for an abuse rate of 5.5 children per 10,000 enrolled in day care centers.[8]

Table 1-6 shows another calculation for comparison purposes. In Table 1-5 we estimated about 76,000 children sexually abused in their households. However, this includes many children older than day care age. About one-quarter of all sexually abused children are under six-years old, so we estimate that there are 19,000 children per year under six abused by family and household members. Dividing this by the number of children under six living in households in the United States (21.3 million), we arrive at an estimate that 8.9 children per 10,000 under six-years old are sexually abused by members of family and household.

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[7] This figure, 1.6 abused children per family is a conversion factor for 1984 used by the National Study on Child Neglect and Abuse Reporting, based on national data (American Association for Protecting Children, 1986). It is not specific for sexual abuse, however, and applies to all types of child abuse.

[8]. There are undoubtedly some children abused in the centers we studied whose abuse was not identified. However, this is also true of abuse that occurs in families and elsewhere.

Table 1-6: Rate of Reported Sexual Abuse for Children in Day Care Centers and Children in Families

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RATE OF CHILDREN SEXUALLY ABUSED IN DAY CARE CENTERS

418 children sexually abused in 96 centers from best estimate states

= 4.4 children abused per day care center case

x 187 reported centers per year

= 823 abused children per year in day care centers

÷ 1.5 million children enrolled in day care centers (1984)

= 5.5 children sexually abused per 10,000 enrolled in day care centers

RATE OF CHILDREN SEXUALLY ABUSED IN HOUSEHOLDS

76,000 children sexually abused by family and household members

x 25% of all cases of sexual abuse is to children < 6

= 19,000 children < 6 abused by family and household members

÷ 21.3 million children < 6 living in households

= 8.9 children < 6 sexually abused per 10,000 in households

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When we compare these estimates for the rate of abuse in families with the rate of abuse in day care (see Table 1-7), the risk in day care looks quite favorable. It would appear that in rough order of magnitude that a child under six has less risk of being abused in day care than he/she does of being abused within the home. That would certainly be reassuring to those concerned about special risks of day care.

Table 1-7: Summary of Risk of Reported Abuse in Day Care Centers and Families

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CONCLUSIONS:

I.

30.7 of every 10,000 centers have cases of reported child sexual abuse

15.3 of every 10,000 families have cases of reported child sexual abuse

II.

5.5 children out of every 10,000 enrolled in day care centers are reported to be sexually abused

8.9 children out of every 10,000 ($\leq$ 6 years old) children in families are reported to be sexually abused

III.

Although a day care center is more likely to be reported for child sexual abuse than is a family, a given child has a lower risk of being abused in a day care center than in his own home. (This is due to the fact that there are more children in each day care center, thus spreading out the risk).

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However, we need to emphasize that these are very rough calculations, and that other considerations could be brought into them that might change our assessment of risk. For example, suppose we wished to calculate risk as a function of time spent in day care. While children might be more likely to be abused in their home than in day care, of course, they spend much more time at home. Does this mean that as a function of time spent, day care is more risky? Unfortunately, this raises the issue of whether the risk of abuse is really a function of time spent somewhere. This is not necessarily the case. If a particular child were to double the amount of time he/she spends at the day care center and halve the amount of time he/she spends at home, this would not necessarily increase his/her risk of being abused at day care and reduce the risk at home by a proportional amount. The risk of being abused at a certain place is more a function of the people and organization at that place than it is of time spent. Quadrupling the amount of time spent in a non-abusive family will not increase the risk of abuse there appreciably. Similarly some children were abused at centers they attended only once. So it probably does not make sense to try to adjust risk by amount of time spent, but it is a consideration.

We also need to remind readers that our risk calculations are based on information about "centers" only. The majority of children who are in day care are not in centers, but in family day care. What the relative risk is for children in family day care we do not know.

There are a host of other "considerations" or "adjustments" that might be made to this risk assessment. However, we think they are of limited value given the crudeness of the various elements involved and the unknowns that need to be factored in. After looking at it from various points of view, it seems relatively safe to say the following: the risk of abuse to a child in day care cannot be termed "higher" than the risk that a child faces in his/her own family. The risk in day care may possibly be lower. In other words, the large number of cases of abuse coming to light in day care is not an indication of some special vulnerability there. They are simply a reflection of the large number of children in day care, and the relatively high risk of sexual abuse to children everywhere.

## Conclusions

More cases of sexual abuse in day care have been coming to light in recent years than in the past. These cases highlight a danger that parents need to be aware of and also a problem for which police, licensing agencies and child welfare authorities need to be prepared. However, the impression that day care constitutes some especially risky environment is probably an illusion. Reports of all types of sexual abuse, from abuse by fathers and step-fathers to abuse by teachers and coaches, have been increasing dramatically. Moreover, the number of children in day care and the number of day care facilities have also been rapidly rising. In this context, it should not be surprising that day care abuse should become increasingly conspicuous. The numbers themselves, however, do not indicate some particularly alarming problem with day care itself.

There are some reasons besides numbers for priority attention to the problem of sexual abuse in day care, for example: the young age of the children, the unusual problems posed for investigation and prosecution, and the reports of particularly bizarre and damaging forms of multiple victim / multiple perpetrator abuse in some cases. But at the same time the problem should not be taken out of context. The high emotions that surround day care and sexual abuse should not be allowed to generate and precipitate poorly considered policies that might be damaging to both causes in the long run.

## Policy Implications

* While giving parents information to help protect their children from and detect possible abuse, we must also reassure them about the relatively low risk of abuse in day care. Day care is not an inherently high risk locale for children, despite frightening stories in the media. The risk of abuse is not sufficient reason to avoid day care in general or to justify

parents' withdrawing from the labor force or other important activities which require them to rely on day care.

* While taking the problem of abuse in day care very seriously, policy makers should not give it attention and resources disproportionate to other kinds of abuse. The problem of abuse in day care needs more research, training, public and professional awareness. But this attention should not come at the expense of attention to other kinds of child maltreatment, which are also neglected and in need of additional attention.

Chapter 2: PERPETRATORS

David Finkelhor and Linda Meyer Williams

One of the dominant images created by the McMartin Preschool case is of children abused by trusted and experienced teachers with apparently impeccable credentials. While this occurs, it is not the full picture. One important finding of this study is that much sexual abuse in day care is also committed by individuals who are not central to the teaching and child care responsibilities at all. The identity and character of the perpetrators cover a broad spectrum.

The identity of perpetrators can be looked at in a number of ways, because perpetrators sometimes occupied combined roles. One way of looking at perpetrators is presented in Table 2-1, which categorizes all 358 known perpetrators from the 270 full sample cases according to their relationship to the facility.

Table 2-1: Perpetrators' Roles in Day Care Facility -- Full Sample

| Relationship | % Perpetrators (N=358) | % Cases* (N=270) |
|---|---|---|
| Director/owner | 16% | 25% |
| Teacher/professional | 30% | 25% |
| Non-professional child care | 15% | 22% |
| Non-child care | 8% | 14% |
| Family | 25% | 36% |
| Outsider | 5% | 6% |

* Sums to more than 100% because one case could have multiple perpetrators in different roles.

## Director/Owner Abusers

Sixteen percent of the perpetrators were owners or directors of day care, and, because they often had co-perpetrators, 25% of the cases (as opposed to perpetrators) involved an owner/director-abuser. These are frightening cases in some respects because of the authority of the director, and the possibility that abuse was the reason for which the day care operation was established. Moreover, if a director is the abuser, it is easy to imagine that the abuse would be much more systematic, much less

furtive, and more easily concealed. Indeed many of the most horrifying cases with systematic abuse of large numbers of children -- McMartin and Country Walk -- were cases involving directors.

When directors were involved with other individuals, most frequently it was with other caregivers and somewhat less frequently with family members. However, not all cases in which directors were involved were multiple perpetrator cases. In about half the cases involving directors, he or she was the sole perpetrator (Table 2-2). Sometimes this was a competent, respectable individual with a pedophilic sexual interest in children. Sometimes it involved a more disturbed or disorganized person.

Table 2-2: Percentage of Lone Perpetrators for Each Role in Day Care Facility -- Full Sample

| Role | N | % Lone |
|---|---|---|
| Director/owner | (57) | 47% |
| Teacher/professional | (100) | 32% |
| Non-professional child care | (55) | 64% |
| Non-child care | (30) | 83% |
| Family | (88) | 77% |
| Outsider | (20) | 60% |

> The perpetrator in one day care case was a 32-year old woman who ran a small family group day care facility in her own home. She had a prior history of prostitution and topless dancing, and was described as infantile, sociopathic and unable to control her own impulses.

How often do individuals establish centers for the express purpose of abusing children? Fortunately, this motive only seemed to be present in a handful of instances, usually involving multiple perpetrators and family day care homes.

> One was the highly publicized Country Walk case. In this case there was testimony that the male perpetrator, a man with a previous conviction for child molesting, decided that his wife would begin to take in children as a "baby sitting service." They never applied for day care licensure. The fact that he systematically abused all the children in attendance, and the children's report of pornography production both contribute to the belief among investigators that the perpetrator's main

motive was to obtain access to children to satisfy his sexual inclinations.

### Teachers as Abusers

Another 32% of the perpetrators were teachers or other child care professionals in the day care facilities. The spectrum of cases involving teachers were very similar to those involving director perpetrators. However, only about a third of the teachers were lone perpetrators compared to about half of the directors. A small number of teachers were involved with other perpetrators under conditions that suggested they were in an auxiliary role. And there were teachers taking highly active and leadership roles in multiple perpetrator cases.

### Non-Professional Child Care Staff

Another group of perpetrators (15%) occupied what could be called "non-professional" roles. This category includes primarily teachers' aides and non-degreed assistants as well as "volunteers" such as parents and teenagers who help out irregularly but who often, given the economic realities of day care, comprise an important proportion of day care staff. As the cases revealed, these aides and volunteers were rarely well-screened and often of questionable status and reliability. The fact that they were "aides" rather than teachers was in some cases a reflection of the fact that there was something problematic about their position and this was recognized by the professional staff.

> A good example was the Kid's Life Center case, where the perpetrator had been assigned by the local welfare department to a day care center in order to work off welfare payments. Although other staff underwent screening before employment, because this volunteer was assigned from the welfare department, screening requirements were ironically waived. The man turned out to have multiple medical problems and a history of previous sexual assault (unknown to the center). Originally he was not to be involved in the care of children. However, under the informal conditions of the day care setting, he eventually began to participate in child care, where he abused at least a dozen children.
>
> In another example, at Darlings Incorporated, a 15-year old female high school student was taken on by a center as an aide. Accounts vary; although she was described by some as a "model" student, others acknowledged that she was a "troubled" teenager. She abused a three-year old and a four-year old child over a period of two months.

There were other examples of impaired and possibly high-risk individuals being taken on as volunteers and aides, sometimes out of very altruistic motives, who subsequently abused some of the children in their care.

## Non-Child Care Staff

Non-child care staff were employees whose main function was something other than to care for children. They were in mainly two occupations: janitors and bus drivers. Eight percent of the perpetrators and 14% of all cases were in this category. But if we exclude all family day care (facilities unlikely to have janitors or bus drivers) then they were involved in 20% of cases occurring in centers. Given that many centers do not have such personnel and also that they tend to have rather restricted access to the children, this group appears to commit a relatively large amount of abuse.

There are four characteristics of this group that seems to be particularly relevant to their risk for abusing. First, they were entirely males, sometimes the only men associated with the facility. There were no female abusers in this category. Second, they were the group most likely to act alone. Five out of six abused without any co-perpetrators. Third, they were individuals who may not have been evaluated by licensing and probably were not interviewed by parents trying to judge the quality or riskiness of a facility. Finally, in some cases, these individuals were hired and employed by a parent agency or another program and therefore were not even under the direct auspices of the day care facility itself.

> For example, the perpetrator at the Red Eagle facility was a bus-driver employed by the transit authority with whom the center contracted for transportation. He instituted a game that involved having children reach into his pants "pockets" for "candy."
>
> In another case, Babes in Toyland, the perpetrator was a retarded young man who had been hired as a janitor in a community center under a special program to provide work experiences for the handicapped. There was a stipulation that he was not to have contact with the children. However, a boy wandered into an area of the center which was not designated for child care and was fondled there.

## Family of Staff

One interesting finding of this study is that a substantial number of day care abuse perpetrators were individuals whose contact with children stemmed not from any official function they performed in the day care, but simply from the family relationship they had with the teachers and directors. Twenty-five percent (90) of the abusers were family of day care directors or other staff; moreover, 36% of all cases involved such a perpetrator. The largest number of these family members (40) were husbands of teachers/directors followed by the adolescent sons of teachers/directors (29). They, like the non-child care staff, were mostly men and mostly lone perpetrators, but there were also seven daughters.

An example of a husband perpetrator type case occurred in a family day care home, Maggie's. The perpetrator, according to allegations of the child, was a 51-year old husband of the operator. He was an auto worker, and as the industry had become economically depressed, his sporadic work schedule left him in the home often during the day, where he had access to the children. Investigators suggested that work related stress may have been a factor in the motivation to abuse

An example of a son perpetrator occurred in the Astor's Family Day Care Home. The perpetrator in this case was a 26-year old unemployed son of the operator. He was an isolated, poorly adjusted young man who lived with his mother, had few friends and a prior history of difficulties with the law including drunk driving and burglary. He abused two or three of the children in the day care over a period of months, mostly while his mother was out of the home on errands.

As might be imagined, family perpetrators are most common in family day care settings. The children are in the home of the operator and are readily accessible to family members, even those who may have little to do with the operation of the facility. In the FDC facilities, family members were perpetrators in 79% of the cases. So abuse in family day care is largely a problem with the close relatives of the operators. However, abuse by family members occurred in centers as well:

In the Kid's Valley case, a large, well-structured center with a good reputation, the perpetrator was the 12-year old son of the director, who would come to the center after school and wait for his mother to get done with work. He admitted to the police that he took a child from the center into the bathroom during naptime and committed fellatio and attempted anal intercourse on her.

Family-related abuse is even more tied into the operation of day care than the examples of family abusers would initially suggest. In many day care facilities, family members occupy formal or semi-formal positions within the operation. For example, the husband of an owner may be an assistant teacher, an aide, the bus-driver or the "handyman." In many of these cases, it is doubtful that the family member would have been employed in day care of his or her own initiative, but the proximity of the wife's (mother's) business made this an easy role to slide into.

For example, in the Tasker home, the perpetrator was the 64-year old husband of the director. He had recently retired from his job as a fisherman, and had taken responsibility for giving "night care" to some of the children, whose parents' work schedules required that they spend the night. Investigators believed he fondled three young girls over a period of a month. They described him as having been depressed and having a difficult time adjusting to his retirement from his outdoor, male-oriented profession.

In the Merry Gnome Center, the husband perpetrator was a 60-year old man who had resigned from his job as an insurance agent after his wife's day care operation had become very successful. He had worked for many years as an assistant to his wife. He is alleged to have sexually abused two (and possibly more children), taking them from the center into his house.

Intrafamilial relationship dynamics seem to play a part in some of these cases of abuse by family members. It seems to not infrequently occur when a husband is unemployed or facing some other kind of job crisis or transition, as in the Maggie's Day Care case. (Retirement may be an important stress: almost half of thirteen husband perpetrators from our random sample cases were over age 50.) It is possible that it represents the acting-out of some antagonism or resentment that a demoralized husband feels toward the successful business of his wife. As in the Tasker case, it may reflect a man who resents finding himself relegated to untraditional and non-masculine roles in his wife's operation. Some parallels to the intrafamily abuse situation are also possible. As in father-daughter incest, the wife usually does not know what is going on and has presumed that the husband or son will treat the children the way she does. But suspicions or disclosures can provoke a crisis of loyalty for the day care operator as for the incest mother. In some cases, there are indications that she has some possible awareness of the abuse, but chooses to overlook obvious signs. When the abuse is alleged or revealed, she sometimes participates in a cover-up to protect her husband or son. This may result in a delay of the disclosure of abuse, as is often the case in intrafamily sexual abuse.

The pedophile abuser in the Prince and Princess case, the 35-year old son of the operator, victimized over 60 children in a four-year period. On several occasions other teachers approached the mother with suspicions that the son was engaged in questionable activities with the children. Several children also made disclosures to their parents during that period. The mother-operator steadfastly denied the possibility of abuse to all questions and disclosures, and channeled all investigations off into other directions. It was not clear whether she knew what was going on or whether her need to deny the possibility even to herself was intense.

Abuse in day care by family members (and its similarities to incest) draws attention to the peculiar institutional status of day care as an "organization." In sociological terms one might call it a "poorly differentiated formal organization." It has attributes of both a formal organization (like a business or school) and at the same time an informal organization (the family). Day care operations run on a continuum from those one might describe as the very "gemeinschaft," family type, to the more "gesellschaft," school type (to use the terms of the famous German sociologist, Toennies). But even in the latter type, one often sees signs of the poor differentiation: family members may come in and out of the facility haphazardly, and may participate in the day care functions informally. The operation usually occurs in the home, often in space that has no clear business-nonbusiness demarcations and is used for multiple

functions. And workers may shift from role of family members to roles as workers. There are many undefined boundaries. This is not necessarily a bad thing about day care. Current child rearing philosophy suggests that children do better in informal, gemeinschaft settings. But it is one of the realities facing those who want to regulate day care and do more to insure that children are not abused.

### Other Perpetrators

In a very few cases (16 of 270), children were abused by perpetrators who were complete outsiders to the day care operation. In one case this was a minister in the church where the center was housed. In other cases, these were friends of workers. In four cases, male outsiders were involved with female insiders. In just a couple of cases, the perpetrator was someone who went completely unidentified. In one case, the abused boy described a black male abuser who called himself "Prince Peterson," who fit the description of no one affiliated with the day care, and who apparently walked into the toilet area at the center, abused one child, and left. In this case, the center shared a bathroom facility that was frequently used by members of the public.

## A Typology of Cases by Types of Perpetrators

Much of the policy discussion of day care abuse -- with its questions about background checks for employees, educational credentials for operators and teachers, and the employment of men in child care -- has seemed to presume that all abusers were child care workers. While this was true in the majority of cases, it is also true that some abuse is committed by persons not engaged in child care or, someone not employed by the facility at all. In 42% of cases, child care workers were not involved. And, in 58% of cases abuse was committed by persons who were not a part of the professional staff (that is, aides and volunteers not being considered professional staff). In 27% of cases, the abuse was committed by someone who was a family member only.

Obviously, the nature of the abuse is strongly affected by the type of relationship the perpetrator has with the facility. In analogy with intrafamilial sexual abuse, when the abuse is committed by one of the major figures with responsibility for the children, it is different than when committed by someone more peripheral. Whether the directors, owners, or teachers are involved, the relationship the children have with the perpetrators can affect such things as how systematic the abuse is, whether it is covered up, how traumatized the children are, and so forth.

After examining the cases in depth, it has become apparent to us that the relationship of the perpetrator to the center is one of the most important variables determining the nature of the abuse, the disclosure and the problems posed in the investigation and prosecution. We believe most of the cases can be categorized in one of the four following types: individual child care perpetrators, peripheral individuals, individual

family members, or multiple perpetrators. Tables 2-3, 2-4, 2-5, 2-6 and 2-7 present data on the typology of perpetration and the facility, perpetrator, victim and abuse characteristics associated with each type.

Table 2-3: Typology of Perpetration -- Full Sample

| Type | % Cases (N=270) |
|---|---|
| Child care worker - alone (Director/teacher/aide) | 35% |
| Peripheral person - alone (Janitor/bus driver/outsider) | 13% |
| Family member - alone (Husband/son) | 25% |
| Multiple perpetrator | 17% |
| Unclassifiable/missing information | 9% |

Table 2-4: Facility Characteristics by Type of Perpetrator -- Full Sample

| Characteristic | Child Care (N=97) | Peripheral (N=36) | Family (N=68) | Multiple (N=47) | Sig* |
|---|---|---|---|---|---|
| Family day care | 14% | 6% | 71% | 30% | .000 |
| Center | 86% | 94% | 29% | 70% | |
| Licensed | 98% | 100% | 83% | 83% | .002 |
| Private profit | 49% | 42% | 85% | 63% | |
| Non-profit | 28% | 39% | 9% | 24% | .000 |
| Public | 22% | 18% | 6% | 14% | |
| Residential Care | 17% | 6% | 68% | 30% | .000 |
| Facility Size (children enrolled) | | | | | |
| Large (50+) | 49% | 52% | 6% | 49% | |
| Medium (12-49) | 35% | 38% | 35% | 28% | .000 |
| Small (<12) | 16% | 10% | 59% | 23% | |

* chi square analysis

Table 2-5: Perpetrator Characteristics by Type of Perpetrator -- Full Sample

| Characteristic | Child Care (N=97) | Peripheral (N=36) | Family (N=68) | Multiple (N=47) | Sig* |
|---|---|---|---|---|---|
| Male only | 56% | 100% | 94% | 9% | |
| Female only | 43% | 0% | 6% | 17% | .000 |
| Male and Female | - | - | - | 74% | |
| Juvenile involved | 3% | 14% | 33% | 9% | .000 |

* chi square analysis

Table 2-6: Victim Characteristics by Type of Perpetrator -- Full Sample

| Characteristic | Child Care (N=97) | Peripheral (N=36) | Family (N=68) | Multiple (N=47) | Sig* |
|---|---|---|---|---|---|
| One victim | 62% | 68% | 47% | 4% | |
| Two victims | 13% | 3% | 22% | 13% | .000 |
| Three or more | 25% | 29% | 31% | 83% | |
| Mean number victims | 3.7 | 3.7 | 3. | 13.8 | .000** |
| Male victims only | 29% | 36% | 18% | 11% | |
| Female victims only | 54% | 47% | 63% | 15% | .000 |
| Male & female victims | 17% | 17% | 19% | 74% | |
| At least one child under 4 years old | 62% | 47% | 51% | 84% | .000 |

* chi square analysis
** ANOVA

Table 2-7: Abuse Characteristics by Type of Perpetrator -- Full Sample

| Characteristic | Child Care (N=97) | Peripheral (N=36) | Family (N=68) | Multiple (N=47) | Sig* |
|---|---|---|---|---|---|
| Sexual penetration | 42% | 60% | 45% | 76% | .000 |
| Child-to-child sexual acts | 5% | 3% | 2% | 21% | .000 |
| Pornography | 4% | 3% | 5% | 67% | .000 |
| Ritualism | 3% | 8% | 3% | 54% | .000 |

* chi square analysis

I. Individual child care worker perpetrators

These cases, which constituted 35% of the sample, involved abuse by a lone individual with direct child care responsibilities (Table 2-3). About half of the time, the abuser was an owner or director, but both as directors or ordinary teachers the perpetrators had intensive contact, a close relationship and substantial authority vis-a-vis the child. Most of these cases (86%) occurred in centers, half of them in large centers with over 50 children (Table 2-4). Perhaps the most distinctive feature of this type of abuse was the large number of female perpetrators. In 44% of these cases there was no male perpetrator involved (Table 2-5).

These cases mostly had one or two victims, with a slight disproportion of female to male victims (Table 2-6). These cases, particularly those with female perpetrators, were the least likely to result in the filing of criminal charges -- reflecting both the greater social control and social status which directors/teachers maintain and also the difficulty of treating women as criminals. This category of abusers -- the teachers and directors -- is probably the one that people most stereotypically think of when they think of day care abuse, although they do not recognize the degree to which these abusers include females.

II. Individuals peripheral to child care

These cases constituted 13% of the sample and included the janitors, bus drivers, and a few outsiders with no role in the facility at all. These perpetrators may have had regular access to the children, but in general, they did not have the close, on-going, trusting relationships that teachers and directors did. They were all men, including a few juveniles, which is interesting because there are comparable females in peripheral roles such as cooks and secretaries. Their abuse occurred almost exclusively in centers and predominantly large centers, since it is only these types of facilities that have employees in these roles. The cases involved primarily small numbers of victims, with boys almost as likely to be abused as girls.

III. Individual family perpetrators

This group (25% of the cases) consists primarily of non-employee husbands and sons who abused on their own without the active participation of the operators/teachers to whom they were related. There were some other husband and son perpetrators whom, because they were employees or had integral child care functions, we put in category I (teachers). There are others who perpetrated with employees and were put into category IV. For the most part, these lone perpetrator family members had relationships with the children that were about as peripheral as those in category II (such as janitors and non child-care staff), but their relationship to the facility and the staff was much closer, and this had an important effect on dynamics and the investigation. As might be imagined, the abusers in this group were almost exclusively male and included a large portion (64%) of the juvenile perpetrators. This group occurred primarily in family day

care, and to some extent in smaller center day care. More of this kind of abuse occurred in unlicensed facilities. These perpetrators are the ones least likely to abuse boys, and they are also the perpetrators most likely to be prosecuted.

## IV. Multiple perpetrators

All cases involving multiple perpetrators, with a few exceptions, we placed into one category. Into this category (17% of the sample) went cases involving multiple teachers as well as cases involving teachers and family members acting in tandem. (Cases of multiple perpetrators with just non-employee family members were left in the family category.) It is very clear that the multiple perpetrator cases have dynamics that set them apart. This is the most distinct of all the categories. These were the cases with the largest number of victims (average of 13.8 compared to around 3.7 for the rest of the sample). These were also the cases most likely to involve allegations of pornography and ritualistic practices, extended and bizarre abuse (Table 2-7). In these cases, the abuse was most systematic and went on for the longest time. They include centers like McMartin and Country Walk, which generated a great deal of publicity, some community hysteria, as well as long and complicated investigations. These were the cases whose allegations seemed to most strain public and professional credulity. They were also the cases in which the children appeared to have suffered the most serious and lasting kind of damage.

Although most multiple perpetrator cases occurred in centers, a proportionate share, about 30%, occurred in family day care settings (a situation like Country Walk). Three-quarters of them involved both male and female perpetrators acting together. Seventeen percent involved just females and only 8% just males. Interestingly, in these cases there was not much evidence of a preference for either gender victim. In 74%, victims included both boys and girls.

The complexity of the multiple perpetrator cases makes them difficult to characterize. When two or more people converge in sexually abusing children, the dynamics are obviously very different from individual perpetrators. A clearly "social component" is introduced. New problems come into play such as how to induct others into the abuse, how to divide up roles within the abuse situation, and how to assure secrecy. Unfortunately, most of these aspects of multiple perpetrator day care abuse situations are poorly understood at the current moment.

The multiple perpetrator cases can be further divided into four sub-types. (See Table 2-8). The first represent situations where two or more unrelated teachers conspire to abuse children.

Table 2-8: Typology of Multiple Perpetrator Cases -- Full Sample

| | % Cases (N=45) |
|---|---|
| Child care workers only | 51% |
| Child care workers and family | 31% |
| Child care workers and outsiders | 13% |
| No child care workers | 4% |

> Lady Alice's was such a case, in which investigation of a male teacher subsequently expanded to allegations against five female staff in the abuse of at least 15 children over the course of as many as four years. And, in the Eagle's Nest case the perpetrators were two women co-teachers, both of whom were subsequently convicted of molesting eight children. Investigators in this case are unsure whether or not there may have been some involvement of outside perpetrators.

A second, very interesting type of multiple perpetrator case is when child care workers and family members become involved. Some of the most highly publicized of the cases have been of this type. The mother-son abuser combination is particularly common, as in McMartin pre-school, Family Affair, and Cross County Preschool. The husband-wife abuser combination is represented by the Country Walk case and others. In most of these cases, the original presumption was that the sons or husbands were the initiators who later pressured or cajoled mothers or wives into participation. However, after probing further into the cases, investigators have often come to the conclusion that the women played active if not initiatory roles.

A third type of multiple abuser situation is one where an employee of the center teams up with individuals from outside the center. This probably occurred at Dollhouse day care, where a 37-year old woman, operating a family day care, is thought to have on occasion abused in conjunction with the father of one of the children in care. In a number of these cases the involvement of the outsiders was suspected but unsubstantiated, in part because investigators had a difficult time identifying, based on children's reports, people not formally affiliated with the center. When outsiders were involved often there was the implication that they were involved in the making and selling of pornography based on the abuse. Not all cases, however, can be clearly labeled according to these types.

In a very small number of cases, the fourth type, there were no child care staff involved at all. Typically such a case involved multiple

family members, such as brothers, abusing children in a family day care operation. In the Richter family day care, a particularly serious case, a father and his 14 and 16 year old sons abused at least nine children in his wife's facility over a period of several years.

## Female Perpetrators

Women in general commit much less sexual abuse than men according to available research. Studies, reviewed by Finkelhor and Russell (1984), indicate that only 5% of sexually abused girls and 20% of sexually abused boys were abused by women. However, in the day care cases we studied, the number of women was much higher than in other sexual abuse: in 270 cases there were 147 women perpetrators, 22 of whom were studied in the in-depth sample. Although, as in other studies of child sexual abuse, the majority (60%) of the perpetrators in day care settings were men, fully 40% of the abusers were women and 36% of the cases involved female perpetrators. Of 293 boys who were sexually abused and the sex of the perpetrator was made known to us, 59% were sexually abused by at least one woman. Of the 471 girls who were sexually abused and the sex of the perpetrator was known to us, 50% were sexually abused by women (Table 2-9). Clearly, women were significantly involved in sexual abuse of both boys and girls in day care settings.

Table 2-9: Percentage Girl and Boy Victims Abused By Sex of Abuser -- Full Sample

| Abuser Sex Composition | Girl Victims (N=471) | Boy Victims (N=293) |
|---|---|---|
| Female Only | 19% | 21% |
| Female & Male | 31% | 38% |
| Male Only | 49% | 41% |

It should not be surprising that many of the abusers in day care were women because women comprised the vast majority of day care staff. In fact, it is more surprising that men, who constitute a small proportion of

day care workers, should commit such a disproportionate amount of abuse.[1] Yet, the high numbers of women abusers in day care does suggest that knowledge of sexual abuse by women is critical to understanding child sexual abuse in day care.

## Characteristics of Women Who Sexually Abuse Children

Women were perpetrators in 96 (36%) of the 270 cases included in this research. In these 96 cases a total of 147 female perpetrators were identified. Twenty-two women and 36 men were studied in the sample of in-depth cases. The women ranged in age from 16 to 77, the median age was 35. Most were married (63%) and only four (21%) had never married. Many had children of their own (68%). The majority of the women were white (68%) (Table 2-10). While the women, as well as the men, were from all social strata, they were more homogeneous in regard to occupation than were the men. In 90% of the cases in the full sample the women were employees of the day care facility, primarily in child care roles. About one-half of the women were the director or owner-operator and half were child care staff or teachers. Some had dual roles, working also as cook or driver, for example.

The women, in general, were "more respectable" than the men. They were more likely than the men to have a high school diploma and college degree, reflecting their higher occupational status (primarily as day care employees). Many had been highly regarded in their communities as church and civic leaders, intelligent business women and generally law-abiding citizens. While 53% of the men were identified as socially isolated, this was not characteristic of the women (16%) who were, in addition, less likely to be single. Women were also less likely than the men to have a known history of any deviant behavior. That is, the women were less likely to have been reported to have alcohol abuse problems, prior psychiatric treatment history, known police records, arrests, or prior school problems. These differences in deviant careers were not large enough to be statistically significant, but do suggest that women who sexually abuse children are unlikely to be detected by a criminal records check or knowledge of past history of recorded deviance.

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1. Estimates of the ratio of female to male staff in day care settings range from 10:1 to 100:1. Yet, of those who sexually abused children, the sex ratio was dramatically lower, roughly 1:1. (Forty-three of 58 randomly selected perpetrators worked at the day care facility. Even if the ratio of women to men in the day care work force was only 10:1, it would be expected by chance that there would be 39 female and 4 male worker perpetrators. However, 22 of the day care worker perpetrators were female and 21 were male, a ratio of 1:1, far lower than would be expected by chance.)

Table 2-10: Social and Demographic Characteristics of Women and Men Perpetrators -- In-Depth Sample

| Characteristic | Women % (N=22) | Men % (N=36) |
|---|---|---|
| White | 68% | 69% |
| Single (never married) | 21% | 53%* |
| Dir/Employee of Day Care | 100% | 58%* |
| Related to Staff | 27% | 61%* |
| Support Staff in Day Care | 0% | 13%* |
| High School Graduate | 79% | 55% |
| History of School Problems | 0% | 38% |
| Prior Alcohol Problem Reported | 5% | 22% |
| Prior Drug Problem | 5% | 11% |
| Prior Psychiatric Care | 0% | 25% |
| Prior Police Contact | 5% | 28% |
| Prior Arrest | 5% | 22% |
| Isolated from Peers | 16% | 53%* |
| Prior Stress | 47% | 54% |

* Chi Square Analysis: Sig. $p < .05$

### Characteristics of Abuse by Women

The most striking feature of the sexual abuse by women in day care settings is that it was most frequently committed in conjunction with other abusers. Forty-seven percent of all the cases in which women were involved as perpetrators were multiple offender cases (Table 2-11). And, seventy-three percent of all women perpetrators sexually abused children in the company of other abusers, sometimes in a single sex (all female) group, but more commonly in a group involving a number of women and only one or two men. Men, on the other hand, were most likely to have committed the abuse alone: only 20% of the cases in which men were involved were multiple perpetrator cases (Table 2-11) and only 19% of the men committed sexual abuse in the company of others.

The involvement of women in multiple perpetrator cases is significant because these cases were generally more serious. Thus, women, due to the involvement in multiple perpetrator cases, were more likely than men to have abused a number of children over a long period of time and less likely to have confined the abuse to a single incident. Only 8% of the women perpetrators committed a single incident of abuse, in contrast to the men who 33% of the time abused only one child a single time. Each woman in our study of in-depth cases abused an average of seven children while the men abused an average of five children (Table 2-12).

Table 2-11: Perpetrator Number and Sex Composition -- Full Sample Cases

| Perpetrator Sex | Cases (N=270) | Female Perp Cases (N=96) | Male Perp Cases (N=205) |
|---|---|---|---|
| one female only | 19% | 53% | - |
| 2+ females | 3% | 8% | - |
| one male only | 62% | - | 80% |
| 2+ males | 2% | - | 2% |
| both male and female | 14% | 39% | 18% |

Although both the men and the women were more likely to have abused girls than to have abused boys (Table 2-12) a slightly larger proportion of the women did abuse at least one boy. This was due to the fact that women were more likely than men to victimize both boys and girls together. Although some women seemed to show a definite sex preference, they were less likely than the men to target a victim of a particular sex: girls were the only target of 18% of the women abusers but were the only target of 47% of the men; boys were the only target of 13% of the women and the only target of 25% of the men. On the other hand, women were significantly more likely to abuse younger children (Table 2-12), a tendency that has also been reported by Faller (forthcoming).

The more serious nature of the cases involving women is also illustrated by the serious nature of the sexual acts the women committed. Women were statistically significantly more likely than men to commit multiple sexually abusive acts and the acts involving sexual penetration (sexual intercourse, fellatio of child or perpetrator, cunnilingus of child or perpetrator, anal intercourse, or anal or vaginal penetration with finger or object). Acts such as oral genital penetration, and the penetration of anus and vagina with fingers and objects occurred more frequently when women were the perpetrators, even in cases of lone women perpetrators when compared to lone men. Sexual penetration by women was more frequent. Women were also more likely to use force and threats of force (Table 2-12). Even when one "outlier" in the in-depth sample (an unusually prolonged case of abuse allegedly involving a large number of females in a wide variety of acts) was removed from the statistical analysis, the direction of the relationship remained, although for some of the variables the statistical significance was lost.

Table 2-12: Characteristics of the Abuse by Sex of Perpetrator -- In-Depth Sample

| Characteristic | Perpetrators: Women % (N=22) | Perpetrators: Men % (N=36) |
|---|---|---|
| VICTIM | | |
| Male & Female Victims | 68% | 28% |
| Girls Only | 18% | 47% |
| Boys Only | 13% | 25% |
| $\bar{x}$ Number Victims | 7.4 | 4.8* |
| $\bar{x}$ Age Victims | 2.1 | 3.2* |
| OTHER ABUSE CHARACTERISTICS | | |
| Abused with Others/Multiple | 76% | 19%** |
| Related to Other Abusers | 63% | 71% |
| Admitted Abuse | 5% | 25% |
| 1 Incident Only | 8% | 33% |
| 2 - 10 Incidents | 17% | 21% |
| > 10 - 99 Incidents | 8% | 30% |
| 99 + | 67% | 15% |
| FORCE | | |
| Physical Abuse | 44% | 24% |
| Force | 50% | 30% |
| Threat of Force | 62% | 40% |
| Threat of Weapon | 25% | 14% |
| Threat Harm Child | 58% | 49% |
| Threat Harm Family | 54% | 20%* |
| Sex Acts | | |
| Kissing | 44% | 14%* |
| Exhibitionism | 56% | 50% |
| Fondling Breasts | 68% | 11%** |
| Fondling Genitals | 83% | 78% |
| Masturbation | 39% | 22% |
| Digital Vaginal Penetration | 77% | 42% |
| Digital Anal Penetration | 61% | 25%* |

Table 2-12: -- (Cont'd.)

| | Women % (N=22) | Men % (N=36) |
|---|---|---|
| Sex Acts (Continued) | | |
| Object Penetration - Vaginal | 63% | 26%* |
| Object Penetration - Anal | 63% | 22%** |
| Sexual Intercourse | 62% | 27% |
| Anal Intercourse | 39% | 21% |
| Fellatio of Perpetrator | - | 42% |
| Fellatio of Victim | 69% | 37% |
| Cunnilingus of Perpetrator | 62% | - |
| Forced Child-Child | 50% | 17%* |
| Ritualistic | 64% | 24%* |

* = sig $p < .05$
** = sig $p < .001$

Some authors who have written about sexual abuse by women have wondered whether the children have mistaken normal child care activities for abuse. While a bona fide hygienic activity, such as diapering or bathing, could under some circumstances be perceived as genital fondling, there is no reason to believe that the serious acts of sexual penetration with objects, oral sex acts or acts performed by the child on the perpetrator, which were reported in so many of our cases, were mistaken instances of normal child care activities. Female perpetrators were statistically significantly more likely than men to have forced children to sexually abuse others and to have participated in ritualistic, mass abuse.

Our findings suggest that the sexual abuse by women in these cases is serious, including acts likely to be traumatizing because of their intrusiveness and the fact that they were forced on the children by trusted adults. The more serious nature of the abuse perpetrated by women may, however, reflect a reporting bias. Sexual abuse by men may be more likely to be reported, even when it is less serious, and it may be more likely to be substantiated. On the other hand, only the most serious cases involving women, and those where there were multiple perpetrators, may have found their way into our sample.

### A Typology of Sexual Abuse by Women

The typology presented here is based on whether or not the woman abused children in conjunction with other adults. We thus have categorized the women as lone abusers, multiple perpetrator initiators, and multiple perpetrator followers.

Lone woman

This was the least frequent style of abuse for female perpetrators in our sample. Four of the 22 women perpetrators in in-depth cases and 19% of the 270 full sample cases involved a lone female perpetrator. Some lone abusers were women who committed abuse against a single boy or girl. When confronted with the allegations they usually offered no explanation and did not admit to the abuse. The investigation usually resulted in termination of ownership of or employment at the day care and did not result in criminal prosecution.

> In the Fun Castle case a deeply religious, highly respected middle-aged teacher with many years of experience and an advanced degree, abused a three-year old boy in the day care bathroom, allegedly fondling him, performing fellatio, inserting sticks in his anus and a having him fondle her genitals. She was described as isolated from her peers at the center, but active in her church. No explanation or motivation for abuse was discerned by the investigators who founded the case.
>
> In another case, after her mother noticed redness and unusual behavior, a two-year old girl reported that the operator and sole care-giver of a family day care home had "bitten" her on the genitals. The woman was an isolated 27-year old who had a history of problems with the day care licensing authorities. She claimed the child suffered from insect bites.

Because of the nature of this research, one can only speculate about the motivation of these women. Isolation and stress in their lives, combined with an opportunity to exercise power over a young child, was suggested to explain the one or two isolated instances of abuse.

Sometimes a lone women abused several children over an extended period of time, but this was also relatively infrequent. Some of this extended abuse incorporated ritualistic, sadistic or other bizarre elements into the abuse. The investigators and therapists suggested that a number of these women were severely psychologically disturbed.

> A 32-year old owner/ operator was convicted of the sexual abuse of several girls, having sexually penetrated them with dildos and vibrators and engaged in cunnilingus. Children were threatened with knives and tied-up. This woman had a history of prostitution and was described as infantile, "sexually running amuck," unable to control sexual impulses, and sadistic. She had sexually abused her own daughters from the time of their birth.
>
> In the Welcome Child case a woman in her 20's was prosecuted for sexually abusing 10 children at the day care center where she worked as a teacher. She is reported to have forced the children to sexually abuse each other, inserted knives and other objects into the children's genital openings, and forced them to drink menstrual blood. She was described as a very quiet young

woman, raised in a highly religious environment and isolated from heterosexual relationships.

The children experienced these acts as abusive and frightening, not as affectionate behaviors that later became intrusive. This and the repetitive, almost compulsive, quality of the abuse, often including elements of degradation, suggest that these women were motivated by anger and hostility. In some cases, severe psychiatric disturbance, including multiple personality disorder, has been suggested.

Multiple perpetrator-- women as initiators

As we have reported, most of the women who sexually abused children did so in conjunction with others. In these cases it made sense to distinguish between cases in which the women took the initiative for the abuse and those in which they followed the initiatives of others.

In our cases of multiple perpetrator abuse it was not always easy to identify one perpetrator as the initiator and to learn the dynamics of their interrelationships. In some cases, however, it was reported to us that one of the abusers was more continuously and seriously involved in the sexual and physical abuse. Our informants reported that these women seemed motivated by power and control over the co-perpetrators as well as the children.

In the Eagle's Nest day care case one woman perpetrator appeared to have been the initiator. She was a strong and independent woman who befriended an isolated co-worker and took control of the sexual abuse. It was reported that this woman took the "bad guy" role with the children, domineering them as well as the co-perpetrator.

In some cases it was suggested that initiators had also physically or sexually abused the co-perpetrators. In several cases the co-perpetrators were the women's sons. This allegedly occurred in one case in which a mother and her teenaged son were convicted of sexually abusing a large number of children. The mother sadistically abused and degraded the children, and her son, whom she had physically and possibly sexually abused, also sexually abused them.

It has also been suggested that some of the initiators were "commercially" motivated, seeking funds from the production of pornography or the prostitution of the children.

In an unlicensed day care home the woman who owned and operated the facility procured children for her adult son who was the only other "caretaker" in this unlicensed family day care home. Although there were allegations that she actually engaged in sexual activities with the children, it was reported and substantiated that she immobilized the children while they were raped by her son. It was suggested that she was motivated by the possibility of financial gain to permit men to sexually

abuse the children and to videotape the sexual activities for which, on at least one occasion, she allegedly received several thousand dollars.

There is no case reported in which a woman physically forced other adults to sexually abuse the children. Women initiators did use persuasion and loyalty to gain the cooperation of weaker relatives or friends in abusing the children. These initiator women were similar to the lone perpetrators who committed multiple acts of sexual abuse and were often described as severely psychologically disturbed and lacking in impulse control.

Multiple perpetrator-- women as followers

Some of the women who participated in the multiple perpetrator situations were acting in a subordinate role. In these cases they tended to be socially isolated or emotionally and economically dependent women who were influenced by a more powerful individual: a husband, a mother, or a female friend. The husband, mother, or female friend often had a more deviant social history, including a criminal record, for example. Only rarely was the "follower" physically forced to commit the sexual abuse. Usually she was socialized by the other(s) and encouraged to show allegiance and friendship by participating. Sometimes the follower cooperated because she could thus remove pressure from herself and deflect the abuse to the children. Interestingly, most followers continued to sexually abuse the children even when they were out of the presence of the powerful initiator, becoming an active participant in the abuse. Becoming an initiator and controlling the children, was a powerful role for the often otherwise powerless follower.

There were two cases in the in-depth sample which exemplify the situation in which an isolated and highly dependant woman was pressured to sexually abuse the children in her care and perhaps was even required to set up the day care operation to procure children for her husband. One was the highly publicized Country Walk case.

The woman in this case confessed to sexually abusing the children but claimed that she was forced by her husband to engage in sex acts with the children and that her husband had raped and tortured her both in front of the children and when they were alone. Although the children's stories corroborate much of what this woman said about the brutality she received from her husband, they also report that on numerous occasions she initiated the sexual abuse and that she abused them even when the husband was not present. Suffering from the battered wife syndrome and a history of child abuse, she was unable to escape this man's control. It is likely that the only time she experienced feelings of power and dominance was when she was abusing the children.

In another similar case a woman was convicted of sexually abusing seven children and assisting in the rape of the children

by her husband. The husband was reported to be the aggressive perpetrator whom the children (and the wife) feared. It was suggested by one observer that she was immature and undeveloped as a person with little identity separate from her husband. He was sexually demanding and reportedly had extramarital affairs. It appeared to some that the marriage had been in trouble and that this woman was under a great deal of psychological stress. It is likely that she cooperated in the abuse of the children, in part, to please her husband, although at least one child indicated that she was the initiator. She was convicted of sexually abusing the children.

In several other cases it was suggested that the woman became involved in the abuse as she came under the control of a more powerful woman friend or group of women. One case which exemplifies this is Eagle's Nest.

> In this case a young woman who was a battered wife and who had been abused as a child became very good friends with a strong, independent woman. Both worked as teachers at a day care center. The full details of this relationship are not known, however, it is suspected that this woman's marital problems, isolation and timidity may have enhanced her vulnerability to the more aggressive, sexually abusive friend. In spite of the possibility that this woman acted under the control of her friend, according to the children she was actively involved in the sexual abuse and alleged videotaping. On the other hand this woman often "comforted" the children, letting them suck her breasts and taking the role of the "good guy" in counter-point to the co-perpetrator. It is unclear if this was a planned strategy or reflected the nature of the relationship between the perpetrators. Both women were convicted of sexually abusing the children.

## Summary

Perhaps the most important finding about the women was that they were most likely to have sexually abused the children with others. As we have noted, it is possible that this finding is an artifact of the reporting process, and that cases with lone female perpetrators are more likely to be either unreported or unsubstantiated and thus do not emerge in our study of substantiated cases. However, if women are more likely to abuse in multiple perpetrator situations, this suggests that woman are unlikely to sexually abuse children unless a group reduces their normal inhibitions by force, fear or normalization. The followers are vulnerable to pressure from others to sexually abuse children, and, although the follower role is not limited to women, many women sex offenders may take this role. Only a few women acted alone in sexually abusing children or initiated group sexual abuse. We have speculated that women sexually abuse children to gain feelings of power and control. All of these notions about female perpetrators await further research.

## Juvenile Perpetrators

In 36 cases or about 14% of the full sample a juvenile perpetrator was involved. These included cases (29) in which the juvenile was acting alone as well as those (7) in which the juvenile was part of a multiple perpetrator case that also involved some adults. In about a third of the cases the juvenile was actually working for the day care; in the rest the juvenile was a family member of the director or someone who worked at the facility. Most juvenile perpetrators were males.

> An example of a juvenile perpetrator employed at the center was the case at The Corner Church Day Care. The perpetrator was a 17- year old high school student who worked in the center's after-school program. He abused at least five and perhaps as many as seven boys, aged six and seven. The perpetrator had gone through some stressful life events in the course of his adolescence. His parents had divorced and he had been living with his mother -- a woman described as controlling and overprotective -- until during his early adolescence she died. Then, he had gone to live with his father, who was described as uncaring. The boy was isolated from his peers and was described by one psychologist as functioning at the emotional level of an eight-year old. Nonetheless, the boy was well-liked by the staff and the children at the center and was so trusted by the parents that he often drove the children home from the center and babysat for them in their homes, where some of the abuse occurred.

In Table 2-13 we contrast cases involving only juveniles with those involving only adult perpetrators. All cases with <u>both</u> a juvenile and an adult perpetrator were excluded from this table to emphasize the contrast between the two types. The major difference, as might be expected, is that juvenile perpetrators were much more likely to be family members of staff and less likely to be in a child care role. This certainly also explains why juvenile cases were somewhat more likely (not significantly though with these small Ns) than adult cases to occur in family day care. Other than finding that there were fewer juvenile female perpetrators, this appears to have been the main difference.

Juvenile child sexual abusers have become the subject of increasing interest by professionals, both because they are responsible for a substantial amount of abuse, but also because professionals feel more optimistic about the possibility of treatment. Michael O'Brien, Walter Bera and the PHASE program in Minneapolis (O'Brien, 1985) have provided particularly comprehensive descriptions of the varieties of adolescent abusers. In the present study, we do not have enough information about offenders, and the information is often distorted by the perceptions of investigators, so that assigning them to the PHASE typology is not really possible. We should note at least three types of adolescent perpetrator that were suggested within the cases we studied. One was the adolescent who appeared to be using children readily accessible in day care to explore sexuality or work out sexual conflicts. This seems somewhat

typified by the Kid's Valley case in which the 12-year old may have been acting in response to a video. A second type was the more seriously disturbed child who was showing signs of incipient pedophilic tendencies. This would describe the perpetrator in The Corner Church case in which a socially isolated adolescent had what appeared to be an already developed fixation on children of a certain sex and age. A third type was the adolescent who was involved in sexual abuse initiated by adults and particularly family members. In the Cross County Preschool, for example, a 15-year old boy was involved in conjunction with his mother, a very bizarre, schizoid person. In these conjoint family cases, which would appear to have similar dynamics to other ones where the sons are somewhat older, such as the McMartin case, there are clear implications of very strange upbringings including the likelihood that these sons were subject to sexual abuse themselves.

Table 2-13: A Comparison of Cases with Single Juvenile Perpetrator and Cases with Single Adult Perpetrator* -- Full Sample

| | Juvenile (N=28) | Adult (N=162) | Sig.** |
|---|---|---|---|
| FACILITY CHARACTERISTICS | | | |
| Family Day Care | 45% | 27% | N.S. |
| Day Care Center | 55% | 73% | |
| Licensed | 89% | 93% | N.S. |
| Facility Size | | | |
| Large | 21% | 36% | |
| Medium | 36% | 38% | N.S. |
| Small | 43% | 26% | |
| PERPETRATOR CHARACTERISTICS | | | |
| Female perpetrator | 10% | 26% | .03 |
| In child care role | 11% | 55% | |
| Non child care role | 21% | 17% | .000 |
| Family member of staff/director | 68% | 27% | |
| VICTIM CHARACTERISTICS | | | |
| Mean number victims | 2.03 | 3.22 | N.S. |
| Male victims only | 35% | 26% | |
| Female victims only | 58% | 57% | N.S. |
| Male & female victims | 7% | 17% | |
| At least one child under 4 years old | 44% | 62% | N.S. |

Table 2-13: Continued

| | Juvenile (N=28) | Adult (N=162) | Sig.** |
|---|---|---|---|
| ABUSE CHARACTERISTICS | | | |
| Penetration | 41% | 50% | N.S. |
| Child-to-child sexual acts | 12% | 6% | N.S. |

* In multiple perpetrator cases, it was not clear whether characteristic was associated with juvenile or some other function.

** chi square analysis

## Motivational Factors in Day Care Abuse

Why someone would molest children in day care is even harder for most people to fathom than why someone would molest children in general. Such young children seem so far from "normal" sexual objects; they seem so sexually undifferentiated. They elicit parental feelings of concern and protectiveness, which many people dissociate from sexual feelings.

Moreover, the general literature on child molesting is not much help. For the most part, the child molesters who have been studied in prisons and treatment settings have been men who abused children from age six and up. There are few studies restricted to individuals who abused very young children (for one exception, see Gebhard and Gagnon, 1964).

Unfortunately, this study was also not well positioned to examine offender motivation. We did not interview perpetrators. And, in fact, detailed interviews with perpetrators eluded many of the investigators we talked to. Perpetrators simply denied the abuse or pointed the finger at others in the majority of cases (83%). Investigators who interviewed perpetrators did so in adversarial situations not very conducive to the openness required for understanding motives. The better studies of child molesters have generally relied on the accounts of admitted offenders who were in prison or in treatment. Among the cases we studied there were few admissions and few in treatment.

Thus, most of what we can say about offender motivation is speculative. It is based on inferences from the behavior of the perpetrators as reported by very young children. It is based on the conjectures of investigators piecing together facts about abusers and their histories. But because so little is known about this subject, speculation is appropriate and a necessary step toward the acquisition of a better understanding.

## The Pedophilic Motive

In part because the attraction seems so "unnatural," many people have presumed that a substantial portion of the motivation for abuse in day care was pedophilic. Pedophilia, although a controversial and often misused concept, is generally taken to mean a strong sexual preference for children. Pedophilic individuals are usually thought of as having this preference on a long-standing basis; an aversion to or incapacity for sexual activity with adults; and often a fixation on particular ages and genders.

Four factors in a day care abuse case might be taken as indicators of some pedophilic motivation. First and most important would be a history of prior sexual involvement with or offenses against children. A second would be evidence of difficulties in or aversion to adult sexual relationships elsewhere in their lives. Third, some pedophilic motives could be inferred from the sexual acts committed; pedophilic individuals would be expected to have most eroticized the children, evidenced perhaps by the extensiveness and duration and compulsiveness of the acts. Finally, the presence of picture-taking and pornography might be an indicator.

We found some evidence of pedophilic motivation in the cases we studied, but less than we expected. This may have been because some of the pedophilic activity was hidden.

> One of the most clearcut cases of pedophilic motivation was Prince and Princess. The perpetrator in this case was an unmarried 35-year old son of the owner, who had few social relationships outside the center, and may have been a victim of childhood sexual abuse himself. This man abused over 60 children in a four-year period, engaging them in extensive sexual behavior including simulated intercourse, fellatio and cunnilingus. The perpetrator's approach was very methodical starting with normal affection and progressing to genital touching. He maintained that he had a genuinely deep affection for the children he abused, and made a full confession to police because he said he wanted to spare the children the trauma of a court trial.

Investigators mentioned a pedophilic sexual orientation as being a factor in 29% of the perpetrators in our random subsample (Table 2-14). However, we believe this is a major overestimation of the actual number of cases where such motivation is involved. Many of the investigators simply applied the label "pedophilia" to any perpetrator who molested more than one or two children.

The source of pedophilic motives are not well understood and are the subject of a variety of theories. A number of the theories do give a role to early childhood sexual experiences. In this regard, the Prince and Princess case as well as several others do raise an interesting speculation. In a half dozen cases, perpetrators were the adult sons of women who had operated day care facilities since these boys were quite

young. These men may well have been cared for with the other children as youngsters, and then continued to have close contact with day care age children throughout their own growing up. It is possible that these men developed a sexual fixation on children of this age, perhaps as a result of sexual involvement when they were of day care age; or perhaps, more likely, because these children were readily available as objects of intimate physical interaction or objects of sexual fantasy for them at the time of puberty. Our sample is so small that such speculation may be exaggerated, but it does suggest that it might be appropriate to conduct a study of children who grew up in homes where mothers were day care operators.

Table 2-14: Elements in Perpetrator Motivation -- In-Depth Sample

| Factor Considered Present by Investigators | % Perpetrators* (N=38) |
|---|---|
| Sexual conflicts (exluding pedophilia) | 38% |
| Stress | 36% |
| Pedophilic sexual orientation | 29% |
| Power / Control | 24% |
| Degradation | 24% |
| Anger / Hostility | 16% |
| Commercial | 11% |
| Mental deficiency | 8% |

* Sums to more than 100% because one perpetrator could have multiple motivations.

**Opportunistic Motives**

Elsewhere, we have proposed that the variety of motives leading to sexual abuse can be organized into four categories: those relating to "emotional congruence" (the emotional gratifications that the child represents), "sexual arousal" (the sexual preference element), "blockage" (the impairment in getting sexual and emotional needs met from more conventional relationships) and disinhibition" (the undermining of social norms and taboos surrounding sexual contact with children) (Finkelhor, 1984). This model emphasizes the variety of factors that may be involved in prompting an individual to sexually abuse -- sexual and non-sexual factors, what might be called "instigatory" factors as well as

"disinhibitory" factors. The pedophilic motive corresponds mostly to the category of "sexual arousal."

Attempts to think about the motivation for day care abuse -- to the extent that there have been any -- have tended to focus on why individuals might find day care age children to be sexually attractive. The model seems to posit that certain individuals have sexual intentions on children of this age and then seek them out in day care settings. However, it is our impression that much sexual abuse in day care does not grow out of such a specific, conscious and pre-existing sexual preference for day care age children. Rather much of the abuse seems more opportunistic in nature. By opportunistic, we mean two things: first, that the motives behind the abuse were more general and diffuse than a specific sexual attraction to children. Second, that the key factor about the children was not the particular sexual attraction that they held for the perpetrator, but rather their availability and their vulnerability. An opportunistic abuser probably would not have abused such young children, and may not have abused children at all, if he/she had not found him/herself in a setting where they were in close and constant interaction with children.

Several factors about day care may promote this kind of opportunistic abuse. Workers in day care are in close physical proximity with children, they experience the children's spontaneous physicality and sexuality, and they are often called upon to help children with toileting. Moreover, children of this age are completely at the mercy of adult caretakers. They have little critical judgement, and they are unlikely to be aware of the concept of sexual abuse. So they can be easily manipulated or tricked or coerced into compliance or secrecy. These are factors that can lower inhibitory thresholds and foster conduct in which individuals would not engage in other situations.

Certain kinds of individuals in certain circumstances may be more at risk for abusive behavior under conditions of lower inhibitory thresholds. For example, people who are experiencing sexual conflicts may be one such group. This would include adolescents who are feeling pressure to acquire sexual experience, adolescents and adults who have experienced sexual rejection, people in the course of marital break-up, and people experiencing conflict over strict moral and religious taboos. Interestingly, about a third of the perpetrators in the subsample were described as socially isolated (Table 2-15). One-fifth of those we could get this information on were described as religious fundamentalists (Table 2-16). Some types of religious fundamentalism have been cited elsewhere as being a possible risk factor for sexual abusing (Gamble, 1986). There is no implication that such belief causes abuse but rather that it may attract certain high risk individuals with sexual conflicts who see its dogmatic moralism as a help in controlling these disturbing impulses. In speculating on motivation, the investigators we interviewed saw these kinds of sexual conflicts and misdirected sexual needs playing a part in the motivation of 38% of the perpetrators. Another group possibly vulnerable to the "opportunity" offered for abuse in day care are individuals suffering from some life stress, be it unemployment, retirement, or marital difficulties. We have already discussed to some

extent abusers who were husbands suffering from the strains of role change. We cited the case of the Tasker day care home, in which the husband was depressed and having a difficult time adjusting to the transition from a more traditionally masculine job. Life stress was the second most frequent motive cited by investigators when we asked them to speculate about abusers; they applied it to 36% of the perpetrators.

Table 2-15: Personal Problems Among Perpetrators -- In-Depth Sample

| | % Perpetrators* (N=50) |
|---|---|
| Prior sex problems | 18% |
| Prior alcohol problems | 15% |
| Prior drug problems | 8% |
| Prior child abuse report | 6% |
| Prior psychiatric problem/hospitalization | 16% |
| Social isolation among peers | 34% |
| Social isolation among peers at facility | 37% |

* missing = 8

Another situation that might be included within the category of opportunistic motivation is when the abuser is neurologically or psychologically impaired. Three out of the forty-three in-depth cases involved such individuals. It would appear that these individuals may be at particularly high risk if their problems include difficulties in relating to adults and difficulty in controlling impulses. It may seem surprising that such individuals would be employed in contexts where they have access to vulnerable children. However, the employment situation in day care with its low wages and high turnover may be of the sort that attracts or acquires otherwise unemployable individuals.

Table 2-16: Perpetrator Risk Factors -- In-Depth Sample

| | % Perpetrators (N=58) |
|---|---|
| **Age** | |
| 10 - 19 | 15% |
| 20 - 29 | 26% |
| 30 - 39 | 26% |
| 40 - 49 | 7% |
| 50 - 59 | 15% |
| 60+ | 11% |
| **Race** | |
| White | 69% |
| Black | 22% |
| Hispanic | 5% |
| **Religon** | |
| Protestant | 73% |
| Catholic | 13% |
| Jewish | 3% |
| None | 10% |
| Other | 2% |
| Fundamentalist | 21% |
| **Marital Status** | |
| Single never married | 42% |
| Married (1st marriage) | 45% |
| Separated, divorced, widowed, remarried | 13% |
| **Children** | |
| Yes | 49% |
| No | 51% |
| **Education** | |
| Less than high school | 36% |
| High school | 17% |
| Some college | 25% |
| College graduate | 23% |
| **Years Employed in Child Care** | |
| 0 - 1 | 33% |
| 2 - 5 | 37% |
| 6 or more | 30% |

Table 2-16: Continued

| | % Perpetrators (N=58) |
|---|---|
| Years Employed at Day Care when Abuse Occurred | |
| Less than 1 | 45% |
| 1 | 16% |
| 2 - 5 | 29% |
| 6 or more | 10% |

In policy discussions about day care abuse, another motivation frequently mentioned is commercial: perpetrators using day care to make pornography, which many people believe to be a commodity in high demand. As we discuss later, the evidence about the link between pornography and abuse in day care is sketchy. Moreover, even when investigators are fairly certain picture-taking went on, it is often hard to ascertain whether the pictures were primarily for commercial purposes and whether these commercial purposes were an important motive behind the abuse. Thus there were only four perpetrators from the cases in our random subsample whom investigators cited as being motivated in an important way by commercial impulses. This is definitely an area that needs further study.

### Ritualistic Abuse

A growing public and professional concern has developed over a type of abuse case coming to light in day care that is being called "ritualistic" or "cult" abuse. Interest stems from the fact that cases often contain bizarre elements, where sexual abuse is combined with other kinds of disturbing allegations, such as the killing of animals or the invocation of supernatural powers. These allegations as they have come to light have represented a departure from more conventional cases of sexual abuse in a way that has led professionals to wonder whether they are observing some new and potentially dangerous development. They are also baffled about what motivations could lie behind such bizarre behavior.

We would propose to define ritualistic abuse as abuse that occurs in a context linked to some symbols or group activity that have a religious, magical or supernatural connotation, and where the invocation of these symbols or activities are repeated over time and used to frighten and intimidate the children. These kinds of cases occur in other settings, as well. But curiously, a large number of them have been surfacing in connection with day care sexual abuse.

The McMartin case was one of the first in which ritualistic allegations came to light. In McMartin, as elsewhere, the ritualistic reports did not come to light right away. This appears to be, in part,

because parents and investigators do not make sense of or believe the bizarre reports that children are making or do not link them to the abuse. But in addition, children often appear to have been so terrorized by this abuse that it is only under conditions of great security and trust, such as after months of therapy concerning the events, that children feel safe enough to remember or reveal these circumstances. Thus, cases that do not seem to have anything ritualistic about them at the time of the initial investigation may develop these allegations as time goes on.

In the McMartin case, for example, the ritualistic elements that children have come to talk about include, among many other things, the killing of animals in front of the children, wearing of masks and costumes, the drinking of blood and urine, and the practice of magical surgery. In the McMartin and other cases, children report being told that the abusers had magical powers to observe them when they were at home, and to cause the death of relatives and pets. Satanic-type practices seem to be described by children in a number of cases: the digging up of graves, the worshipping of the devil, the use of crosses and other religious implements.

In the Wagon Train case, a child was led to believe that she had been cut open, that a bomb had been placed in her with "magical surgery," and if she told she would explode. She also told of participating in a sadistic carnival where children were tied up and tortured and a baby was supposed to have been sacrificed. The ritualistic allegations in this case included the use of pentagram symbols and a "circle curse" where the devil was invoked.

We identified at least 36 substantiated sexual abuse cases in which some ritualistic element was noted by investigators. But what was actually happening in these cases is not usually very clear. In a few cases, for example, a single child would report that a perpetrator had worn a mask or had threatened to send a monster to kill his or her mother. Since in many of the full-fledged ritualistic cases reports took such a long time to emerge, such a single incident could be the tip of an iceberg in a case which had substantial as yet unrevealed ritualistic components, or it could be a child's recollections of perpetrator behavior that had little in common with the more elaborate ritualistic cases.

Investigators were frequently at odds with one another and sometimes at odds with parents about whether there were ritualistic elements and whether such reports from children should be taken seriously. Those who believe the ritualistic reports point to the similarity among what different children in different cases say and to the extreme terror that the children appear to feel. They argue that their very disturbing nature engenders denial among many adults, including investigators, who are made uncomfortable. Those who disbelieve the reports describe them as children's fantasies and usually point to a lack of corroborating evidence, such as ritual objects, bones, or blood, found in the investigations. In some cases, investigators have made substantial attempts to find material evidence of ritualism, but without great success. Clear-cut corroboration of ritualistic practices was available in a few cases, such as Country Walk, where ritual objects were found by

police, and where the female perpetrator did admit to some of the sadistic practices alleged in the children's stories.

As one might expect, allegations of ritualistic abuse were much more common in the multiple perpetrator type cases. Of multiple perpetrator cases, in 66% there was an allegation of ritualism. This compared to only 5% of the single perpetrator cases which had such allegations. It is important to recognize that ritualistic allegations can appear in single perpetrator cases, however. A case in which ritualistic activities were engaged in by what appeared to be a lone perpetrator was Final Inspiration Church. In this case a 34-year old, fundamentalist janitor at a church-based center abused only one known victim, a four-year old boy, who reported among other things being cut with a knife, a "man with a monster in his mouth," someone "changing back and forth from a man into a boy." Other comments the child made to the CPS investigator suggested he had been told about special supernatural powers. However, most of the ritualistic cases in our sample involved groups of perpetrators. Female perpetrators were involved in <u>all</u> cases, and in some cases there were only female perpetrators. The ritualistic cases generally involved more children of both sexes, went on for longer periods of time and included more serious types of sexual activity.

Although numerous cases have some allegations of ritualistic activity, in examining the variety of situations and allegations and in thinking about the nature of the phenomenon, it became apparent to us that some distinctions should be made among the different types of situations. We would propose a three-fold typology of cases that appear to have some allegations of ritualistic activity, a typology that may be refined and expanded as our knowledge about this phenomenon increases.

<u>Type 1 - True cult-based ritualistic abuse</u>

The hallmark of this type of ritualistic abuse is the existence of an elaborated belief system and the attempt to create a particular spiritual or social system through practices which involve physical, sexual and emotional abuse. Specifically satanic religious organizations which practice sexual abuse would clearly fall into this type, as would other spiritual organizations and mind-control cults. In these situations, the sexual abuse of the children is probably not the major or the ultimate goal. Rather the abuse is a vehicle for inducing in the adults a religious state, mystical experience, loss of ego-boundary or for furthering some social objective of the group, such as group solidarity (keeping members from defecting) or the corrupting of a new generation and the induction of new members into evil or forbidden practices. Investigators have noted that some of the practices in these cult cases seemed primarily intended to indoctrinate children into a different belief system. This included the discrediting of heroes and parents and the redefinition of the concepts of good and evil. Other practices seemed to be directed at altering the children's self-perceptions by getting them involved in evil activities, killing (or thinking that they were killing) animals or babies, torturing other children, eating (or believing that they were eating) pets, humans, feces or urine. The occurrence of very

similar ritualistic allegations in cases that clustered in certain regions such as Southern California or the Pacific Northwest have suggested to some investigators the possibility that large scale organizations or cults may lie behind some of the ritualistic abuse. The degree of systematic organization to these cults is unclear, but some investigators believe that one or several organizations identified with traditional "satanist" religion have developed a specific policy of using day care to abuse, to terrorize and to corrupt children.

Type 2 -- Pseudo-ritualistic abuse

In these types of situations, there may be ritualistic type practices, even ones that appear to be similar to those of the cult type. But the practices are not part of a developed belief system, and more importantly the primary interest is not spiritual or social, but rather the sexual abuse of children. The ritualistic activity in these cases is primarily present as a vehicle for intimidating the children into participation and deterring them from disclosures. The allegations in these cases might still involve threats of supernatural powers that might haunt the children or threaten harm to their families. But the ritualism is simply to intimidate. Masks, outfits, visits to graveyards, the killing of animals and so forth may be clever and cynical ways to keep the children from telling and perhaps even to discredit their accounts if they do tell. These kinds of situations may be hard to separate from cult abuse because some of them may share devices. However, one would think that in this type of ritualistic abuse there would be more focus on the sexual activities than on the ritual and more focus on intimidating symbols within the ritual. There would probably be little attention to ritualistic symbols which did not have intimidation as their function. For example, the supernatural creatures that might be invoked in these cases would be ones that would frighten the children (like Batman or monsters) but that probably would not enhance the spiritual experience of the adults.

> It was the judgement of investigators that it was this kind of ritualism that was behind the activities at the Eagle's Nest case. Two females (and possibly three males) molested an estimated 16 children. The abuse was believed to have begun at a Halloween party. The coercion tactics used by the perpetrators included enemas, monsters, and games. One of the female perpetrators also worked with animals, and these animals and stories about them may have been used to intimidate children.
>
> Another pseudo-ritual case may have been Sixth Street day care. In this case, a middle-aged woman operating an unlicensed family day care abused about 20 children in conjunction with a 25-year old unmarried man who resided in her household. The children were apparently being used for pornography production. One of the ways the operator intimidated children was with two whips. She personified these whips as "Big Bertha" and "Ringo," described them to children as having quasi-supernatural powers,

and threatened the children that they would come to get them if they resisted or misbehaved. This ritualism seemed clearly for purposes of intimidation rather than part of an elaborate ideology to which the abuser herself was committed.

Type 3 -- Psychopathological ritualism

An individual, alone or part of a group may abuse children in ritualistic fashion, in which the ritualism is neither a developed ideology nor cynical effort to frighten the children, but rather part of a obsessive or delusional system. The obsessions and delusions may be mystical and religious or may involve supernatural powers, but they also may be extremely idiosyncratic. They may simply involve sexual preoccupations or sexual compulsions. A day care operator may develop the obsession that children's genitals are evil or dirty and may involve the children in a ritual activity to cleanse or purify the children. From children's reports these kinds of ritual abuse may be difficult to distinguish from the more cult-based abuse. We would guess, but having few examples of this it is hard to generalize, that such psychopathological ritualism is less likely to involve a whole group of perpetrators.

One case where the ritualism had this psychopathological quality was in the Cross County case. There were two perpetrators, a middle-aged woman and her adolescent son, who appeared to abuse the children somewhat independently without a lot of collaboration. The woman was described as bizarre, possibly having a schizoid personality and sadistic feelings about the children. Her desire to hurt, degrade and dominate seems to have been an important motivation in the abuse. She used various symbols and supernatural elements in her persecution of the children. They were tied to trees, they were hit and punished in a quasi-ritual way. One child reported being anally penetrated by a snake. Others were threatened with "pits of spiders." The abuser also talked about graves, graveyards, and putting the children and their parents there. Although the symbols in this case have some similarity to the true cult cases, the investigators tend toward the belief that this was an outgrowth of one woman's particular psychopathology.

Motivation for ritualistic abuse

One of the most perplexing aspects of the problem of ritualistic abuse is the motives of the perpetrators. For those who have worked primarily with other types of sexual abuse, the concepts of pedophilia and "regressed type sexual acting out" and many other ideas associated with sexual abuse seem not to apply very well. However, there are two concepts that we see as important in understanding the connection between ritualistic activity and sexual abuse, particularly the first and the third types and these deserve some elaboration.

The first concept we term the "mortification of a child's sexuality." As a result of their own childhood abuse, sexual repression or some other humiliation, some adults, we would hypothesize, develop a notion of their own sexuality as corrupted, evil or demonic in some way. This self-image can obviously lead to a sense of resentment, jealousy or hatred toward others whose sexuality seems pure or uncorrupted. One expression of this may be in an intense desire to harm, corrupt, retaliate against, or in our concept "mortify" the sexuality of a small child because of its innocence. Although this motive does not necessarily emerge only in a ritual setting, that may be one of its common expressions. In these cases the motive may acquire or go along with religious and ideological systems as a way of justifying itself.

A second important concept for understanding motivation in ritualistic abuse we would term "the identification with evil." This motivation ties sexual abuse to ritual in the mind set that may be attracted to so-called satanic practice. Individuals who are raised in highly moralistic and perfectionistic-type religious settings may, to the extent that they cannot repress normal human urges to gratify themselves, grow up with a highly negative sense of themselves. After many attempts to be good or do good which end in failure, they may become prey to a reversal of the whole value system. Unable to achieve self-acceptance within the moralistic value system, they may discover a sense of power and spiritual fulfillment in a doctrine that celebrates the participation in intentionally evil acts. What may indeed make sexual abuse of very young children a particularly powerful focus for such an ideology is that it is a highly taboo activity that can be done in a group setting, where the likelihood of getting caught is not great.

These types of motivations help to explain some of the activity that children are reporting in the ritualistic cases. Such motivations are not necessarily present however, and they may also be mixed in with other kinds of more familiar motives for sexual abuse: sexual gratification, and pedophile fixations. What is important about both these concepts is that they illustrate some of the very important non-sexual motivations that may be involved in child sexual abuse, particularly of very young children. These are not motives that one could infer readily from the previous literature on child molesters. Describing and understanding these motives may be one of the important contributions that the work on sexual abuse in day care may make to the larger field of child abuse in general.

## Policy Implications

Many of the most heated public policy debates revolve around whether it is possible to develop procedures that would work to better exclude potential abusers from day care operations. Can criminal records checks, or educational guidelines or other screening devices protect children? It seems that our findings on abusers have quite a bit to contribute to these discussions.

## Criminal Records Checks

We encountered some cases where perpetrators had a history of prior abusive or anti-social behavior, which, had it been known, would have signaled that this was a high-risk individual. Twenty percent of the perpetrators in our random sample had had some prior police contact including 12% who had an actual conviction (Table 2-17). However, most of these arrests or convictions were for offenses like "Driving While Intoxicated," which might have been only moderately useful for employers or licensing agencies in screening possible abusers. The actual number with a prior sex offense arrest was 8%.

Table 2-17: Criminal Histories Among Perpetrators -- In-Depth Sample

| | % Perpetrators* (N=51) |
|---|---|
| Prior police contact | 20% |
| Prior juvenile arrest | 6% |
| Prior adult arrest | 16% |
| Prior conviction | 12% |
| Prior sex offense arrest | 8% |
| Prior sex offense conviction | 6% |

* missing = 8

> Probably the most clearcut case of an abuser with a prior child molesting record was the male abuser in the Country Walk case. He had been convicted of molesting the daughter of an acquaintance and was on probation for this offense at the time the day care abuse occurred. He had other previous convictions as well, one for the shooting death of a stranger who had cut him off in traffic.

However, in other cases, even the sex offense convictions did not necessarily imply a likelihood to sexually abuse very young children. In the Kid's Life Center case the 42-year old perpetrator had an arrest record for rape from twenty-five years earlier, when he was 17. In another case, the female perpetrator had a prior arrest for prostitution. Neither of these would lead to a direct presumption that these individuals were potential child molesters.

So, as can be seen, most abusers cannot be identified on the basis of prior sex abuse records, and even when there are records, they are ambiguous in their meaning. What is also interesting is that knowledge about a criminal record may not make a difference. The perpetrator in the Country Walk case was the owner of an unlicensed operation. If there had been someone to do a record check here, there would have been no day care operation in the first place. There was a probation officer who knew that his probationer was operating a day care, but he was not trained to see this as a problem. In another center, some allege that the problem backgrounds were known to officials. Here the perpetrator was hired with the proviso that he not care for the children. However, he later was given permission to do so. It must also be remembered that several of the perpetrators with criminal arrest records, such as the son in the Astor Family Day Care, were not employees of the centers at all. They were relatives of teachers and operators, who in most states would not be subject to screening. Family members of day care operators should be screened by licensing, especially if they live in the facility, but whether a person should be denied a license simply on the basis of a relative's criminal record or other problem is a challenging question.

Records checks, when they have been put into practice, have a very low success rate. The Inspector General's report (1985) cites three examples:

1) New York state, which screened 20,000 employees in 1983 against its child abuse registry, resulted in seven "hits," for a rate of .04%. It was not reported whether any of those discovered to have child abuse records were actually sexual abusers, but only 2.3% child abuse and neglect reports in New York are for sexual abuse.

2) A Florida county screened the fingerprints of 3000 employees and identified two with criminal histories for a rate of .07%. Only one of these was for a sex crime.

3) Georgia also conducts statewide and national name checks. A review of 570 fingerprints resulted in one "hit" (for a rate of .2%) and name-checks of 2400 employees identified two others (for a rate of .08%).

These experiments with records checks illustrate how much effort has to be put into the detection of even a few with suspicious backgrounds.

Looked at in economic terms, records checks do not seem like a very cost-effective way to deal with the problem of sexual abuse in day care. The Inspector General's report (1985) made some of the following crude estimates:

- 680,000 current employees in licensed child care plus a 47% annual turnover/growth in staff = 1 million employees to be screened.

- cost of 1 million state fingerprint checks (@ $13) and FBI checks (@ $12) = $25 million.

- if 5% of those screened have criminal records and perhaps 2% of those with criminal records are sex abusers, then the checks might uncover 1000 previous abusers. (This is a rate of .1%, higher than the hit rate from the Florida and New York experiments.)

- the cost of finding these 1000 potential abusers ($25 million) would be the equivalent of $250,000 per abuser.

The report also points out that these "diverted" sex abusers still could get access to children by other means, for example, by volunteering or working in unlicensed facilities.

The conclusion from all these considerations is that records checks do not appear to be a very promising solution to the problem. Most abusers would be missed because they do not have records, and because not being employees, they would not be subject to screening. It would be an extremely inefficient and costly way to identify a very small number of other potential abusers.

### Checks of Other Background Problems

A number of perpetrators had problem histories that may or may not have been related to their abusing. Several had had difficulties with alcohol or drug abuse. A couple had prior allegations of non-sexual child abuse. A few had had some psychiatric problem, for example, the husband of one operator had been hospitalized for depression three years prior to the incident. Actually, all told, we identified some prior social deviance in 50%. Unfortunately we do not have a comparison group to determine if this is an unusual amount of deviant behavior in a group of individuals. But even if we did have a comparison group, the comparison might not be fair. When allegations of something so serious as child molesting are lodged against someone, one of the first things that investigators do is check backgrounds to see if there is a previous history of deviance that might confirm the present allegations. So it is likely that investigators, colleagues and employers would know a great deal more about deviance in the background of a group of alleged child molesters than in some comparison group.

We think the evidence from this study suggests that it is not feasible to screen people for problems in their backgrounds and ferret out child molesters. The kinds of problems that appeared in the group of perpetrators are very widespread, and eliminating all people with such histories would probably cut the child care work force drastically. Moreover, the number of cases are truly impressive in which perpetrators appeared to be very upstanding individuals, who made a good impression on parents and licensers and who had nothing noteworthy in their backgrounds.

### Educational Credentials/ Standards

Day care is an industry staffed by underpaid, and as a result often poorly trained, workforce. Advocates of day care have urged that higher

educational standards be used in licensing as a way of exercising better quality control. It does not appear as though educational credentials or experience requirements are very applicable to the problem of sexual abuse. Over 50% of the abusers in our in-depth subsample had some college education. If we count only the abusers who were child care employees of the facility (thus excluding the family members, outsiders, janitors and bus drivers for whom educational credentials would be irrelevant), then the percent with college education is even higher.

Experience is another possible screening criteria that does not seem very applicable. About a third of the abusers who were employees had been employed six or more years; another third had been employed two years or more. It is true that almost half of the abusers had been employed at their current day care for less than a year at the time abuse occurred. However, this undoubtedly differs very little from the typical employment experience of workers in day care, where it is estimated that half of all employees turn-over every year.

### Family Member Screening

The large number of abusers who are relatives of day care teachers and operators raises obvious policy questions. One is whether operating day care in personal residences where others live is inherently risky. We do not have information to really advise on this question, since we do not have good figures on the number of family based facilities there are of the type we studied (minimum six children).

Another policy issue is whether adequate screening is being conducted on family members who have potential contact with children. Such a practice is not a requirement of licensing in most states.

However, as we indicated earlier, screening is not a very complete answer because most abusers will not have obvious background transgressions to justify obvious suspicion. Perhaps more important would be clear sexual abuse deterrence training for members of families of day care operators. Classes, literature, and briefings could be made mandatory for all those in the household, explicitly discussing sexual abuse, and hoping to deter some possible perpetrators in this way.

### Awareness about Female Abusers

We recommend that parents, licensing and law enforcement officials be educated to view females as potential sexual abusers. Although they abuse much less than males in general, in day care women make up a third of the total abusers and half of the abusers among caregivers. Parents and investigators seem much more apt to dismiss suspicion about females because they believe abuse by females is so improbable.

Chapter 3: VICTIMS

David Finkelhor

One clearcut way in which the McMartin Preschool case was atypical of other day care abuse was in the enormous number of children involved. Investigators estimated the number of victimized children at more than 300, spanning a period of at least 10 years. By contrast, the majority of other day care abuse cases involved the substantiated abuse of only one or two children. As can be seen in Table 3-1, in our nationwide sample, half of all cases involved a single child, and about two-thirds one or two children. Cases involving truly large numbers of children (a dozen or more) constituted just 10% of the sample. McMartin had the most reported victims of any case uncovered in our study.

Table 3-1: Number of Substantiated Victims -- Full Sample

| Substantiated Victims | % Cases (N=266) |
|---|---|
| 1 | 50% |
| 2 | 14% |
| 3 | 9% |
| 4 | 6% |
| 5 | 4% |
| 6-11 | 7% |
| 12 or more | 10% |

missing = 4

Small numbers of victims were the norm in day care in part because so much abuse was committed by one or two perpetrators acting in a furtive way. For example, in cases like Jackie Lawson's, Maggie's, Wyatt's, Moonstone and several others, husbands or sons acting in secrecy from their wife/mother, abused one or two children at the day care. Small numbers of victims were also the norm because so many of the day care facilities were small operations, affording access to only a limited number of children.

Still, day care abuse does differ from intra-family abuse in the potential for truly large numbers of children to be victimized. And just

one such "mass abuse" case can have the same effect as dozens of the small cases. Thus looked at from the point of view of victims rather than facilities, 66% of all children sexually abused in day care facilities were abused in cases that involved a dozen or more children. The cases like McMartin and other facilities with large numbers of victims assume an importance far beyond their numbers.

Moreover, no reckoning of the actual distribution of victims in day care cases can be made without the warning that official reports may often undercount the actual number of victims. In the Merry Gnome case, for example, abuse was confirmed for only two four-year old girls, but at least one investigator, who interviewed many other children at the day care, believed there were other victims who may have been too intimidated to disclose. In Wyatt's Day Nursery, where abuse was substantiated for only one four-year old girl, investigators suspected that possibly all 12 children in the facility had been abused. In fact, additional victims were suspected to have been abused in 37% of the single perpetrator cases. Moreover, in a fifth of all cases involving just one or two victims, investigators did not interview other children, precluding the possibility of finding additional victims in these cases. So, it is extremely likely that our tally undercounts the true number of victims in many cases.

Nonetheless, although the number of victims is often miscounted, the undercounting is usually of an additional few victims, not dozens or hundreds. Moreover, the small and limited number of victims involved in most cases is consistent with the fact that so many day care cases involved single perpetrators, in facilities where they did not necessarily have unlimited access to children -- all factors quite different from cases like McMartin.

Not surprisingly, cases with large numbers of victims were usually cases with multiple perpetrators. In Table 2-6, it was noted that in 83% of multiple perpetrator cases there were three or more victims. We suspect that this is not simply because more perpetrators required more children. It was also because when two or more perpetrators were cooperating, there was protection and cover which allowed for more extensive abuse. In the extreme cases, in which all staff of a facility were involved, the perpetrators had virtually unlimited access to all children. By contrast, single perpetrators most often were acting furtively with private access to smaller numbers of children, and thus could abuse only a more limited number of victims. Interestingly, the presence of female perpetrators was also associated with higher numbers of victims, but this was related to the fact that cases with female perpetrators were more likely to be multiple perpetrator cases.

Gathering descriptive information on the victims of day care abuse was one of the most important goals of this project. In the full sample survey, however, we were able to get reliable information about only a few variables such as children's gender and age. It wasn't until we could talk with investigators and therapists, under conditions of the in-depth sample, that we got information about children's health, personalities and family backgrounds, which gave us a better picture of the victims. We originally had wanted to gather information on a comparison group of non-

victimized children in each facility as well. Unfortunately, in most cases, investigators and therapists only had information on victims or suspected victims, so plans for a comparison group had to be dropped. Also, some cases in the in-depth sample had so many victims that they would have completely dominated the findings if we had included them all. So, for purposes of the in-depth sample, a maximum of five children were chosen from each case. These five were simply the first five on the respondent's list, but we required that they include the child (or children) who was responsible for the disclosure that resulted in the official report. Under this procedure, we got detailed information on a total of 98 victims from our in-depth sample of 43 facilities. In the following section our information is based on this sample of 98 victims, and also, to a lesser extent, on the 1639 victims in the full sample.[1]

## Victim Gender

As in other kinds of sexual abuse, in day care cases, also, girls outnumber boys among victims. In the full sample, 62% of victims were girls and 38% were boys[2], meaning that 1.6 girls were victimized for every one boy. This ratio, however, is not quite so lopsided as the gender ratio one finds for sexual abuse in general. Among reported cases, for example, boys generally constitute 20% or less of all victims, and the breakdown based on a number of retrospective community surveys of unreported cases is about 29% males to 71% females (Finkelhor, 1986). The larger proportion of boys abused in day care probably has at least two explanations. First, children of such a young age are less sexually differentiated, so that someone choosing them for sexual gratification is being attracted more by characteristics common to their age (smallness, gullibility, etc.) than by gender-specific characteristics. This does not exclude the fact that some perpetrators in some cases had very strong gender preferences. For example, the adolescent male perpetrator in the Corner Church case had a clear preference for male victims, which led him to exclude girls who were readily available. But on the average, this kind of selectivity may be less common in abuse of such young children in day care.

Second, boys so young are probably not subject to as many of the male socialization pressures (homophobia, fear of being seen as weak) that keep older boys from reporting abuse. This second factor may explain why the percentage of boys among reported day care cases was so much higher than the percentage of boys among other reported sexual abuse.

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1. The figure of 1639 represents the number of victims in 266 cases of the full sample. In 4 cases the number of victims was unknown.

2. We had a break-down on the gender of victims for 239 of the full sample cases. Unfortunately, the cases in which the breakdown was missing were some of the largest cases involving a total of 859 victims. Thus the gender breakdown is based on 780 victims (484 girls and 296 boys) with 859 additional victims whose gender is unknown.

Probably the most startling finding about victim gender is that the ratio was almost the same for both male and female perpetrators. In spite of what sexual stereotypes might suggest, female perpetrators did not on the average have a preference for boys. Both male and female perpetrators were more likely to sexually abuse girls. Single female perpetrators chose male victims in 40% of all cases, while single male perpetrators chose male victims in 43% of all cases, a negligible difference. This would seem to confirm the earlier point about the absence of gender differentiation among abusers of such young children. There was <u>some</u> gender differentiation in that girls were victimized more than boys. But the crucial difference, we would speculate, may not be their sexual characteristics but the fact that girls may have been seen as easier targets -- more compliant, more passive and less likely to tell. This may explain why both male and female perpetrators seem to have a preference for female victims.

The multiple perpetrator cases, moreover, were particularly notable for an absence of gender preference. As can be seen in Table 3-2, in almost half of all multiple perpetrator cases there were about equal numbers of boy and girl victims. This was true in only 20% of the single perpetrator cases in which there was more than a single victim. Multiple perpetrators seemed to be relatively indiscriminate in the selection of boys or girls. In part this was because there was not much selection going on at all. In many of these cases, large numbers of children -- all the children in the facility, or all the children in the room -- were involved, apparently irrespective of gender or any other characteristic. And the perpetrators in these cases, who are abusing so many children, seemed to be less concerned about selecting only victims who would be compliant and secretive, e.g., girls. They were relying on other techniques to prevent disclosure.

Table 3-2: Gender of Victims by Number of Perpetrators -- Full Sample

| | Cases | |
|---|---|---|
| | Single Perpetrator* % (N=79) | Multiple Perpetrators % (N=28) |
| Mostly boy victims | 23% | 21% |
| Equal boy/girl victims | 20% | 43% |
| Mostly girl victims | 57% | 36% |

Sig: p. = .05, chi square analysis

* Excludes cases with only 1 victim.

By contrast, when the perpetrators were family members of teachers and directors in home settings and were acting alone, there was a marked preference for female victims (Table 3-3). Why gender differentiation assumed unusual importance in these cases is somewhat unclear. It should be remembered that these perpetrators were primarily husbands and young sons of operators. Perhaps these men and boys were the types most inhibited by the homosexual implications of sexual contacts with preschool age boys.

Table 3-3. Victim Gender, Age and Duration of Abuse by Type of Perpetrator -- In-Depth Sample

| | TYPE OF PERPETRATOR | | | | |
|---|---|---|---|---|---|
| Victim Characteristic | Child Care (N=45)* | Peripheral (N=9) | Family (N=13) | Multiple (N=31) | Sig** |
| Boy | 27% | 44% | 8% | 55% | .01 |
| Girl | 73% | 56% | 92% | 45% | |
| Age 3 and under | 55% | 11% | 33% | 63% | .26 |
| Age 4 and older | 45% | 89% | 67% | 37% | |
| Duration | | | | | |
| > 1 month | 59% | 44% | 54% | 93% | .014 |
| > 6 months | 21% | 0% | 27% | 57% | |

* N = number of victims not number of cases.

** chi square analysis

**Victim Age**

The most distinguishing, and also disturbing feature of day care sexual abuse is the young age of the victims. All the cases we studied, by design, involved children under age seven. But many involved children substantially younger than that. Six percent of the full sample were cases with children less than two-years old. Sixty percent involved children under four years old. The youngest child abused in our sample was four months old. As can be seen in Table 3-4, the largest number of victims were aged three and four. There is a declining percentage of

victims aged five and six. The bell-shaped distribution of ages with a peak at age 3-4 probably has little to do with any special vulnerability of children at this age, although it is possibly true that older preschoolers are less vulnerable to abuse because perpetrators cannot so easily gain their silence through intimidation. However, the bell-shaped-distribution is mostly a reflection of the ages of children enrolled in day care. Sixty percent are ages three and four (U.S. Census Report, 1987:5), with younger children still at home and older children beginning kindergarten.

Table 3-4: Victim Age -- In-Depth Victim Sample and Full Sample

| Age | All Victims IN-DEPTH SAMPLE (N=98) | All cases (Age of Youngest Victim) FULL SAMPLE (N=270) |
|---|---|---|
| 1 or under | - | 6% |
| 2 | 19% | 19% |
| 3 | 32% | 35% |
| 4 | 28% | 25% |
| 5 | 15% | 11% |
| 6 | 4% | 4% |
| 7 | 2% | - |

It is not surprising in light of other findings that multiple perpetrator cases were also more likely to involve very young children (Table 3-3). This seems to relate, in part, to the fairly indiscriminate character, already noted, of the abuse in some of these cases. However, a more insidious factor may play some role here. Some of the multiple perpetrator cases had ritualistic elements, in which the desire to defile and degrade innocence (a matter discussed earlier in the section on ritualistic cases) may have been a prominent motive. The younger the child, presumably the more "innocent" they were. This kind of thinking may have been the reason why perpetrators in some of these cases abused such young children.

## High Risk Child Characteristics

It is a plausible hypothesis that some children in day care are more at risk for abuse than others. Of course, when all or virtually all the children at a facility are abused -- as was true for about 6% of the cases in the full sample including such prominent cases as McMartin and Country Walk -- then it makes no difference. But in most cases, some children were selected for abuse by perpetrators while other children were spared. Even in cases in which all children were abused, some children may have been selected for more abuse than others. Prior research on sexual abuse in general has identified some characteristics that seem to put a child at greater risk (Finkelhor and Associates, 1986). The fact that some kind of selection process is at work seems even more clear-cut in day care where a potential perpetrator is facing a (sometimes large) group of children and makes choices among potential victims. Sometimes the choice may be dictated by chance factors -- which child happens to be in the bathroom. But it is also plausible to think that perpetrators make choices along other dimensions -- which children they like and are attracted to, which children they think can be intimidated or will keep a secret. Even when something may appear to be chance -- for example in the Babes in Toyland case, a child happened to wander into a part of the facility where the perpetrator was working -- it may be more than that: for example, more adventuresome or more trusting children may be more likely to wander off and thus more likely to be vulnerable to abuse.

The best way to examine this question of relative risk would be to compare victimized children with the non-victimized children in the same facility. Unfortunately we were not able to get from our informants good and reliable comparative information on non-victimized children. So we relied on some very subjective judgments of the investigators. We asked them to rate victims on a list of characteristics as to whether victims seemed better off, worse off or average in comparison to other children of their age group. Although the technique is a crude one, we might say in its defense that almost all the investigators, being mainly mental health and child welfare personnel, were individuals exposed to a large number and wide range of children in their professional work and so should have a good basis for comparison.

The judgments of the investigators are displayed in Table 3-5. Interestingly many of the informants tended to view the victimized children as having more positive attributes compared to their peers. About half the victims were seen as more attractive than average and half seen as more intelligent than average. They also tended to be rated as somewhat more affectionate and more popular with staff. There were no significant differences between boys and girls. The validity of these judgments is difficult to ascertain because they are based on very subjective views and may be subject to bias (e.g., all children are considered "cute" and "attractive"). But they do gain some weight from three considerations. First, we know of no widely generalized stereotype of sexually abused children among professionals that sees them as particularly attractive. If anything, professionals might be inclined to see abused children as emotionally needy, isolated and unattractive. Second, the informants did not rate the children as above average on all

positive attributes, just a few. Finally, these children were being interviewed at a time and under conditions which were not particularly conducive to seeing them as attractive. Many of these children were symptomatic as a result of the abuse, suffering from fears, and they were caught in the midst of a crisis situation. It seems plausible that if investigators saw the children as attractive and intelligent under such conditions, this may well have been the case. Thus, their attractiveness and intelligence may have been reasons why they were chosen by perpetrators. Or it may also be that less attractive and less intelligent children tend to be shunned.

Table 3-5: Unusual Victim Characteristics as Judged by Investigators -- In-Depth Sample of Victims*

| Characteristic | % More/Better than Average | % Less/Worse than Average |
|---|---|---|
| Attractiveness | 47% | 2% |
| Height | 20% | 12% |
| Weight | 19% | 12% |
| Health | 7% | 8% |
| Maturity | 16% | 12% |
| Intelligence | 45% | 9% |
| Affectionate | 19% | 3% |
| Dependency | 14% | 13% |
| Popularity with other Children | 11% | 17% |
| Popularity with Staff | 23% | 6% |
| Family Affluence | 13% | 15% |
| Quality of Parenting | 38% | 22% |

* N = 98 victims

The attractiveness of the children was particularly noted in the case of Dollhouse day care, in which a 37-year old female day care operator (and on occasion, a suspected male accomplice) abused six to eight girls, sometimes in extremely sadistic ways.

Investigators believed several of the victims had been selected by the perpetrator for their unusual physical beauty. One was described as one of the most gorgeous girls the therapist had ever seen -- "a little doll." Another was described as like "Shirley Temple, super bright and enjoyable."

In the Country Walk case, attractiveness was also an issue stressed by some investigators. Although it is suspected that all the children were abused in Country Walk, the attractive children were abused more frequently and systematically.

In addition to attractiveness and intelligence, we note on Table 3-5 that the investigators found more victims to be above average than below average in popularity with the staff. One component of this popularity may have been the degree to which the child was obedient to and open with staff. It is certainly easy to imagine how such traits would be ones that might be attractive to potential abusers. Abusers would certainly tend to prefer children who would be cooperative with them, in effect, "good little children" and want to avoid those who were not cooperative. In what is perhaps one of the most ironic aspects of day care abuse, it is possible that training in obedience to and cooperation with adults may put children at somewhat greater risk. One mother remembered with great guilt what she always used to impress upon her son when she dropped him off at the center: "Do what you're told!"

We were also interested in seeing whether a child's vulnerability might have been affected by his/her race. Although the racial distribution of the victims (shown in Table 3-6) does not differ from data from the U.S. Bureau of Census national study of day care, there were three cases in the in-depth sample in which the details suggest that racial factors may have been important.

For example, at Sun, Songs and Freedom, a center in a Southern city, a five-year old black boy was abused by the 14-year old white son of the acting director. The victim was the only black child in an otherwise all white center.

At another Southern church day care center a three-year old girl was abused by a 25-year old teacher. The victim was of mixed race (a black-anglo child), the only such child at the center, and was also described as being very attractive.

Table 3-6: Victim Family Characteristics Compared to U.S. Bureau of Census Statistics -- In-Depth Sample

| Characteristic | % Children Victimized (N=98) | % of Children in Day Care* |
|---|---|---|
| White | 75% | 75% |
| Black | 12% | 18% |
| Hispanic | 9% | 8% |
| Other | 4% | unk |
| Living with both parents | 59% | 78% |
| Living with mother only | 32% | |
| Other | 9% | 22% |

* U.S. Bureau of Census. Who's Minding the Kids. Data computed from Table 5, Part B, p. 20 - Primary child care arrangements used by full-time working mothers for children under 5. N = 5,060,000.

Although three such cases could occur in our sample and mean little or nothing, the dynamics of these cases have a certain plausibility and are worthy of attention. A child who was racially different might be chosen as victim for a number of reasons. It might be that such a child is seen as more "expendable." It might be that such a child receives poorer supervision, or that other children and staff neglect the child, leaving him/her needy and vulnerable to the friendly ploys of a molester. It also might be because the child's racial differentness is seen as an element of sexual stimulation or attractiveness by the perpetrator. More attention should be paid in future investigations to the possibility of racial differentness being a factor in victim selection.

**High Risk Family Backgrounds**

We delved for factors that might be related to a child's vulnerability by specifically asking all investigators about any hunches they might have. A few investigators pointed to some kind of family problem in the background of the victims.

> For example, in the Jackie Lawson day care case, in which the husband of a family day care operator anally raped a child starting at the age of two and continuing for two years, the victim's mother was described by the district attorney as emotionally unstable, marginally employed, and a drug addict with a reputation for sexual promiscuity. The assistant DA saw this as contributing to the child's vulnerability.

In the Wyatt's Day Nursery case, the sole victim was described by one informant as having an "overstimulating" home life that may have contributed to a "lack of boundaries and overly affectionate manner" that put her more at risk.

Families of victims in other cases were described in various negative ways: "isolated," "extremely disorganized," "bizarre," "downtrodden," "emotionally needy mom," and "not available." In several cases there were allegations that the child had been previously sexually abused by the father or other family members.

However, we are inclined to believe that in many cases this association between victimization and the family background of victims represents stereotyping, prejudices and unwarranted speculation on the part of investigators. Such stereotypes clearly did not fit the families of most of the victimized children. For only 22% of victims the quality of parenting they received was described as worse than average. For only 17% of mothers and 13% of fathers did investigators note some impairment such as a problem with alcohol, mental illness or previous allegations of child abuse. On the whole, the families of victims appeared normal and in many cases quite superior.

There were a few situations in which family problems may have made a genuine contribution to victim vulnerability. For example, in three or four of our multiple victim, in-depth cases, virtually all the children in the center came from problem families, and this may have made these centers high risk.

In the Lady Alice's Preschool case, the center had been one that had been extensively utilized by the Department of Human Services for the placement of children from problem homes. Many of the children had come from abusive families and several were already living in foster homes.

In Prince and Princess, the center was extremely popular with single-parent working mothers. The male teacher perpetrator had been specifically chosen by some of these parents as someone who would act as a father substitute for their father-deprived children.

There is some undeniable plausibility to the hypothesis that children from emotionally deprived, single parent or problem families might be more vulnerable to sexual abuse. And in comparison to the U.S. Bureau of the Census statistics, children not living with both parents were over-represented in our sample (Table 3-6). Children who were needy or who were not close to both their parents might easily have been seen by potential abusers as children who could more easily be conned into engaging in sex play and keeping it a secret. Such hypotheses have received some support in the research on sexual abuse in general (Finkelhor and Associates, 1986; Conte, Wolf, and Smith, 1987).

However, there are good reasons for extreme caution about such a hypothesis regarding the victims of day care abuse, particularly in the

absence of a well studied comparison group of children with which to test the hypothesis. The main problem is that the families of victims in day care abuse cases received extraordinarily intensive scrutiny. In the light of such scrutiny, it is no wonder that pathology was brought to light. The scrutiny came about because of the great skepticism engendered by allegations of abuse in day care. When allegations of abuse arose, usually they were rebutted by the accused or allies of the accused who tried to impugn the credibility of the victim and suggest ulterior motives for the allegation. In evaluating the validity of allegations, investigators were urged to look for such ulterior motives. If there were any family problems, however small, they were thus generally found, highlighted and entertained as a possible alternative explanation of the allegation. Thus, in several cases it was discovered that the mother had been sexually abused, and those seeking alternative motives proposed that her own hysteria about abuse may have been behind the child's readiness to make a false allegation. In other cases, it was discovered that the child him or herself or the child's siblings had been previously abused, and those seeking alternative motives suggested that the child was mistaken about the identity of the offender. Any family problem is likely to be latched onto in the course of the investigation.

Investigators looking for problems in the families of children in day care are likely to find them. But this does not necessarily mean that victims are from more disturbed families than non-victims. Thus some caution needs to be observed in presuming that family problems are risk factors for children involved in day care. It very likely is a factor in some cases, but probably not so often as investigators think.

### Summary

Most day care cases involved one or two children, age three and four, and girls were somewhat more likely to be victims than boys. Multiple perpetrator cases tended to involve more children, more young children, and a more equal representation of each gender. If there were any characteristics that may have increased victim vulnerability in some cases they were attractiveness and likability. Family problems may be mentioned as risk factors, but we are inclined to see this as inflated by the intensive search for other "explanations" for allegations. Moreover, caution needs to be observed in generalizing from this sample because no good comparison group of children were available.

## Policy Implications

### Identifying High Risk Children

It would certainly simplify matters if certain groups of high risk children could be identified and targeted for prevention strategies. However, the present study does not give much reassurance that such a strategy could work. Our overall impression is that the victims of day care abuse are a very diverse group. They include both boys and girls, from both affluent and poor backgrounds, from both intact and broken

homes, from both happy and troubled families. We think that the most important elements in who gets victimized have to do with which child is convenient and available, and that identifying any high risk group will be very hard if not completely futile.

Our study does suggest some plausible hypotheses about children who may be at somewhat increased risk, but unfortunately these are not hypotheses that have very useful policy implications. For example, the observations of the investigators suggest that abusers may in some cases preferentially select the very attractive and popular children. Can anything be done about this? Unfortunately, attractiveness and popularity are subjective qualities to start with, so it is not clear how one might identify the children at risk. But short of proposing that attractive children be given special prevention training, a proposal that seems a ridiculous substitute for providing all children with prevention training, this does not seem to be the basis for any useful interventions.

The hypothesis that children from families with problems may be at higher risk seems initially to be more useful for policy purposes, but it will have to be better substantiated. In its present form, the generalization was not confirmed in our study. The hypothesis is too broad and under too much suspicion to be very useful.

The hypothesis that children who constitute a small racial minority at a facility may be at risk is perhaps the most useful one of all. It is plausible that the child's minority status may make him or her a target. And a good policy recommendation would be that such children could use special attention and special supervision. However, the evidence for this hypothesis in our study is extremely scant and anecdotal. This is not sufficient to make any kind of policy recommendation, except to encourage others to study this issue further.

## Chapter 4: DYNAMICS OF ABUSE

David Finkelhor

In many respects, sexual abuse that occurs in day care is just like most other sexual abuse that professionals have become painfully familiar with in the last decade. Adults, using a combination of bribes, misrepresentations and threats, contrive to engage in sexual acts with children that range from fondling to intercourse to oral-genital contact. However, there are some added dimensions to the dynamics of abuse in day care. Day care centers are often relatively public facilities with several adults and many children. Abuse requires some privacy and some management of children. How are those achieved? Moreover, the children in day care are very young; in some ways more gullible, but in other ways more difficult to effectively control. How do abusers accomplish that? In this chapter, we discuss some of the dynamics of sexual abuse in day care: where it occurs, what acts are involved and how the abusers manage and control their victims.

### Location

The most common site for abuse to occur was the bathroom. As can be seen in Table 4-1, substantially more abuse occurred in the bathroom than any other place. Although this is not a feature of day care abuse that has achieved general recognition, it is one that certainly makes sense. Bathrooms are places where staff may be with children alone and unobserved. They are places where children may be undressed and their genitalia exposed for legitimate reasons. And they are also places where perpetrators could enlist cooperation from their victims by playing on young children's confusion about what are appropriate or inappropriate bathroom activities.

Some of the abuse that occurs in bathrooms may have been of an opportunistic sort. That is, the secrecy and the association with nakedness and excretion may actually have prompted abuse that otherwise would not have occurred.

> In the Babes in Toyland case, the perpetrator was a janitor who happened to be cleaning a bathroom in another part of the facility, when a child wandered in. The isolation of the location probably made abuse possible that might not have otherwise occurred.

Table 4-1: Location Where Abuse Occurred -- In-Depth Sample

| Location | % Cases* (N=43) |
|---|---|
| Bathroom | 63% |
| Common Activity Area | 25% |
| Bedroom | 22% |
| Living Space | 18% |
| Office | 13% |
| Closet | 7% |
| Outside of Facility | 15% |

* Sums to more than 100% due to multiple locations

In many other cases, by contrast, perpetrators had a clear prior intent to abuse and took children to the bathroom for that purpose, knowing that it was a place where they could be alone.

> For example, in the Lollipop center, a young male teacher took his victims into the bathroom during his early morning shift (in spite of rules that he was not to take children into the bathroom) and there had them play "bathroom games." All this went on over a period of two months.
>
> At the Kid's Valley Center, the 12-year old son of the director woke his victim from naptime and led her into the bathroom, where he laid her down, abused her and threatened her if she told. The privacy of the bathroom made it an ideal place to commit the abuse.

In addition to bathrooms, other areas of the facility were also utilized for abuse because of the privacy they created: bedrooms, offices and closets. One of the obvious risks of having a day care facility in or adjacent to someone's living quarters is the opportunity it provides for privacy.

> In the Magic Gnome case, the husband of the director, who was also a teacher, took the children into his home adjacent to the facility, where he abused them.

When directors were the perpetrators, it was not uncommon for them to abuse children in their offices.

In the Jane and John case the perpetrator was a minister who would abuse the children in his office. In Cross County preschool, the female abuser director would abuse the children when staff sent them to her office for disciplinary "time-out."

In a few cases, abusers isolated the children and further hid their activities by abusing them outside of the facility.

In the Corner Church case, the adolescent day care aide abused children in the day care facility and also in their homes where he was hired to babysit on evenings and weekends.

In the Eagle's Nest case, children were taken from the center for a field trip, but went instead to the home of one of the perpetrators where they were abused.

Although a location that is private and isolated may facilitate abuse, it would be mistaken to presume that abuse cannot occur in public and common areas of the center. In at least a quarter of the cases, abuse did occur in these common areas. In some of these cases, it could occur in the common area because everyone was involved. If the perpetrators have no need to hide the abuse from other staff or other children, then private space is not a requirement. In other cases, the abuse occurred in a common area and simply was furtive enough to be hidden.

At the Big Blue Bird day care, "Grampa" would hold children in his lap while playing cards. With the view of the table slightly obscured by a bookcase, he could put his hands in the children's pants and fondle them.

At Lucy's Day School, the husband, co-owner perpetrator fondled and digitally penetrated a little girl in the common area of the school with other children present, by doing it in a back corner while other children were occupied watching television.

### Timing of the Abuse

Like the location, the timing of the abuse is often determined by the need for secrecy and privacy. The timing of activities in day care often created situations in which a perpetrator can be alone with one or a few children.

In close to a fifth of all cases (Table 4-2), for example, the abuse occurred near the beginning or the ending of the day, when fewer children or staff were around.

Table 4-2: Principal Time When Abuse Occurred -- In-Depth Sample

| Time | % Cases (N=43) |
|---|---|
| Naptime | 31% |
| Bathrooming | 21% |
| Beginning / End of Day | 17% |
| Outdoor Play | 14% |
| Field Trip | 3% |
| Overnight | 3% |
| Other | 10% |

> In the Magic Greenhouse case, the child who was abused was the first one to arrive in the morning and the janitor, who lived above the center, had a chance to be alone with her then. This was the time he befriended her and later abused her. In the Red Eagle case, the bus driver abused four young girls while riding in the bus. He arranged to have them get on first in the morning and get off last in the evening.

Other times when perpetrators could be alone with children were during toileting, overnight, and outdoor playtime. In this latter case, the perpetrator would usually have victims stay inside while the other children and staff were playing outside.

However, the most common time for abuse to occur was during naptime. Almost a third of all abuse occurred during naptime. Naptime is not generally a time in a center when a few children are isolated. Children are more often all together in a room. But naptime was an opportune time for abuse to occur for a number of other reasons. First, naptime tends to be a time of low-staffing. One adult may be allowed to supervise all the children at that time. Thus with all the other staff gone, the perpetrator may be free to do what he wants. Second, naptime is also a time when non-staff may be called in to help out. In a family day care, for example, an operator may put her son or husband in charge while the children are supposed to be sleeping and take that moment to go out. Third, naptime is a time when children may be more compliant. Fourth, many of the children who could be potential witnesses are asleep. Finally and not to be underestimated, naptime may be the time when the perpetrators themselves are most unoccupied. At other times, they have the needs of many children to attend to, fights to break up, crying

children to comfort. When children are sleeping, activity is low, and the perpetrators may themselves be bored or at least free to contemplate abuse.

## Types of Abuse

The victims of sexual abuse in day care suffered from a wide range of sexual mishandling. They had their genitals fondled and touched -- the most common occurrence, involving 86% of all cases and 71% of all victims; they were penetrated with objects and fingers; they were subjected to vaginal and anal intercourse, and they were forced to perform fellatio. The percentages of cases in which these various acts occurred is shown in Table 4-3. Digital penetration of the vagina and anus appear to be remarkably common. Object penetration of the vagina in over half of all cases is also alarming. This included some cases where children had pencils, sticks, screwdrivers and ritual objects inserted in them. Ninety-three percent of all cases in the in-depth sample involved some type of penetration on at least one child.

However, we would urge caution in the interpretation of some of these frequencies. We think that the information on the exact nature of many of the sexual acts is very crude. It must be remembered that most of these details come simply from children's reports, which may have been somewhat inexact about what the perpetrator actually did. In some cases, the full extent of the child's allegation was something on the order of, "he put his wiener in my bottom." Is this vaginal intercourse, anal intercourse or something else? It might not always be easy to distinguish from a child's account whether touching between the buttocks actually included penetration of the anus, or whether a penis between the thighs or fondling of the genitals included penetration of the vagina. It is possible that investigators may have erred on the side of believing that more intrusive acts had occurred. So the frequencies in Table 4-3 need to be examined critically.

At the same time, there are aspects that we think the children were very clear about. For example, if they had to lick or put a perpetrator's penis in their mouth, they undoubtedly knew there had been some mouth-genital contact. Thus the finding of fellatio (read mouth-genital contact) in almost two-fifths of all cases seems accurate.

An important distinction among acts, perhaps more important than penetration/ non-penetration, is how overt they are, that is, how much secrecy and privacy is needed for them to occur. For example, situations in which the perpetrator's own genitals are uncovered or in which the perpetrator is in a very compromising position with respect to the children require a great deal of privacy in order to be successfully carried out. By contrast, if the abuse is limited to the perpetrator touching the child or even digitally penetrating the child while the perpetrator is fully clothed, this can occur in a much more furtive and concealed way, even in a fairly public place. Once the perpetrator is undressing and exposing his/her own genitals, however, the abuse requires substantially more privacy. Such acts are harder to conceal and harder to

explain should they be discovered. We calculated that approximately 58% of the cases involved acts such as genital to genital contact, object penetration, anal and vaginal intercourse, which were very overt, while the remaining 42% involved acts like fondling and digital penetration which were easier to conceal. Not surprisingly, the activities that involved perpetrator exposure were more likely to have occurred in the multiple perpetrator cases, in which perpetrators had less need to conceal their activities from other staff.

Table 4-3: Sexual Acts -- In-Depth Sample

| Act | % Cases (N=43) | % Victims (N=98) |
|---|---|---|
| Fondling genitals or anus | 86% | 71% |
| Exhibition of perpetrator's genitals | 47% | 42% |
| Digital penetration of vagina | 42% | 29% |
| Fellatio | 40% | 30% |
| Genital - genital contact | 33% | 15% |
| Digital penetration of anus | 30% | 24% |
| Children watching sex acts | 29% | N.A. |
| Cunnilingus | 28% | 14% |
| Object penetration of vagina | 28% | 15% |
| Object penetration of anus | 23% | 20% |
| Anal intercourse | 19% | 14% |
| Vaginal intercourse | 19% | 12% |
| Children abusing other children | 21% | 15% |

Another important class of sexual activity is when children are forced or encouraged to abuse one another. This occurred in 21% of the

cases, particularly in the multiple perpetrator situations (Table 2-7) and the situations that continued over a long period of time.

> One such case was Dollhouse Day care, in which the two girls, eleven- and five-years old, were coerced into abuse of younger children (all girls), including their siblings. According to the victims' accounts, this abuse included penetration by objects and ritualistic activity. In the investigation, the older children who committed the abuse were either very reticent to admit any of these incidents or unable to talk about the matter at all.
>
> At Prince and Princess Preschool the abuse of over 60 children was orchestrated by one male teacher. He taught the children, age four to ten, to engage in sexual activities with one another.
>
> In the Country Walk case, in which many of the children were forced to abuse one another, a five-year old boy was forced by the perpetrators to anally sodomize his younger brother as well as another little girl.

From clinical reports both within and outside the day care cases, we know that it is unusually traumatic when children are forced into the roles of abuser. The shame and the guilt on the part of the child-abusers is particularly intense. And, this group would appear to be at extremely high risk of going on to abuse other children in other situations, especially if the trauma has not been addressed by professionals and parents.

## Pornography

Pornography is often mentioned as a possible motive for the sexual abuse of children in day care. However, allegations of pornography production emerged in only 14% of the full sample of 270 cases we investigated, mostly ones involving multiple perpetrators (Table 2-7). Unfortunately, many of the allegations were vague and unsubstantiated. Children reported that their pictures were taken or that video cameras were present when they were being abused. It is not certain whether in some of these cases the cameras or videos were being used as part of a game, such as the "movie star" game, to legitimatize the sexual activity, or whether the perpetrators were actually engaged in making a record of the abuse for their own use or for commercial purposes. Although some people believe that such child pornography can be sold for lucrative amounts, giving a motive to such abuse, it is also true that by making a visual record of the abuse, perpetrators put themselves at greater risk of prosecution and conviction. So for all its incentives, pornography has serious drawbacks from the point of view of perpetrators.

No pictures or videos were actually recovered in any of the cases we studied. In one case, neighbors testified that they saw the perpetrators hauling video equipment out of their day care home some time after the

case was disclosed but before arrests were made. In another case, there was a report that a parent had seen some photos of the children in Mexico. In one case an adolescent testified that he exchanged rolls of film for money for a day care operator. But those perpetrators who were using the day care abuse for the production of pornography were apparently effective in disposing of it before it could be discovered. The time delay before the involvement of the police in many of the investigations may have facilitated this disposal. Thus investigators were able to provide us with few details about the nature of pornography production in day care abuse.

### Duration and Frequency

The timespan of the abuse ranged widely: some cases consisted of a single incident while others involved many acts over a period of several years (Table 4-4). One-time incidents were actually rather common, encompassing 28% of the cases and 32% of the victims.

Table 4-4: Duration of Abuse -- In-Depth Sample

| Duration | % Cases (N=43) |
|---|---|
| One incident only | 28% |
| Less than 1 month | 36% |
| 1 - 6 months | 26% |
| 6+ - 12 months | 17% |
| 12+ months | 21% |

> For example, in the Carson family day care, the perpetrator was the unemployed and alcoholic husband of the owner-operator. The perpetrator approached a three-year old while she was napping, unzipped his pants and guided her mouth onto his penis. His wife was in another room, but he cut short his abuse when he heard her approaching. Within a few days the child disclosed to her mother what had happened, and the mother called a child abuse hotline, which in turn reported the incident to licensing and police.

Abuse that went on for over a year also was not uncommon. These cases included some of the most publicized ones such as McMartin and comprised 21% of our in-depth sample. In a few cases, such as McMartin,

in which the allegations spanned a 10-year period, the abuse had gone on over several cohorts of children.

Unfortunately, data on duration is probably among the most uncertain that we have. Most of the children, who were disclosing after a substantial period, were fairly vague about when the abuse had started. They could specify when the last abuse incident had occurred, but they often were not able to tell whether the abuse had started when they first enrolled in the day care or at some later date. There were some cases in which abuse spanned a fairly long time but actually involved fairly few incidents.

> For example, in one case, a highly respected male director abused six little girls in his program. Although his acts of abuse spanned a period of nearly an entire year, each of the girls reported being abused on only a single occasion. There were apparently long gaps of time between abuse incidents when it seemed that he was engaging in no abuse.

In general, however, cases that went on for longer periods of time involved many more abuse incidents. Moreover, cases involving multiple perpetrators continued for longer periods of time and also involved more incidents.

## Coercion

Unlike victims of other types of sexual assault and abuse, few people ask day care abuse victims why they don't resist or fight back. It seems apparent to practically everybody that a four- or five-year old child is quite powerless in the face of an adult molester. Still, even such young children are not infinitely malleable, and especially when it comes to doing something strange, painful or contrary to the their sense of right and wrong, children can be very resistant. Thus it should not come as a surprise that in a great many instances perpetrators used some kind of force or coercion to accomplish their ends. Some kind of physical force-- ranging from holding a child down, to tying her up, to hanging a child up by his heels -- was present in 31% of all cases, and the threat of force in 42%. Table 4-5 also shows a variety of other forms of coercion such as threatening harm to the children, and threatening harm to the child's family or pets.

Table 4-5: Types of Coercion -- In-Depth Sample

| Type | % Cases (N=43) |
|---|---|
| Any physical force | 31% |
| Threat of force | 42% |
| Weapon | 10% |
| Threat of weapon | 20% |
| Threatened general harm to child | 42% |
| Threatened harm to family | 22% |
| Threatened harm to pets | 12% |
| Killing animals | 14% |
| Children drugged | 13% |

The types of coercion covered a wide spectrum. At one end were cases where the perpetrators got the children to participate with little coercion through normalizing the activities. Abusers devised games, such as "naked ring around the rosy," "licking kitties," that would involve children taking off their clothes or engaging in sexual activities. Or, taking another relatively non-coercive approach, perpetrators would insist on inspecting the children as part of normal toileting. The perpetrator in the First Western Day Nursery case made an unsuccessful attempt to lure his victim into abuse by promising to show him how to "make soap" with his penis.

> A chilling form of normalization occurred in the Eagle's Nest case. Some of the children in this case were apparently balking at the extensive sexual activity they were being involved in--including enemas, oral sex, sexual intercourse, object and digital penetration. To get the children's compliance, one of the perpetrators pretended to make a telephone call to the children's parents. With the children in listening range, she would "ask" the parents over the phone if "it was ok" for the children to participate in the activities the children were resisting. Then she would tell the children that parents had "given their permission." This normalization tactic, however,

did not preclude in this case many other more serious coercive techniques such as spankings, flicks to the head, and threats about supernatural creatures.

Lesides normalization, there were other relatively non-coercive tactics used by perpetrators involving their authority, the allegiance of the children, and their desire to be part of the group.

> The perpetrator in the Prince and Princess case, for example, was a man who was very popular among the children. He had special comrades who were allowed to play in the back room in his "fort." He explained in his confession how he had worked slowly to normalize touching with the children gradually proceeding up to more abusive behavior. He also made games out of the sexual activity. The children felt a lot of loyalty toward him, even after disclosing the abuse, and even though they felt betrayed and manipulated by his abuse and manifested much symptomatology, they did not feel terrorized by his tactics.

However, there were relatively few perpetrators who were as cunning as the one in Prince and Princess, and who abused children with so little brute coercion.

At the other extreme were cases in which very brutal types of physical coercion were used.

> For example, in one case, the female director on one occasion held down the legs of one child, while a male accomplice had intercourse with her. This case was full of brutality, including whippings, and threats to use a big black belt on children who did not line up to take their turn to be abused.

Unnecessary as it may seem in dealing with such young children, there were actually several cases in which a weapon was used. Some of these involved simply the presence of a weapon, which added enormous authority to the demands of the perpetrators. But in the Cross County Preschool case, children were actually held with knives pressed to their stomachs and at least one of them was cut.

Threats of force were even more common than the actual use of force. Children were threatened with death, beatings, humiliations and punishments. Threats were made against their families and their pets. They were taken to graveyards and told that this was where they or their parents would be put. But with such young children, even threats that would appear innocuous to adults may have taken on very terrorizing aspects. Children were threatened with snakes, spiders, wild animals and monsters. In some of the ritual cases, as explained earlier, perpetrators claimed to have supernatural powers. These were probably among the most terrorizing of the experiences that children had.

One other chilling form of coercion concerned drugs. There were allegations, and some evidence that children in several cases were given

drugs (including LSD) as part of the abuse. In the Country Walk case, the children testified, and one perpetrator admitted, that children were given barbiturates and hallucinogens. In Dollhouse Day care, after children described being given heart-shaped pink "candy," investigators found a bottle of diet pills matching the children's description. Drugs are an obvious way to get children to comply. But they may have served other purposes as well. According to some investigators they were intended in part to confuse the children and make any disclosure or testimony about the abuse less credible. Moreover, they may have been a way of sedating some of the children (for example, the very young ones), so that the perpetrators could more easily focus their attention on sexual activities with a few.

After considering all the forms of force, coercion and intimidation that were used against children in day care abuse, it seemed to us that they could be conceptually divided into three types. First was coercion whose goal was to get the children to submit to and cooperate in the abuse. This ranged from holding children down, to threatening them with weapons, to using drugs to make them compliant.

A second type of coercion had as its primary goal the prevention of children's disclosures. In many ways getting children to submit to the abuse was the easier part, because it occurred during the time when the children were under the authority of the abusers. To prevent children from telling during times when they were outside that authority and in the care of their parents was a much bigger problem. Thus, much of the threatening that went on in day care abuse was not to accomplish the molestation but to prevent the children from telling. Children were threatened that if they told, they or their parents or their pets would die, go to jail or that the abusers would do other terrible things to them. Abusers sometimes killed animals and invoked magical powers to prove to the children that they would punish them if they ever disclosed. But in many cases the distinction between types one and two was unclear. Children reported that they were threatened, but it is difficult to distinguish whether the threat applied to the disclosure only or was part of getting the children to comply with the abuse. However, from the point of view of the perpetrator, preventing disclosure was often a separate problem from abusing the children, one requiring different types of coercion and manipulation.

Some of the coercive practices described by the children seem to go far beyond what would presumably be required to get children to submit to abuse, or even to intimidate them from telling. These included locking children in closets, hanging them up by their heels, practicing magical surgery, and many other horrendous deeds. These forms of coercion seem best explained by other goals than those called for by the sexual abuse. They seemed to be expressions of sadism or other motives that made the terrorizing and degradation of the children an end in itself. This represented a third type of coercion. These perpetrators enjoyed frightening and terrorizing and were not simply using such methods to achieve some other end. Certainly the victims in these cases suffered from the most traumatizing of the experiences.

All told, it is our impression that children in day care cases were more threatened, coerced and terrorized than in many other kinds of sexual abuse. On the one hand, because they were so small and helpless, less actual coercion should have been needed to abuse them. But, on the other hand, because they could not be reasoned with and because their behavior was so unpredictable, it seems to us that perpetrators tended to use overkill, particularly when it came to threats about disclosing. Moreover, the day care abuse situation seemed to attract more perpetrators whose motives involved sadism and terrorizing as an end in itself. In a typical sexual abuse case outside of day care, a father may gain silence from his daughter by pointing out to her that he will go to jail if she tells. But the threats used on three-year olds in day care were often of a much more monstrous quality, because perpetrators could make outrageous claims that the three-year olds were not knowledgeable enough to dismiss. The fear and terror that many of the children suffered as a result of being threatened and coerced seem to be a special part of the situation of day care abuse.

## Summary

The most common location for abuse in day care was the bathroom, the most common time, naptime. The most common activity consisted of the perpetrator fondling the children's genitalia, but according to investigators, there were also substantial amounts of penetration and oral-genital contact. Pornography production was reported in a small minority of cases, and even in these cases the evidence was somewhat speculative. Perhaps one of the most notable things about abuse in day care, however, was the very terrorizing kind of coercion many of the children experienced. Such coercion seemed a product both of the extreme measures perpetrators felt they needed to take to prevent disclosure and some of the sadistic motives that appeared to emerge in day care abuse.

## Policy Implications

### Policing High Risk Areas

One of the most dramatic and useful findings of the study may be the fact that in almost two-thirds of all cases abuse occurred in the bathroom area. Knowing that the bathroom is so often the site for abuse should help everyone involved in day care -- licensing, staff, parents and children -- to provide better protection. Here are some of the kinds of suggestions that might help in reducing the risk of abuse in bathrooms:

- Bathrooms in centers should perhaps be designed to permit more supervision of bathroom activity. Lower partitions, entrances that cannot be closed, transparent enclosures might all be part of such a design.

- Rules about toileting and time in bathroom need to be specified and openly communicated to staff and children.

- Parents should be instructed to give their children information about what are appropriate and inappropriate kinds of bathroom activities to allow adults to help in.

The knowledge that abuse so often occurs in bathrooms may also be good information to help in the detection and disclosure of incidents of abuse.

**Preventing Coercion and Intimidation**

One of the important findings of the study concerns the types of threats that perpetrators often make to insure victims' silence. Perpetrators warn that awful things will happen to the children, their parents, and pets, and that perpetrators have the special supernatural powers to carry these threats out. Knowledge about the character of these threats may be useful to parents and professionals engaged in prevention education. It may be possible to devise messages to give even very young children that will make them less vulnerable to this kind of intimidation. For example, children should be explicitly told that if anyone ever threatens them, they should report this right away. Children should also be told that someone who threatens to kill them, their parents or pets if they tell should not be obeyed. It should be explained to children how someone might try to trick them by threatening harm. Certainly parents should convey a clear message that they are more powerful and important than any day care teacher and will protect children no matter what the other person says.

Our findings about coercion reinforce the insight that much of the trauma of sexual abuse in day care comes from the terrorizing and intimidation. Prevention, as many prevention educators have stressed, needs to target the intimidation as well as the sexual abuse. If children can be prevented from feeling so frightened and powerless, this may decrease the amount of sexual abuse, and even where it does not prevent the sexual abuse, may prevent some of the most serious trauma associated with it.

## Chapter 5: DISCLOSURE AND DETECTION

Nanci Burns, David Finkelhor and Linda Meyer Williams

One of the most perplexing questions about day care sexual abuse has been how it could go undetected for so long, and why the children involved would not more readily tell.

To address these questions, this section will explore the factors that appear to have triggered as well as inhibited disclosure. It will look at disclosures, the different forms they took, and how they related to characteristics of the victims and their families, the dynamics of the abuse and the responses of parents and professionals.

In analyzing the data on disclosures, we took both a descriptive and analytical approach. First, to assess what factors prompted disclosure in each case we focused on the first child whose disclosure resulted in a report to the authorities in both the full sample of 270 cases and the in-depth sample of 43 cases. Then, in looking at what, if any, victim characteristics influenced disclosure, we compared the 19 victims who were first to disclose in each of the multiple victim cases in the in-depth sample with one other randomly selected child from the same case.

### Timing of Disclosures

There is an impression that day care abuse tends to go on for an extended period of time before it gets disclosed and reported. This is only partly true. Some abuse gets disclosed and reported the very day it occurs. This is especially true when children come home torn and bleeding with symptoms that clearly reveal what has happened. On the other hand, abuse can go on for months and years before it gets reported. Often in these cases, such as the McMartin case, there were symptoms that had been previously noticed, but parents failed to understand their meaning. Sometimes there were even children who said something, but for one reason or another the disclosure was discounted and never reported.

In Table 5-1, we can see how long disclosure tended to take. About a fifth of all cases were disclosed on the same day that the disclosing child was abused. Almost half of all first disclosures happened within a month after the onset of that child's abuse. However, a depressingly large 32% of the cases were not disclosed for at least six months.

Table 5-1: Time Between Onset of Sexual Abuse and Disclosures -- In-Depth Sample

| TIMING | FIRST DISCLOSURES (N=43) % | ALL VICTIM DISCLOSURES (N=69)* % |
|---|---|---|
| Same Day | 19% | 16% |
| < 1 month | 30% | 20% |
| 1-6 months | 19% | 32% |
| > 6 months | 32% | 33% |

* missing = 29

Once a child disclosed, there was not usually a long lag before that disclosure was reported to the authorities. As shown in Table 5-2, 86% of the child disclosures got reported to authorities within one week. This is an encouraging note that follow-up was so prompt, although this only applied to cases that eventually were substantiated. There were certainly many cases that never were reported both because children did not disclose and also because disclosures were never translated into official reports. These latter were among the most tragic failures. Unfortunately, our information is limited here, because the cases we studied were all reported and substantiated. We do know that in some of our cases, however, there were earlier disclosures that went unreported or, if reported, were originally disbelieved. This happened with 11% of the victims in the in-depth study. In most of these cases, it was not until other victims came forward that the case was reported and substantiated.

Table 5-2: Time Between First Disclosures and Official Report -- In-Depth Sample

| TIMING OF REPORT | FIRST DISCLOSURES (N=43) % |
|---|---|
| Same Day | 57% |
| One Week | 29% |
| > One Week | 14% |

## Types of Disclosures

Primarily, children disclosed to their parents (Table 5-3) and parents were the ones who reported to authorities. This was expected and corresponds to virtually all anecdotal accounts of day care cases. However, when we began this research, we anticipated three "modes" in which sexual abuse in day care would be disclosed: 1) a child would simply tell someone, usually a parent, what happened at the day care; 2) a child's non-verbal behavior or physical symptoms would make an adult, usually a parent again, suspicious enough to ask the child additional questions; or 3) a day care staff member would suspect sexual abuse or "discover" sexual abuse in progress and make a report. However, in regard to this last form of disclosure, we were surprised.

Table 5-3: Disclosure Patterns -- In-Depth Sample

| | % (N = 43) |
|---|---|
| WHO CHILD FIRST TOLD: | |
| Parents/Relatives | 86% |
| Day Care Staff | 7% |
| Professional | 7% |
| WHO REPORTS TO AUTHORITY: | |
| Parents/Relatives | 57% |
| Day Care Staff | 7% |
| Professionals | 31% |
| Other | 5% |

### Day care staff disclosures

We expected that day care staff would play a key role in the discovery of at least some cases because they would be in the position to observe suspicious activities with children or might even be the ones to whom the children would first turn. We had anticipated that in a number of cases staff would have either interrupted abuse in progress, or had suspicions that they then followed-up to eventually reveal the abuse. However, we were surprised to find how rare this was. The day care staff

were seldom the source of a report to the authorities (7%) and only rarely the person to whom the "disclosure" was made (Table 5-3). Only three cases in our in-depth sample involved reports by day care staff, and these cases were not of the sort we had expected at all.

> In one case (Jane and John) a staff member disclosed, but not until after she left her job at the day care center. This teacher attended a child abuse workshop which crystallized her suspicions about her previous employer, a day care director who was suspiciously affectionate to children and would take them into his office. She reported her concerns to child protection which coincidentally had just received a disclosure from one of the children. This report helped corroborate the child's story.
>
> Another case (Dollhouse), was also not of the type we expected. A child disclosed to a substitute, temporary teacher while the director/perpetrator was away. The children were being cared for by the director's husband's cousin. She noted unusual sexual behavior among the children, was told by several children about the abuse, and discovered some paraphernalia that seemed possibly connected to the abuse. The cousin talked to the husband who, in turn, reported their suspicions to the police.

There are several possible explanations for this finding that children rarely disclosed abuse to day care staff and that staff rarely detected or reported abuse. First, children may not feel comfortable telling someone else associated with the facility where they were being abused, because they may fear that all staff are in alliance. Also acts perpetrated with great furtiveness by a lone offender may not be easy to detect. However, the idea that staff almost <u>never</u> had any suspicions or knowledge seems beyond the realm of plausibility. Staff were in close contact with the children and each other. Unusual behavior by children and other staff must have been apparent. It is possible that staff were poorly trained about child abuse and thus didn't tend to entertain this as a possibility when they observed peculiar actions. But even this cannot be the full story. The biggest problem was probably in the disincentives to staff reporting. Given pressures that day care operators face, they may lack the confidence to report suspicious behavior on the part of their employees. Staff undoubtably felt a sense of loyalty toward their centers and their colleagues, they also may have feared losing their jobs, and thus been disinclined to act aggressively about reports or suspicions.

This is certainly an area where there is enormous room for progress and change. Although it is unlikely that all staff can be convinced to report all suspicions, certainly more staff can do so. Especially if staff are given training and strong encouragement by their superiors and by licensing officials, they may take their responsibility to report suspicions much more seriously.

Victim self report/spontaneous disclosure

Fortunately, disclosures get made even in the absence of much help from the day care staff. Children made direct disclosures to parents and parents elicited disclosures based on their own suspicions. As Table 5-4 indicates, 37%[1] of the initial disclosures were made directly by children, that is, a child simply told someone, usually the mother, what happened at the day care.

Table 5-4: Disclosure Patterns -- In-Depth Sample

| TYPE OF DISCLOSURE | IN-DEPTH (N=43) % | VICTIMS (N=98) % |
|---|---|---|
| Victim Report | 37% | 25% |
| Adult Noticed Suspicious Behavior or Symptoms | 63% | 31% |

> One two-year old boy in the Babes in Toyland case simply said to his mother at bath time, "Boy that man sure hurt me." Then he gave details, saying, "He squeezed my wee wee and showed me how to make it big." Another three-year old boy, who had been forced to fellate a 14-year old adolescent, spontaneously told an uncle, "Teacher made me suck his 'talus'." The uncle told the grandmother and the next day they took the child to a hospital where a nurse filed the official report with CPS and police.

Some disclosures did happen as spontaneously as this but, in many cases, other events were "triggers." These triggers included: a fear of returning to the day care after an absence; the child feeling safe enough to tell after he/she is withdrawn from a program; or the child being exposed to sexual abuse prevention programs.

In several situations, disclosure occurred after the child had been home for a period of time because of vacation, sickness, or simply refusing to go to school. When the child realized that a return to day care was imminent, the fear of returning prompted a report that abuse had been going on.

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[1] The data from the in-depth sample are used as a more reliable measure of this. The complete dynamics surrounding disclosure were explored.

In the First Western case after refusing repeatedly to return to day care, the child finally explained that "a man made soap there" and, after questioning, gave details of being molested.

In another case, a child disclosed spontaneously, frightened by the fact that her mother was returning to work and she would have to go back to her previous day care.

Spontaneous disclosure occurred not just when a child was frightened but also during times when the child felt safe. Some children did not tell until they were no longer enrolled at the day care or when they were on vacation or when the perpetrator was away. Given that approximately 50% of the victims reported they had been threatened with harm to themselves or their families if they told, it is to be expected that many children were quite afraid and waited until they felt secure that the perpetrator could not retaliate.

It was encouraging to find that spontaneous disclosures were in some cases triggered by sexual abuse prevention programs. The Red Eagle case is one example of this. After the director explained about abuse, several children disclosed to her that the bus driver had been having them fondle him by putting candy in his pocket and telling them to search for it. In at least two other cases, TV programs on the problem of sexual abuse prompted children to tell parents that it had happened to them in day care.

In one case the victim started crying after watching a sexual abuse prevention program on TV called "Kids Don't Tell." She slowly explained to her mother, who had been watching TV with her, about being abused in day care. Although this child was then 10-years old and the abuse had occurred six years earlier, the parent encouraged her daughter's disclosure. This report prompted the perpetrator to admit abuse of not only this child but also other children during the years he was director of the day care center.

Adult prompted disclosure

In addition to children disclosing spontaneously, children also disclosed after a discussion prompted by adults, usually their parents. In most cases, the adult had noted some suspicious behavior or symptoms and questioned or examined the child. These accounted for 63% of all first disclosures in the in-depth sample (Table 5-4). Included here are parents who, concerned with a change in the child's behavior or attitude, took the child to a professional (e.g., a doctor or therapist) who diagnosed the abuse.

Parents' suspicions of abuse were most commonly based on behavioral changes in their children, but were also sparked by physical symptoms and suspicious behavior at the day care center.

Behavioral changes

In 51% of the adult prompted disclosures, there were behavioral changes, such as sleep disorders, sexual acting out, mood swings or fears, that caused parents to be suspicious. Often these behaviors were accompanied with unusual sexual knowledge or awareness that a parent would not otherwise expect a child to have.

> One child asked, "Why doesn't Daddy have a brown penis?" Another child "french-kissed" his parent. In another case, a child pointed to a poster of a woman, indicating her posterior, and said to a sibling, "dig in the butt." Her mother overheard and asked the child if anyone had touched her there. The child answered "yes" and identified the day care provider as the abuser.

Physical symptoms

In 33% of the cases in the in-depth sample, children came home with symptoms such as genital bleeding, persistent rashes, sores or infections. Even in these cases, however, the evidence, unless severe and obvious, was sometimes ignored or attributed to other more benign causes.

> In one case, a child complained of pain in the buttocks. At first the parents dismissed it as constipation. However, the child continued to complain, and he wouldn't let his mother examine him. A week later during a bath, the mother asked if anyone had hurt him and the child said that a man at school had "poked him." The parents took the child to a doctor who found mild bruising around the anus.

The most common symptoms, however, were fears and nightmares, sometimes difficult to differentiate from normal developmental problems. As a result they often went undetected as warning signs by parents.

Suspicious behavior at day care

Parents also tended to discount feelings that made them suspicious of the day care itself. In some cases, however, there were clues in the behaviors of the day care providers that made parents question the children or seek professional assistance.

> In the Country Walk case, parents noticed that it often took the operator considerable time to answer the door. On one occasion a parent was finally let in to find some children completely naked in the bedroom. She was told a diaper change was in progress. Not until the case broke, however, did she report this.
>
> In another case, a CPS worker came out to investigate a parent complaint and was greeted at the door by the day care operator

in his bathrobe and four children in their underwear. Records show complaints such as this had been registered several times over the previous three years. Two years and several additional complaints later, abuse was substantiated.

Although this discussion has differentiated children's disclosures into several categories for purposes of illustration and understanding, the distinctions were sometimes difficult to make. It was not always clear what was a spontaneous disclosure, for example, as opposed to a suspicious behavior that prompted further inquiry. Take for example, the case in which a child sang a dirty song in the bathtub. Or the child who said, "The doctor sat on me," or "I saw his pee pee tail." Are these disclosures or suspicious statements that prompt adult questioning? Although difficult to categorize, such remarks are suggestive enough that a parent would usually follow them up with intensive questioning, ultimately leading to a disclosure.

## Factors That Influence Disclosure

It is important to analyze what circumstances or factors facilitate the disclosure process. If some victims disclose while others do not, could there be something special about these children or their families? When parents notice a change in the child's behavior or manner, does this reflect something about the parents or about the abuse the child is experiencing?

We looked for factors associated with disclosures and, discouragingly, found no correlation between characteristics of the victim and his/her family and whether a child was the <u>first to disclose</u>. Although we had initially hypothesized that gender, age, and intelligence might be associated with disclosures along with family characteristics such as income level, or quality of parenting, on all the variables we tested, there were no significant differences between first disclosing children and a matched sample of non-disclosers (Table 5-5).

There were similar negative findings regarding the characteristics of abuse. The severity or type of abuse did not significantly affect disclosure. Nor did the use of threats, weapons, drugs, pornography, or ritual abuse (Table 5-6). However, the percentages do reveal a trend in the direction of fewer disclosures by children who were subjected to serious coercion, threats, pornography production and ritualistic abuse.

Table 5-5: Victim Characteristics of Disclosing and Non-Disclosing Victims -- In-Depth Sample

| VICTIM CHARACTERISTICS | DISCLOSING (N=19) % | NON-DISCLOSING (N=19)* % | Sig. |
|---|---|---|---|
| Female | 68% | 74% | NS |
| Age: 2 years | 17% | 21% | |
| 3 years | 22% | 26% | NS |
| 4 years | 44% | 26% | |
| 5 years | 17% | 26% | |
| "Worse" Parenting | 11% | 27% | NS |
| Non-white | 16% | 16% | NS |
| Smarter | 56% | 53% | NS |
| More Affluent | 11% | 6% | NS |

* N-Number of victims not cases. For this "Matched Sample" the 19 victims who were first to disclose in multiple victim cases were paired with one child from each multiple victim case who did not disclose first.

Table 5-6: Abuse Characteristics of Disclosing and Non-Disclosing Victims -- In-Depth Sample

| ABUSE CHARACTERISTICS | DISCLOSING (N=19) % | NON-DISCLOSING (N=19)* % | Sig. |
|---|---|---|---|
| Threats | 47% | 61% | NS |
| Weapon Used | 6% | 16% | NS |
| Child Drugged | 12% | 12% | NS |
| Used in Porn Production | 13% | 22% | NS |
| Ritualistic Activity | 31% | 41% | NS |

* N=Number of victims - Matched Sample

We also examined whether there was something about the child, the family, or the type of abuse that might have been associated with the situations in which 11% of the children had disclosed but the parent or other recipient of the disclosure failed to make an official report. There were no significant associations, although the quality of parenting may have been a factor in cases were no action was taken. Parents who failed to take action on their child's allegations were rated by investigators as "worse than average" somewhat more often than other parents. It is possible, however, that investigator's ratings were influenced by knowledge of the earlier failure to report. Also it is important to keep in mind here that it is not always the parent who was responsible for the lack of action. Sometimes it was an investigator who chose not to act.

In summary, then, we were not able to identify clearcut factors which explained why a child disclosed, or disclosed early or had his/her disclosure reported to officials. Part of the problem was the small number of cases we were comparing. There may well have been other factors that were important, but that we were unable to detect.

## Responses To Disclosure

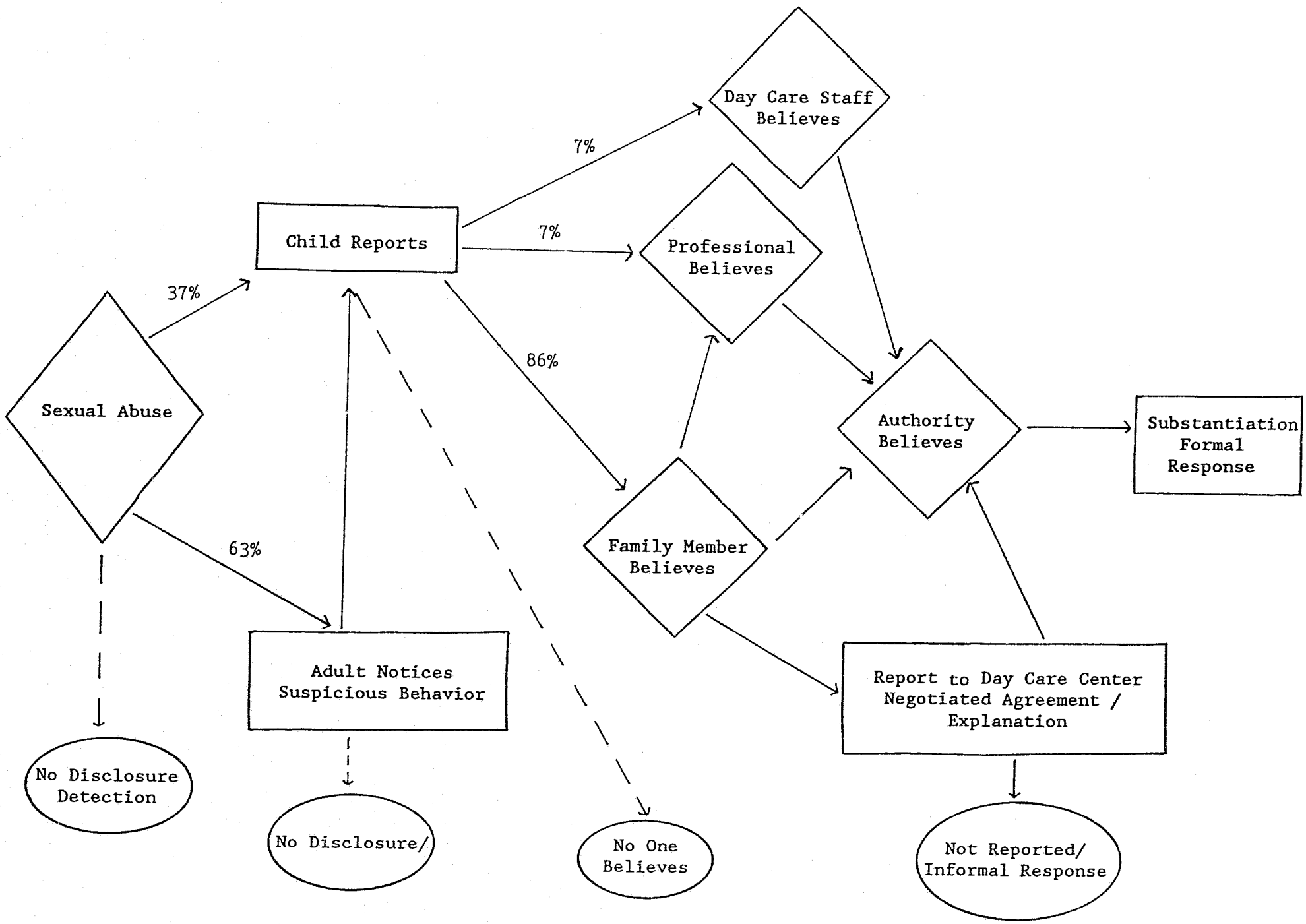
Responses by parents and investigators are crucial to the outcome of each case, and they can vary a great deal (Figure 1). Despite images of mass hysteria and panic by parents and investigators, we found most parties involved tended to proceed with caution, if at all. Some chose not to believe or not to act, others sought second opinions and some looked for informal ways to handle the allegations and stop the abuse. This study, of course, only examined cases that were substantiated and handled formally by the child welfare or criminal justice system. But many other stories of cases that did not get formally substantiated came to light in the course of this research. What follows is a discussion of three unfortunate patterns of parental response that often hampered final reporting.

### Disbelief

A child's disclosure is not the end of the story especially if the child is not believed. For 11% of the 98 victims in our in-depth sample, their disclosure was discounted such that, for a time, the case went unreported or unsubstantiated. In order for a disclosure to become an actual case, a child generally had to be believed by two adults: a parent and an investigator. Sometimes neither believed the child. In other cases, parents believed the child, but the investigator did not. It might seem strange that an investigator would believe even when parents did not, but such cases did occur as well.

The cases of parental denial even in the face of investigators' convictions tended to be multiple victim cases. Sometimes this denial dissipated with time and evidence, but for others, the denial never ended.

Figure 5-1: First Disclosure Response Pattern -- In-Depth Sample



> Several parents in one case exemplify the range of denial responses. One parent denied his child's abuse until the child had been interviewed three times and then led him to the house where the abuse occurred. A second father started drinking and working late, refusing to accept the fact that the abuse had occurred until the trial when he heard the testimony of others. A third parent totally denied anything happened and still claims his child lied.

Such intractable denial can be explained if not condoned. Some parents denied the abuse to avoid guilt feelings that they had put their child at risk for abuse. Others had unrealistic misconceptions about abuse and assumed that if their child had really been abused, the symptoms would have been much greater than those exhibited. Finally, others felt embarrassed, and were reluctant to deal with the possibility of abuse and its consequences for the child.

Uncertainty

For some parents, their reaction was determined not by disbelief but rather by a lack of confidence or certainty about how to respond. Many of these parents turned to professionals they knew and trusted, such as physicians, clergy, or therapists. It was often these professionals who prompted a formal report.

Some parents responded by calling other parents from the day care. The "Ah Ha Syndrome" or, "that same thing has happened to my child too," was instrumental in confirming some parents' suspicions about the day care.

Informal responses

Sometimes parents who believed the disclosure did not report it at first because they wanted to handle the problem on their own. They wanted to spare themselves, their child, the day care facility and sometimes even the perpetrator from the stresses of an investigation. Thus, some approached the facility directly with their concerns, hoping to find an explanation or a solution. Day care operators, in these situations, responded in a number of ways. Some adamantly denied the abuse and then tried various devices to intimidate or dissuade parents from reporting to authorities.

> The mother of another little girl, after noticing vaginal irritation in her child, went to the center director, hoping to have her fears allayed. The director was defensive and threatened her, saying, "Don't make trouble for me, or I'll make trouble for you." This response so alarmed the woman that she went with her concerns to a hospital, where a nurse diagnosed sexual abuse and called child protection. The protective service worker commented that she thought that the case might

well not have been reported, had the center director not tried to bully the mother.

In other cases, however, the day care director took the report seriously and tried to negotiate a solution to the problem without getting child protection, police, or licensing authorities involved.

> In one such case the victim's mother went to the family day care owner, who decided it was her "trouble-making" step-son who was the perpetrator. However, since the step-son had recently moved out of the facility, the owner persuaded the mother that there was no longer a problem. Unfortunately, it was really the operator's husband who was abusing the child and the abuse continued for two more years.

> In another case, the perpetrator was a minister as well as the day care director and the victim's family negotiated an agreement under which he would not be reported, but would seek counselling with another minister, which he did. It was not until further allegations were brought forward that this previous confrontation was made known, and an official report was made.

In several other situations, parents reacted more passively -- merely removing the child from the day care without reporting their concerns to other parents or licensing staff. This private handling of abuse situations may, in fact, be much more widespread than our data reveal, because if parental complaints were "successfully" handled informally--for example, through the firing of a particular employee or the removing of a child -- then these abuse cases may never have become official reports to police, child welfare, or licensing. It is hard to estimate how many such cases there may be. But since it is a relatively attractive solution both for parents, who wish to protect their child from the stress of an investigation, and for day care providers, who wish to avoid bad publicity, it is possible that there are a substantial number of such cases undetected.

## Summary

Disclosures of sexual abuse in day care happen primarily in one of two ways: either a child spontaneously discloses or an adult, usually a parent, becomes concerned about a change in the child's behavior which then leads to a disclosure. Surprisingly, day care staff were rarely involved in detection or disclosure. Spontaneous disclosures by children do happen unprompted, but often they are triggered by newly aroused fears; the child feeling safe when away from the perpetrator or the day care; or by sexual abuse prevention programs.

Overall, we were unable to isolate any significant factors about the victim, the family, or the abuse itself which promoted or inhibited disclosures.

Responses to disclosure were varied. Although we have no statistics on the range of responses, it was not uncommon, according to the investigators we interviewed, for the parents or the investigators to not believe the child's allegations. Secondly, parents sometimes responded inappropriately, either due to lack of information or fear. Some parents tried to negotiate an agreement with the day care facility itself before making a formal complaint. If these alternatives did not prove satisfactory, a formal complaint may or may not have been lodged. How many parents chose these options, or just quietly withdrew their child from day care, may be way underestimated and many cases of sexual abuse in day care may be going undetected.

## Policy Implications

*According to our findings, parents are a key factor in assuring early detection and follow-up of sexual abuse in day care. Parents need education to help identify warning signals, either at the facility or with their child. These indicators, should be included in sexual abuse prevention programs for parents. Overall good parenting skills are also an integral part of this process. Basic parenting skills should be a major component of prevention programs offered for parents.

*Parents need to be informed of the official avenues for reporting allegations of child sexual abuse in day care. CPS was underutilized by parents in this study, yet other professionals seemed to be aware of their role. More outreach to parents and the general public, by CPS, seems to be warranted.

*Parents need to know not only the official avenues for reporting, but they should be discouraged from negotiating private solutions by pointing out the damages and risks that are involved in doing so.

*This study has illustrated that, at least in some instances, prevention programs have prompted children to disclose. Children attending day care should periodically be given sexual abuse prevention programs, especially developed for the pre-school level. It is imperative that children understand that keeping secrets, as most perpetrators request, is not OK.

*This study indicates that day care staff rarely detect or report abuse, in spite of being in a key position to do so. Day care staff need programs on indicators of sexual abuse and avenues for reporting. Given the rapid turnover rate of most day care staff, this should happen on a regular basis. They should also receive strong directives from superiors and licensing officials about their obligation to report even when it conflicts with loyalty to the program and other staff.

Chapter 6: VICTIM IMPACT

Nanci Burns, Linda Meyer Williams and David Finkelhor

Victims of abuse in day care, like victims of abuse in other settings, show the effects of abuse in a variety of ways, with symptoms that range from minor to severe, as the following two examples illustrate:

> Case 1 -- In this case a four-year old boy was fondled on one occasion by the center's janitor who rubbed his genitals on the child's buttocks. The janitor had scared the child by jumping out at him "like a monster" in the bathroom. The parents were very responsive to the child's report of what had happened and took immediate action to report the abuse. The child experienced nightmares, bedwetting, and was somewhat withdrawn for several weeks following the abuse, but these symptoms subsided with parental support and their reassurance that he did the right thing by telling and that he did not have to return to school.
>
> Case 2 -- A girl was repeatedly abused at a family day care home from age two to age five. She was subjected to over 100 acts of vaginal and anal intercourse and forced to fellate one of the perpetrators repeatedly. When she tried to resist the abuse, she was beaten with a belt. The impact on this child was compounded by a highly disorganized family. The parenting skills of her mother were limited by the fact she spent most of her energy protecting herself and her children from an extremely violent husband, often seeking refuge in the local shelter. The young victim experienced serious sleep disorders, nightmares, fears of violence, and distrust of men. She alternated between very regressive behavior, such as urinating in the therapist's office and talking like a baby, and extremely aggressive acting out such as punching others and speaking in an adult hostile voice. She was self-destructive as evidenced by cuts she inflicted on herself. The therapist said the child frequently acted like she was "in a fog" with very dramatic dissociation from her surroundings. She also evidenced compulsive hand scrubbing. She cried frequently, could not adjust to school, or successfully play with peers.

These examples highlight the two key factors we found to be most significant in determining a child's reaction: the dynamics of the abusive situation and the level of support from the parents, especially the mother. These conclusions, however, need to be put into context. Each story is different and many are still unfolding. It may be years before the full extent and the longevity of the impact of abuse on pre-school children will be known.

Our research was designed to catalogue the symptoms of child sexual abuse in day care and to determine how the nature of the abuse and the characteristics of the victim and his/her family influenced the impact on

the child. The main source of data was a check list of 14 symptoms which was completed on up to five victims in each case in the in-depth sample (Table 6-1). This information was gathered primarily from therapists and child protection workers, but in a few cases prosecutors, day care center staff, day care licensing, and police also contributed (Table 6-2). Information is reported on 87 of the 98 victims in the in-depth sample of 43 cases, although more generalized comments were solicited on the 1639 victims in the full sample.

Table 6-1: Psychological Symptoms of Victims -- In-Depth Sample

| SYMPTOM | % (N=87) |
|---|---|
| Fears | 69% |
| Nightmares/Sleep Disturbances | 68% |
| Clinging Behavior | 53% |
| Sexual Acting Out/Knowledge/Interest | 46% |
| Bedwetting | 36% |
| Crying | 35% |
| Aggressive Behavior | 32% |
| Distrust of Adults | 29% |
| School Adjustment Problems | 27% |
| Play Behavior Affected | 26% |
| Tantrums | 25% |
| Toilet Training Problems | 19% |
| Blaming Parents | 7% |
| Learning Disabilities | 5% |

Table 6-2: Primary Sources of Information on Victim Impact -- In-Depth Sample

| INFORMANT | % (N=87) |
|---|---|
| Therapist | 51% |
| Child Protection Worker | 27% |
| Prosecutor | 14% |
| Day Care Center Staff | 5% |
| Licensing Staff | 1% |
| Police | 1% |

One advantage to this study is that data were collected on children regardless of whether or not the child was in therapy. This reduced the problem, which exists in many outcome studies, of examining only those victims who had experienced negative consequences and sought therapy. On the other hand, there were some serious limitations on this study which suggest that the findings must be interpreted with caution. Most importantly the data on victim impact was obtained from respondents, some of whom may have had contact with the children for only a short period of time post-abuse and thus may not have been aware of delayed symptoms. In fact, the time elapsed post-abuse was not standardized for each victim. The impact and symptoms of child sexual abuse may be delayed or complicated by factors such as the child sexual abuse accommodation syndrome (Summit, 1983) -- patterns of delayed and unconvincing disclosures and retractions of allegations and masking of symptoms. Finally, this study relied solely on secondary sources. No victims were interviewed by researchers.

Additional qualitative data were collected to supplement the quantitative information on individual victim symptoms. The researchers conducted interviews with 15 nationally recognized therapists and clinical investigators who have been working with victims of child sexual abuse in day care. These therapists and investigators were primarily involved with children from multiple victim/ multiple perpetrator cases, in other words some of the most severely and repeatedly abused children.

## Symptoms

Victims of day care abuse evidenced a broad range of symptoms in the wake of their maltreatment. These symptoms have been divided into two categories: psychological symptoms and physical symptoms. Each symptom is discussed in order of the frequency of its occurrence.

### Psychological Symptoms

#### Fears

Fear was the most commonly mentioned reaction. More than two-thirds of the victims exhibited symptoms such as fear of going to day care or being left alone, or fear of real or imagined objects or persons. Fears ranged from the ordinary to the bizarre. Although fear of monsters, masks, uniforms, and animals are commonly reported by the average three-year old (Ilg, Ames, and Baker, 1981), for children abused in day care many of these fears persisted beyond a normal time period and immobilized them, sometimes causing extreme patterns of flight and fright. This finding is consistent with the extreme levels of fear noted, in general, for sexually abused pre-schoolers.

It may also be that the perpetrators took advantage of "normal" childhood fears to coerce children to cooperate and to keep the abuse secret.

In the Eagle's Nest case, tarantulas and snakes which frightened the children were kept at the center. Some of the abuse allegedly occurred at a zoo. Additional perpetrators were alleged to have been involved, but masks were used to disguise their identity and also served to scare the children. The first abuse incident was believed to have happened at a Halloween party where everyone was in costumes and masks.

For these children and for those in a number of other cases in which abuse took place in the context of Halloween or when masks were used by the perpetrators, Halloween is now associated with fear and trepidation. Several of the therapists interviewed also mentioned perpetrators dressed in police uniforms. Perhaps intended to play on children's fears, this also caused problems when uniformed police investigated allegations and interviewed victims.

Nightmares/sleep disturbances

Frequently victims' anxieties were manifested in sleep disturbances and nightmares. Although it is probably true that when children are victimized, what would otherwise be considered "normal" nightmares get interpreted as a "problem," nightmares are uncommon for children under three-years old (Ilg et. al., 1981). Yet, 87% of the victims under three-years old experienced problems with nightmares and night-terrors. With such a young sample overall, the finding that 68% of the victims experienced nightmares and other sleep disorders is dramatic.

In the Friendship day care case, in which a number of victims alleged multiple instances of abuse, one girl age three and one-half had a history of anal and vaginal infections but never disclosed that she had been abused. One night she awoke screaming and said, "_____ (the perpetrator) hit the children!" Then she screamed, "I don't want to talk or I'll be dead!"

In another case, a three-year old boy would sometimes awaken in the middle of the night screaming, or would wander into the hallway and sleep at his parent's door or in their bed. Suddenly he showed fear of his father and would have nothing to do with him.

Clinging behavior

This was widespread (53%) in both boys and girls. It had been suggested that some behavioral responses would be gender related, such as girls reacting more passively by crying and clinging and boys being more aggressive. This did not prove to the case. Both boys and girls needed continual reassurance from parents after the abuse occurred. According to investigators, it was not uncommon for a parent to have to stay home with the child for a period of time after an abuse disclosure.

Sexual acting-out

This included a range of inappropriate behaviors and attitudes: excessive masturbation; simulated sexual acts with siblings or friends; precocious or flirtatious behavior; unusual sexual knowledge for the child's age, developmental level, and exposure to sex at home; confusion about sexual norms; sexualized kissing in relationships with parents and friends; sexual preoccupations; and compulsive sexual behavior like grabbing breasts or genitals or compulsively removing clothes. These types of behavior were exhibited by almost half of all victims.

> In one case, a girl, age four, who had been sexually abused for two years, was so persistent in simulating intercourse with her two-year old brother that the mother asked her ex-husband to take temporary custody of the boy until the behavior was under control.
>
> In another case it was the child's request of the baby-sitter to play with his "peepee" that alerted the parents that abuse may have happened. Two weeks later the child disclosed.

Bedwetting

This was the most frequently mentioned type of regressive behavior and it seems to be a common reaction for sexually abused pre-school children (McFarlane and Waterman, 1986). In this study over one-third of the children responded this way and a large percentage of these children were those under four-years old.

Crying

As with bed wetting, there was increased crying among one-third of the victims. However, for pre-school children crying is a common behavior and it is difficult to assess whether crying among victims was always related to the abuse. For some parents however, the change was so dramatic and persistent that it seemed undeniable that abuse was the source of the problem.

> One parent related how her happy-go-lucky daughter at the age of three became serious, withdrawn, and refused to laugh. Two years after the abuse had stopped her daughter still cries uncontrollably for about five minutes a day. The crying seems to be unrelated to any other event.

Aggressive behavior

This factor was a problem for almost one-third of the victims. Victims hit or bit other children, destroyed play things, and got into fights or screaming matches. The therapists interviewed considered the aggressiveness primarily an externalized attempt to gain some control

after an abusive situation that left victims feeling powerless. This was particularly a problem for victims who had been forced to abuse other children.

Distrust of adults

Distrust seems a logical response for a child who has been betrayed by a trusted adult. For most children, day care is their first contact with an institution outside of the family, so the impact of this betrayal may get easily generalized. The betrayal is aggravated when they see their parents have been unable to protect them. They also sometimes assume that their parents were aware the abuses were occurring. With 29% of the victims in this study the abuse instilled either a global distrust of adults, or specific distrust of adults of the same sex or resembling the perpetrator.

School adjustment and play behavior problems

Such problems seem a natural out-growth of day care abuse. First of all, if a child associates abuse with a school setting, then adjustment problems will most likely occur in any new school setting. Secondly, if a child is acting out as a result of the abuse, then his/her behavior will cause difficulties with other children and affect school adjustment and play. Finally, when abused children are placed in a new setting with non-victimized children, as often happens when a center is closed, the victims often feel stigmatized.

> In one small town day care case there were problems when more than 20 victimized children began kindergarten the following fall. It created quite a commotion when the victims started talking about their abuse with non-victimized children who did not understand. The kindergarten teachers felt unprepared to handle it.

Tantrums

Approximately 25% of all victims in this study had a problem with tantrums after the abuse.

Toilet training problems

Toilet training was the only problem associated with gender of the child. More boys (39%) than girls (9%) had difficulties here. This difference may relate to the tendency for boys to be toilet-trained later than girls and thus they may more easily "regress." One boy urinated indiscriminately on his therapist's office walls. Several other victims rubbed feces on bathroom walls. For most victims the problem was a regressive one, meaning that they had to be toilet-trained all over again.

> Joe was two and, while bathing, would urinate in the tub or on his sister. At first, his mother excused this, as well as his repeated defecation in the yard as "merely a phase." But his indifference to these behaviors bothered her, given that he had been successfully toilet-trained. Later it was determined that he had been sexually abused.

Toilet training problems were also significantly associated with more severe types of abuse.

Blaming of parents

In the wake of abuse, some children blamed their parents (primarily the mother) for placing them in day care. They had innocently assumed their mother would protect them from harm. When blaming of the parent existed, it disturbed the ability of the parent/s to facilitate the child's recovery process. Luckily, parent-blaming is much less frequent than the other symptoms and occurred with only 7% of the victims.

Learning disabilities

This was the least frequently mentioned symptom (5%) which may reflect the fact that this study assessed only initial impacts. Learning disabilities may not be evident for some time or may show up at later developmental stages.

Physical Impact

In the majority of the cases in the in-depth sample at least one child suffered some physical injury from the abuse. In 62% of the cases at least one child had injuries related to the sex acts, and 45% of all the victims suffered such injury. These injuries ranged from irritation and swelling of the genitals to rectal and vaginal tears and venereal disease. In 54% of the cases a medical exam indicated that there was some genital irritation, in 42% of the cases there was actual sexual trauma, and in 12% of the cases there was venereal disease. (See Table 6-3 for definitions of terms).

Table 6-3: Physical Injuries -- Frequency of Occurrence -- In-Depth Sample

| INJURY | Cases %* (N=43) |
|---|---|
| Children physically injured by sex acts[a] | 62% |
| Medical exam indicated irritation[b] | 54% |
| sexual trauma[c] | 42% |
| disease[d] | 12% |
| physical trauma[e] | 3% |
| Children physically injured by non-sex acts | 14% |

*Does not sum to 100% because each case could have multiple injury types

[a]range of symptoms from irritation to disease

[b]irritation: redness, inflammation, rashes, vaginitis, swelling, infections

[c]sexual trauma: rectal and vaginal sores, abrasions, lesions, abnormalities, enlarged vaginal openings, tears, scars

[d]disease: herpes, gonorrhea, venereal warts

[e]physical trauma: non-genital bruises, scratches, cuts

In some cases the injuries to the child were severe. At least one child in the in-depth sample had vaginal lacerations requiring sutures. In other cases the injuries were not immediately noticeable. In many cases vaginal and rectal scars were observed only after reports of other children resulted in medical exams for all those attending the day care. Sexually transmitted diseases were even more insidious and subject to misdiagnosis.

> An 18-month old boy had been left at a day care home on only two occasions yet both times had to be hospitalized afterwards. The first time he returned with a throat infection. The second time he was running a 104-degree temperature. He was treated with antibiotics. Later it was discovered that gonorrhea had been spread to other children who were sexually abused at the day care home.

In 14% of the cases children were physically injured by other non-sex acts (Table 6-3), and their injuries included bruises, scratches, cuts and burns. Eleven percent of all victims had such non-genital injuries.

> In the Cross County case many of the children suffered physical as well as sexual abuse. One child had burns from a cigarette and another had a cut on her ear which was the result of a human bite. A third child had bruises from being punched in the stomach and chest.

Many parents originally noted the symptoms without understanding their meaning. It was unfortunately common for parental concerns to be minimized by family, friends, or physicians, who assured the parents that they had nothing to worry about. "The rashes are caused by bubble baths," "Infections are often reoccurring and just resistent to treatment," are two examples of counsel given by pediatricians to anxious parents. In one case it took four trips to four different doctors before a rare form of VD was diagnosed and sexual abuse was revealed as the cause. Most parents and doctors did not suspect sexual abuse as a possibility for pre-school children and thus it often went undetected or misdiagnosed.

In some cases the physical symptoms were ones not usually associated with sexual abuse.

> In one case a child had repeated bouts of vomiting. The doctor attributed it to "stress" and "nerves." Four months later this child disclosed being abused and the vomiting stopped. All three victims in this case had been forced to fellate the perpetrator and then to eat their own vomit.

These symptoms often combined psychological and physical after-effects. These problems included reoccurring physical complaints such as stomach pains of unknown origin, vomiting, and developmental delays. Seventeen percent of the children were reported to have experienced such problems. In some cases children developed eating disorders, either refusing to eat or eating constantly. In two cases, it was reported that a child temporarily stopped growing. This disorder, labelled "psychosocial dwarfism" in the literature, was cited as the consequence of abuse in civil suits filed by parents in one of the cases. One child reached normal height once the abuse stopped. At the other extreme, several therapists mentioned examples of children maturing more quickly than normal, going through puberty as early as eight or nine years of age.

As with the psychological symptoms of abuse, it is difficult to assess long term impact of the physical injuries. Although bruises and tears did heal, some children were left with scarring of vaginal tissue, or venereal diseases which were resistant to treatment. These injuries may impact negatively on their adult reproductive health.

## Factors Associated With Victim Symptoms

We were interested in whether anything about the victims, the abuse they suffered or the way they disclosed influenced the overall severity of their psychological response. To study this, we created a composite symptom score, allocating one point for each identified symptom. A maximum score of 15 was possible but the actual range was from 0-12. The average score was 5.3 and the median was 5. Only one victim was reported to have had no psychological symptoms in the aftermath of the sexual abuse.

The relationship between the victim symptom score and the victim, abuse, and disclosure characteristics was first subjected to bivariate tests of significance (Table 6-4). Statistical analysis revealed some expected relationships: those children with poor quality parenting, those who were more forcibly abused, those who were penetrated sexually and those who did not disclose quickly had higher symptom scores. It is notable that the symptom scores were not significantly related to victim age, although there was a trend for younger victims to evidence a greater number of symptoms. The bivariate analysis also revealed that girls and boys were likely to be affected with equal intensity. We found girls' reactions to be quite similar to boys with a tendency for boys to exhibit more symptoms of aggressive acting out and toilet training problems as discussed above. The symptom similarity may be due to the young age of the children and the possibility that the young boys have not yet been socialized to minimize their emotional responses to abuse. The therapists interviewed generally agreed that the degree of trauma was not dependent on gender of the child.

Table 6-4: Victim Symptom Scores for Victim, Abuse, and Disclosure Characteristics -- In-Depth Sample

| VARIABLE | (N=87) MEAN SYMPTOM SCORE[1] | SIGNIFICANCE[2] |
|---|---|---|
| VICTIM CHARACTERISTICS/ BACKGROUND | | |
| Age: 2 years | 6.50% | |
| 3 years | 5.11% | |
| 4 years | 4.50% | NS[3] |
| 5 years | 4.59% | |

[1] Impact Score (0-15) Range = 12 Mean = 5.3

[2] T-Test or ANOVA

[3] NS = Not Statistically Significant at p. < .05 level

Table 6-4: (Continued)

| VARIABLE | | (N=87) MEAN IMPACT SCORE | SIGNIFICANCE |
|---|---|---|---|
| Sex: Male | | 5.45% | NS |
| Female | | 4.90% | |
| Quality of Parenting: | | | |
| Better | | 4.29% | |
| Average | | 5.53% | .044 |
| Worse | | 6.33% | (1+3) |
| Maternal Impairment | | | |
| No | | 4.63% | .001 |
| Yes | | 7.50% | |
| Paternal Impairment | | | |
| No | | 4.89% | .037 |
| Yes | | 6.75% | |
| ABUSE CHARACTERISTICS | | | |
| Coercion | | | |
| Threats Used: | yes | 6.07% | .003 |
| | no | 4.23% | |
| Force Used: | yes | 6.87% | .001 |
| | no | 4.44% | |
| Weapon Used: | yes | 7.86% | .008 |
| | no | 4.84% | |
| Abuse Acts | | | |
| Penetration: | yes | 5.52% | .011 |
| | no | 3.71% | |
| Sexual Intercourse: | yes | 7.67% | .001 |
| | no | 4.67% | |
| Forced to Abuse Others: | yes | 7.14% | .004 |
| | no | 4.68% | |
| Ritual Abuse: | yes | 7.00% | .001 |
| | no | 4.51% | |
| Porn Produced: | yes | 6.24% | .047 |
| | no | 4.80% | |

Table 6-4: (Continued)

| VARIABLE | | (N=87) MEAN IMPACT SCORE | SIGNIFICANCE |
|---|---|---|---|
| Abuse Context | | | |
| Single Perpetrator: | | 4.88% | |
| Multiple perpetrator: | | 5.48% | NS |
| Female Perp Involved: | | 5.69% | |
| No Female Perp Involved: | | 4.58% | NS |
| Perpetrator Relationship to Child/Typology: | | | |
| 1. Child Care Worker Only | | 5.87% | .002 |
| 2. Family Member of Day Care | | 2.36% | (1+2) |
| 3. Peripheral Staff/ Outsider | | 3.78% | .006 |
| 4. Multiple Abuser | | 5.48% | (2+4) |
| Duration of Abuse: | | | |
| 1. < 1 month | | 4.71% | .019 |
| 2. 1-6 months | | 4.36% | (1+4) |
| 3. 6-12 months | | 5.20% | .010 |
| 4. 12+ months | | 7.20% | (2+4) |
| Number of Abuse Incidents: | | | |
| 1. 1-10 | | 4.35% | .001 |
| 2. 11-99 | | 3.87% | (1+3) |
| 3. 100+ | | 7.69% | .001 |
| | | | (2+3) |
| DISCLOSURE | | | |
| Time from initiation of abuse to disclosure: | | | |
| 1. 1 day | | 3.37 | .003 (1+4) |
| 2. 1 month | | 4.86 | .016 (2+4) |
| 3. 1-6 months | | 5.29 | .022 (3+4) |
| 4. 6+ months | | 7.43 | |
| First to disclose: | yes | 4.31 | .032 |
| | no | 5.60 | |

Multivariate analysis of factors associated with number of symptoms

However, we had to go beyond case examples and bivariate relationships to understand how characteristics of victims, their abuse and their disclosure are related to the extent of their symptoms. The variables are undoubtedly interrelated. For example, it may be that acts of sexual penetration are associated with more victim symptoms only because cases involving sexual penetration are more likely to involve force, multiple acts, and abuse of long duration. To separate these factors and to determine how much of the variation in victim symptom score could be explained by each, multiple regression analysis was used.[4] In this analysis the dependent variable was the victim symptom score. Table 6-5 shows the results of the regression analysis. Five statistically significant variables emerged which together explain 40% of the variance in the victim symptom score.

Table 6-5: Regression Analysis of Victim Symptom Score -- In-Depth Sample

| VARIABLE | BETA | F-RATIO | PROBABILITY |
|---|---|---|---|
| ABUSE CHARACTERISTICS | | | |
| CHILD CARE PERP | .367 | 15.020 | .000 |
| FORCE USED | .302 | 8.861 | .004 |
| RITUALISTIC | .287 | 7.119 | .009 |
| WOMEN ABUSERS | -.338 | 8.405 | .005 |
| VICTIM/FAMILY CHARACTERISTICS | | | |
| MATERNAL IMPAIRMENT | .363 | 18.040 | .000 |

CORRECTED $R^2$ = .3966
F = 11.957
SIGNIF F = .0000
N = 87
Missing = 11

[4]. The regression analysis was performed using a backward elimination procedure to isolate the best prediction equation based on only the significant variables ($p < .05$). Outliers were checked by examining scatter plots of the residuals and no extreme scores were located. No substantial zero order correlations were observed to raise questions of multicollinearity.

Relationship of child to the perpetrator

The most important contribution to variation in the symptom score was the relationship of the child to the perpetrator. Specifically, if any of the perpetrators of abuse was a child care worker or director (as opposed to janitor, family member or outsider, for example) then the child was likely to experience a greater number of symptoms regardless of the sex of the perpetrators, or whether the case involved force, ritualistic abuse or acts of sexual penetration and regardless of the quality of parenting. Abuse by a caregiver must be more violative of a child's sense of trust, security and safety, leaving the child with a more profound sense of betrayal. Abuse by someone close to the child probably also creates more fears that other trusted adults will also be abusive.

Use of force

The use of force, which included all physical restraint, physical violence, and weapons use, was predictive of higher victim symptom scores. The child particularly showed increased fear and anxiety under these conditions.

> One boy described being threatened with a knife. The perpetrator would put the blade of the knife against his gums and threaten to cut him if he cried. Later he told his parents, "I don't want to die. I'm only five-years old and dying is bad."

> One four-year old female talked about a knife "like a snake" (an electric knife). She was strapped in a car seat while she was abused by the female perpetrator as well as the other children. This child suffered vaginal trauma and distension, as well as severe psychological effects. She had fears of being cut and awoke with nightmares; she was terrified of any type of restraint, such as seat belts; she cried uncontrollably on a regular basis and was reluctant to develop friendships with other children.

On the other hand, when less force was used the reaction of the children was often less severe, as in the following case.

> Four females were fondled by the pre-school bus driver who enticed them to touch his penis by placing candy in his pocket. After the girls reported, they said they felt sorry for him because they felt he really did love them. As one child put it, "he was a nice man who just had problems." The reactions of these children to the abuse were minimal.

Force was commonly associated with more invasive forms of sexual abuse (e.g., vaginal or anal intercourse), and this analysis suggests that the force was more important than the intrusive sexual acts in determining the response of the children. It may be that the young age of these children precludes their understanding the nature of the sex acts

perpetrated against them and thus makes the degree of force more important to their overall response. Or, it may be that the consequences associated with the sex acts performed will not become apparent until the children reach adolescence or adulthood.

Ritualistic abuse

The variable ritualistic abuse also contributed significantly and independently to the victim symptom score. Children who were subjected to ritualistic abuse had increased numbers of symptoms no matter how much force or what kinds of sexual acts were involved.

As described earlier, ritualistic abuse is more than just sexual abuse, and includes physical and severe emotional abuse, as well. In fact, the sexual abuse was sometimes secondary to the terrorizing and indoctrination, which took their own toll:

> In one case a four-year old girl had been repeatedly abused during a short time at day care. She was subjected to multiple acts of sexual abuse and "magical surgery" which she was told had placed a grenade in her stomach and it would explode if she told. She was forced to sexually abuse other children and believed that she had participated in killing a baby.

Ritualistic abuse distinguished itself from other forms of sexual abuse by its bizarre and coercive elements. These factors are critical to understanding the severity of the impact of this type of abuse on pre-schoolers.

In the case cited above, none of the ritualistic abuse information was disclosed until the child entered therapy. Some therapists believe children dissociate from these experiences and that these dissociative responses may be the root of later personality disorders, including the development of multiple personalities.

> The child mentioned above became reclusive after the abuse and later her school performance was negatively affected. The once-bright child refused to do her school work, complained of stomach aches, nausea, and headaches and exhibited fears of strange men. As she began to disclose what had happened to her at the day care center, she became more aggressive and at the same time more withdrawn from her family. The situation climaxed one day when she took a knife and tried to kill her mother.

Given that this type of case combines the worst elements of sexual, physical and emotional abuse, it is no surprise that symptom scores were significantly higher for ritually abused children.

Abuse by a woman perpetrator

We found that when the child was sexually abused by a woman the symptom score was lower. Other studies have found the same: that sexual abuse by women does not have as serious an impact on the children as sexual abuse by men. Others have suggested that this is because most sexual abuse by women is less forceful and threatening to the child. However, in this study sexual abuse by women was not significantly associated with a lower symptom score unless we controlled for force and ritualistic abuse, because women in day care cases were involved in more severe abuse. The fact that abuse by women has less serious impact once we have controlled for force and ritualism suggests that there are other factors in the woman offender abuse which impact on reduced symptom scores.

Maternal impairment

Maternal impairment also contributed significantly and independently to the variation in total symptom score. Victims whose mothers were reported to have some impairment, meaning alcoholism, drug addiction, mental illness or other problems which interfered with her functioning as a mother, were more symptomatic even when other variables were controlled. It is possible that the therapists who rated the children's symptoms may have been biased by their knowledge of the children's family situation. However, the therapists were quite emphatic that it was their own experience, also, that the quality of parental response and the ability of parents (usually the mother) to provide a supportive environment was the major influence on the level of trauma.

It is notable that victim age and sex and the nature or duration of the sexual acts perpetrated did not contribute to the overall variation in the total symptom score. Furthermore, whether or not the child was the first to disclose (although significant in the bivariate analysis), also was unimportant in determining the total impact score. When force or ritualism were used children were less likely to disclose. This analysis indicates that these other factors were more important in determining the impact on the child. In summary, in these cases the relationship of the perpetrator to the victim, the sex of the perpetrator, the degree of maternal impairment and the forceful or bizarre nature of the abuse contribute most to the impact of the abuse.

## The Relationship of Specific Symptoms to Abuse Dynamics

The relationship of the specific symptoms to characteristics of the abuse was explored to see if any particular symptoms (e.g., nightmares, aggression etc.) were associated with certain types of abuse (Table 6-6). This information, if reliable, could be useful for parents and professionals to detect abuse as well as for training professionals who treat victims of sexual abuse.

Table 6-6: Dynamics of Abuse Statistically Significantly* Related to Victim Post-Abuse Symptoms -- In-Depth Sample

| | NIGHTMARES | BEDWETTING | TOILET TRAINING | CLINGING BEHAVIOR | AGGRESSIVE BEHAVIOR | SEXUAL ACTING OUT KNOWLEDGE | PLAY BEHAVIOR AFFECTED | FEARS |
|---|---|---|---|---|---|---|---|---|
| Length of abuse longer than 10 days | .006 | - | - | - | - | - | - | - |
| Victims forced to victimize others | - | - | - | - | .006 | .004 | .008 | - |
| Use of force | - | - | .039 | - | - | - | .002 | - |
| Ritualistic abuse | .002 | .026 | .010 | .044 | - | - | - | - |
| Multiple perp | - | - | .014 | - | - | - | - | - |

* Chi square analysis

N = 87 Missing = 11

Overall, there were very few symptoms that seemed to be specifically associated with a particular abuse dynamic. However, toilet-training was one variable that showed a statistical association with three abuse characteristics. As discussed earlier, toilet training was the one gender related symptom. It also appears from this analysis to be significantly related to more severe types of abuse: abuse combined with the use of force, ritualism and multiple perpetrators.

Two of the more serious kinds of abuse dynamics were also associated with particular symptom clusters. Victims forced to victimize others were more likely to manifest increased aggressiveness, sexual acting out, or inappropriate play behavior. Children who experienced ritualistic abuse were more likely to manifest "subconscious" symptoms (nightmares) and "regressive" behavior (bedwetting, toilet training problems, and clinging). In fact, ritualistic abuse was associated with a constellation of symptoms

that were detected but not systematically measured in our study and were reported by some of the therapists who have treated these victims. These symptoms of ritualistic abuse were reported to include a preoccupation with excrement and excretory activities; aggressive and sadistic behavior; self destructive behaviors; animal mutilation; preoccupation with death; fears that something is inside the body (e.g., a bomb, a monster, spiders); frequent references to monsters, bad people, costumes and the devil and fear of same; nightmares and unexplained vomiting (Gould, 1987).

## Other Factors Related to Victim Impact

### Impact on Parents and Parental Response

The reality of sexual abuse in day care brought dramatic changes to the lives of parents, most of whom had never previously considered the possibility that this could happen to their child.

> One mother who had quit her nursing job to stay home and raise her three children stated, "I viewed AIDS as a problem for homosexuals, and I viewed sexual abuse in day care as a problem for parents who work." This woman used a day care facility on two occasions for a total of eight hours. Her three-year old son was sodomized during that time.

For those parents whose children have been victimized in day care, there was little that could prepare them for the accompanying trauma that affected not only their child, but themselves, their friends, and their community.

As we have shown, parental response was a primary factor in a child's reaction. One therapist noted that a child's reaction was often an analogue to a parent's. If the parent was angry, upset, despondent, so was the child, especially when the child was very young and most prone to imitating parental behavior.

It was also common for parents to be so focused on the well-being of the child that their own reactions to the abuse were suppressed and denied. Some parents had to face their own sexual victimization as a child for the first time. Although tremendous efforts were often made to assist the child, the needs of the parents were sometimes ignored. According to both investigators and parents, negative consequences occurred for many families when the parents ignored their own needs. Some required hospitalization for problems such as depression and "nervous breakdown." Some developed or reactivated previous alcohol or drug problems. One woman gained 40 pounds, as she put it, "sitting on" her anger. And for many, guilt and blame led to marriage breakups.

Not only was the stress of dealing with the reality of the abuse overwhelming, many experienced major life changes as a result, including termination of employment to stay home with the child; a move to a new town to get away from media attention or community backlash; and endless

medical, legal, and therapy appointments. The upheaval could drive a wedge between husband and wife. In a typical scenario described to us, the mother became totally engrossed with the issue. The father, on the other hand, remained cool, distant, and removed. These opposing reactions intensified the stress experienced by the parents and contributed further to marital problems. If there were marital difficulties to begin with, they were intensified, and often this was the triggering factor that ended a marriage.

Although this study cannot measure long-term impact on either parents or children, other research underscores the importance of the child's relationship with parents as a key factor in subsequent adult adjustment (Conte and Schuerman, 1987; Leamon, 1980). The results of this study may reassure the many parents who have made tremendous efforts to help their children cope with the victimization. Indeed, our data have shown that for these children, the number of symptoms were fewer. According to both the therapists and investigators, the parent can be critical to lessening the impact of the abuse on the child and helping them adjust over time.

## Media Response

The media also played a role in victim impact. On the positive side, the media brought public awareness to the problem. However, in doing so the media often left victims and families more vulnerable. The identities of families were sometimes revealed in the paper or on the T.V. Sometimes the tone of the coverage was one of skepticism or disbelief.
Therapists reported that it was not uncommon for a child to regress and show increased symptoms after witnessing the coverage of the case on T.V., especially if the perpetrator was interviewed and portrayed favorably or doubt was cast on the children's allegations.

## Investigations

Investigations could also potentially increase or decrease the intensity of the victim's response. Although this study had no means for directly measuring this, as one therapist said, investigations usually entailed "too many people, asking too many questions, over too long a time period." Victims in cases that went to court did have increased incidence of aggressive behavior, tantrums, sexual acting out and blaming parents according to our findings. These symptoms were undoubtedly also due to the serious nature of the abuse in cases that were brought to trial, but indicate that the children in cases which go to court are often those who are the most severely traumatized.

Although all professionals felt it was important to use the criminal justice system to punish offenders, this was asserted with some ambivalence. The question often was whether the needs of the child or those of society were more important, and whether they were in conflict. The criminal justice system was not well designed to deal with children. With an increase in child sexual abuse cases in the last 10 years, its inadequacies have become more and more apparent. The system, however, is

not amenable to rapid change that will benefit children. Changes are occurring, but for many parents who have had negative experiences with the legal process, the changes are too slow in coming.

There is a tremendous need to recognize the impact these cases can have on those involved. Parents should be offered counselling, support, and education about how to deal with their children's emotional needs during this difficult period.

### Treatment of Victims

Although professionals believe intervention is desirable for most victims, it is not always available or financially feasible. In some states, victim assistance programs have covered the costs of therapy but in places where many victims come forward at once, neither the system nor the therapists are equipped to handle the demand.

When day care cases are disclosed, the mental health system in that community may be quickly swamped by parents' requests for counselling for their children. When a large case broke in Michigan, more therapists were brought into the community by the state mental health division. This type of response is unfortunately uncommon. Most communities resort to waiting lists and therapist overload. This was a monumental problem in a community such as Manhattan Beach, where hundreds of victims were identified in a short time period.

> One parent in Manhattan Beach described how desperate she felt when she was told therapy was not available for her child. She was a single mother with two children but borrowed money to make sure someone would be helping her child adjust. She was paying $90.00 per hour for counselling and getting more and more in debt. Other parents reported months-long waiting lists or driving over a hundred miles round trip to therapists' offices.

McFarlane and Waterman (1986) offer some concrete guidelines for determining treatment needs. They believe that crisis intervention (usually defined as intervention up to 6-8 weeks after a crisis is identified) is important for helping all family members cope. For some children and families this limited intervention is all that is necessary. Short-term treatment (generally two to six months) is probably sufficient when there has been only a single incident of abuse, no violence or coercion used, no severe physical or emotional trauma, and the child has received emotional support from his/her family. In contrast, long-term therapy is usually necessary when abuse has been long term, there has been coercion and violence involved, the child lacks a support network, and there has been physical and emotional damage. Although this is a simplistic guideline, it is useful in giving some parameters to parents, and others, who agree with the principle of counselling but feel vague about what that really means in terms of time.

Length of therapy is less of a concern, however, than type of therapy. The range of options can seem overwhelming to parents who are unfamiliar

with treatment approaches used with children. For some parents, the anatomically detailed dolls, presently used by most interviewers, were their first exposure to relatively new techniques being used by professionals to assist children in expressing themselves. Therapists have a variety of such options, including: art therapy, which allows children to depict the abuse and their feelings with paper and crayons; puppets or dolls to act out the same; or finally, storytelling, to allow the child to feel one step removed from having to directly say what happened to them. These are the basic tools of most child therapists. Since the children are often non-verbal or have minimal language skills, the therapists we interviewed felt strongly that working with children individually was more productive than group counselling, which was preferred for older children who are able to articulate their experiences and emotions, and to learn from listening to others.

Some therapists place less emphasis on working with victims and more on working with parents. These therapists preferred to minimize their contact with the children, believing that if the parents themselves were trained to handle crises as they arise, and they usually arise outside of the therapist's office, it would be the best intervention for the child.

The techniques used by such therapists are quite different than those described for working with the children. Seeing the whole family, or counselling groups of parents, can be quite effective in assuring that the family is working together to "heal themselves" as one therapist worded it. Parents can provide each other with reassurance that they are not alone in their pain and they can offer support and ideas for coping. Another therapist stated,

> There is no way, in my estimation, to treat a kid unless you treat the family. There is no reason at all to think that you can take a kid into an office, get him all better, send him back home, and expect to see change.

In another interview, a therapist offered the following guidelines for focusing on the family:

> 1) Talk with the parents. Let them voice their concerns. Explore what strengths and ideas they have. Help identify what they can do.
>
> 2) Encourage the parents to assure the child she/he is out of danger and that he/she is not at fault.
>
> 3) Continue to re-evaluate the child at different developmental stages.

Of course not all parents feel confident handling their child's reactions to the abuse. Some prefer "leaving it to the expert." Indeed, when they themselves may be emotionally needy, handling their child's emotional outbursts can be very taxing. However, as these therapists suggested, the approach of working with the family should not be discounted or automatically rejected. If, in fact, the role of the parent in

facilitating the child's recovery is as significant as our results indicate, then the need to work with parents should be seriously addressed by all therapists, if only to augment therapy being done individually with the child.

## Policy Implications

*Mental health services should be available to all families whose children have been abused in day care. The professionals providing these services should be persons with experience working with sexually abused young children and their families. They should be familiar with specific therapeutic techniques appropriate for such children as well as the family issues provoked by such an experience. All communities should take steps to insure that they have access to such services.

*The mental health services should be available regardless of a family's ability to pay. To guarantee financing, states need to explore requiring the coverage of such mental health services in employee benefit packages, in day care insurance, and in state Medicaid programs. Child protection agencies and community mental health agencies need also to budget for such services.

*Professionals and policy makers need to recognize the crucial role that parents play in minimizing trauma, when they are capable of responding to their victimized children in a supportive and therapeutic way. Because of its potential for long-term effectiveness, priority should be given to developing interventions that work with parents on behalf of their victimized children, instead of interventions that work exclusively or primarily with the children themselves.

*Because the research indicates that they are at higher risk, priority for direct intervention should be given to those children whose parents are impaired, unavailable or not able to provide the support needed to recover from the impact of sexual abuse in day care.

*Priority should also be given for intervention with children who have experienced the types of abuse most likely to be associated with serious symptomatology. This includes abuse by child care workers that is accompanied by force, physical abuse or ritualism.

*Parents and professionals need to be given detailed information about the kinds of symptoms that may be associated with sexual abuse in day care. Too often, physical and behavioral symptoms were overlooked or dismissed by parents and professionals who did not entertain the possibility that abuse may have been its source.

*Mental health professionals who work with young children need to be specially trained in recognizing characteristics of ritualistic abuse. They also need to know more about how to work with such victims. Policy makers should put priority on increasing the quantity of professional literature that is available on this subject. This may mean commissioning further studies and clinical guides from the current experts in this field.

*Steps need to be taken to minimize the trauma to children and families that can be caused by media coverage, by investigations and by criminal justice actions. Some help can be provided by professionals who prepare both children and family for their encounters with each of these institutions. Each of the institutions also needs to examine its own procedures and practices for ways in which it can avoid harm without compromising its goals.

Chapter 7: PROGRAM RISK FACTORS

Michael Kalinowski and Linda Meyer Williams

with Karen Gartner

Many people have stereotypes about the kind of child care programs in which sexual abuse could occur. They tend to conjure up inner city hovels in poor, high crime locations, centers of questionable repute where children are crowded together and left unsupervised by uneducated and possibly mentally unstable operators.

> One unlicensed family day care was owned and operated by a middle-aged woman with a reputation for being a fraud even while others believed she was a pillar of the community. She and her son provided "care" to two dozen preschool children, the majority of whom were from highly disorganized families. Children were kept in a filthy, bug-infested basement. Here children were raped and subjected to every sort of sexual act. They were forced to sexually abuse each other. The children's sexual services were reportedly sold to others by the owner-operator. Adults came down to the basement to get drunk and sexually abuse the children, forcing them to line up for their abuse with threats and actual beatings. The program appears to have been used for the dual purpose of procuring children for the son of the operator (and others) and producing pornography for sale. There were suggestions that the abuse in this facility had been on-going for many years.

However, this kind of setting was not typical. One of the more striking findings of this study is that sexual abuse occurs in a wide variety of child care settings, and that no category of program is immune from the threat of abuse. Sexual abuse happens in family day care homes and group homes, as well as in centers; in unaffiliated programs and those sponsored by churches, universities, and governmental agencies; in for-profit as well as nonprofit institutions; in wealthy and poor neighborhoods; in urban, suburban, and rural areas; in relatively new programs and those with many years of community service and strong reputations; in facilities which serve primarily intact families as well as those which serve single parents; and across racial groups. One cannot discount the possibility of sexual abuse in any child care setting.

> A well-designed child development laboratory was operated as a component of an influential college program. The director had more than ten years of experience. There was an excellent teacher-child ratio, with two certified staff assigned to a classroom of ten children. In addition, summer youth workers hired by the city were assigned as aides to the program. One attempted oral sex with a child during nap time.
>
> Abuse was also alleged to have occurred at a family day care home which was regarded by licensing officials as one of the best day care facilities in that small but industrialized town.

There was an open door policy for parents and there had been no prior problems or violations. The operators had received a state grant for equipment, toys and meals. The recently retired caregiver, a relative of the operator, fondled several two-, three- and four-year old girls.

The preceding chapters have presented findings on perpetrator characteristics and the detection of potential abusers (Chapter 2), child characteristics that may increase vulnerability to victimization (Chapter 3), and dynamics of the abuse related to the physical layout and design of the day care facility (Chapter 4). This section will explore in more detail the day care and program characteristics which could contribute to risk and should be considered by parents, teachers, administrators, inspectors and legislators in assessing risk and in establishing policies and procedures to protect children from possible sexual abuse.

Unfortunately, this study was severely handicapped in this assessment. A true risk analysis would require us to compare the characteristics of abuse facilities with a group of other non-abusive child care programs or with statistics about all day care. Discouragingly, there are few reliable statistics about day care which could be used as a basis for comparison. And, it was beyond the scope of this study to collect independent data on non-abusive facilities. Even data on the number and composition of child care programs are incomplete. We found there are very little data collected on important day care characteristics such as size, affiliation, numbers of men and women employed, staff education and experience, etc. This national "day care statistics gap" is of increasing concern as the number of child care programs mushroom and the need for study of and planning for child care expands. The lack of such information hampers good research and also makes it difficult for legislators, regulators and educators to respond. If questions of relative risk of abuse are ever to be more fully answered, we need to have such data.

We can, nonetheless, discuss risk, but only in a somewhat oblique and impressionistic fashion. We can cite factors that investigators believed contributed to the abuse. And, we completed one set of statistical analyses within our sample in which variables were used as measures of relative risk. The technique we used considered <u>severity of abuse</u> (measured by duration of abuse and number of victims, perpetrators and incidents) as a proxy for risk of <u>any</u> abuse. The logic is that we may identify factors that enabled abuse to occur in the first place if we look at the factors which allowed abuse to continue longer, or include additional victims or perpetrators, or occur more than once. Therefore, although we are unable to compare programs in which sexual abuse occurred to programs with no history of abuse, we are able compare those with "only" one incident to those in which abuse occurred undetected for a long period of time. We are, therefore, able to make some interesting observations regarding differences in programs and to identify a few characteristics of day care that either increase or decrease the "risk of abuse." Table 7-1 reports the findings of this analysis. Discussion of various risk factors follows.

Table 7-1: Analysis of the Association of Day Care Characteristics and Severity of Abuse -- In-depth Sample

| RISK | CHARACTERISTICS | LESS SEVERE | MORE SEVERE |
|---|---|---|---|
| | Geography | | |
| + | Rural/small town | | longer duration<br>more incidents<br>more victims |
| - | High crime area | shorter duration<br>fewer incidents<br>fewer victims | |
| NS | Region | --- | --- |
| | Type of Facility | | |
| NS | Affiliation | --- | --- |
| +* | Family Day Care | | longer duration |
| -* | Private non-profit | shorter duration | |
| - | Only older children attending (3 years and above) | shorter duration<br>fewer incidents | |
| NS | Low income clientele | --- | --- |
| | Characteristics of Staff/ Program | | |
| NS | < 5 yrs in operation | --- | --- |
| NS | Prior violations cited | --- | --- |
| NS | Site visit index year | --- | --- |
| NS | Prior investigation by authorities | --- | --- |
| + | Limits on parental access | | multiple perps |
| NS | Director college degree | --- | --- |
| NS | Director < 1 yr directing | --- | --- |
| NS | Nepotism Prohibition | --- | --- |
| + | small staff (1 staff only) | | longer duration |
| - | 11+ staff members | shorter duration<br>fewer victims | |

chi square analysis
NS=not significant
+= more risk of abuse (p.<.05)
-= less risk of abuse (p.<.05)
*= (p.<.10)

## Overall Risk of Sexual Abuse in Day Care

Chapter 1 presented the general case for the relatively low risk of sexual abuse in day care during 1983-1985, a period of tremendous growth of child care facilities. To repeat our global conclusion, while a child in a particular program may be at great risk, generally children appear to have no more risk of being abused in a child care setting than within their home.

## Geography

### Region

Our analyses of risk factors reveal that region is not associated with increased risk (severity of abuse) (Table 7-2). No region in the U.S. is untouched by these cases. Although the highest proportion (48%) of the center based cases came from the South, 39% of the licensed day care centers in the states that participated in the research are in the South. This difference as well as the lower representation of cases in the Midwest were not statistically significant.

Table 7-2: Regional Comparison of Center Abuse Cases and Total of Licensed Centers

| Region* | Abuse Cases (N=147) % | Licensed Centers (N=46,841) % |
|---|---|---|
| West | 23% | 24% |
| Midwest | 19% | 27% |
| Northeast | 10% | 10% |
| South | 48% | 39% |

No Significant Difference, chi square analysis
*Excluding 11 states unable to cooperate in this study

There were, however, some interesting differences in the kinds of cases occurring in each region. The West and Midwest were more likely to have cases in small centers and family day care. The West had more cases in private for-profit programs, the South had more private-nonprofit and church-affiliated abuse cases, and the Northeast had more abuse cases in government- sponsored programs. However, these differences probably reflect regional variation in the type of day care, not regional differences in settings where abuse occurs.

More interesting are differences detected in the dynamics of abuse from region to region. While all four regions were equally likely to have cases involving professional child care staff, the West and Midwest cases were more likely than the others to involve family members of staff. The South had the highest incidence of perpetrators who were peripheral staff and outsiders and due to their limited access had the highest incidence of cases with single victims. Cases in the West were more likely to involve multiple perpetrators and victims. The Northeast had more multiple perpetrator cases than the South or the Midwest. However, these variations in dynamics may also be partly explained by the differences in type of day care from region to region. For example, a high proportion of family day care homes in the Midwest may increase the incidence of family member perpetrators there. On the other hand, the regional variation in cases may reflect regional differences in investigation and substantiation patterns. For example, the West may be more likely to focus on multiple perpetrator and multiple victim cases.

Urban-rural differences

The analysis shown in Table 7-1 found an unexpected set of risk factors related to geography. Abuse in programs in large cities or urban areas or in areas of high crime was less serious, i.e., less likely to occur more than once, less likely to last more than a month, and less likely to involve more than one victim. Abuse which occurred in rural areas or small cities and towns was significantly more serious: 94% of the cases involved abuse of long duration (more than one month) compared to urban area cases where only 44% of the cases were more than one in month duration. Seventy-six percent of the small city/rural area cases involved more than one victim, compared to only 32% of the urban area cases.

These findings run counter to the stereotype of urban areas as "full of crime." It suggests that perhaps there are protective factors in urban areas. One is more likely to find large centers and a higher ratio of publicly-funded programs in cities. These programs employ more staff members and size of staff may increase detection of abuse. A more heterogeneous staff may inhibit collusion. In urban areas, there is access to a larger and more educated, experienced, and professional pool of potential employees. The high crime rate of large cities may also have a peculiar protective effect. In environments where people are naturally more wary, parents may be more suspicious and perhaps, therefore, more sensitive to picking up danger signals from the environment, short-circuiting abuse at an earlier stage. Finally there are frequently more services and organizations available in cities to inform the general public about abuse and to assist those needing support. By contrast, parents in smaller towns and more rural areas in which there is generally a lower level of crime may be more trusting, less suspicious, less adept at spotting environmental cues, and slower to confront and investigate.

## Type of Facility

### Affiliation and family day care

Facilities with a wide variety of affiliations appeared in our full sample of cases (Table 7-3). The majority (61%) of facilities were unaffiliated. Of affiliated programs, the majority were associated with churches. We were unable to find exact figures on church affiliation for facilities in general, but have no reason to believe that it is a risk factor given that a large amount of day care is associated with or located in churches. The affiliation of the day care facility was not a factor in our proxy measure for risk of abuse (Table 7-1). However, other factors related to type of care and tax status of the operation, as we shall see, were associated with risk.

Table 7-3: Affiliation of Day Care Facilities -- Full Sample

| AFFILIATION | % (N=242) |
|---|---|
| None | 61% |
| Church | 16% |
| Government | 8% |
| University | 2% |
| School | 2% |
| Corporation | 1% |
| Other (includes chains) | 12% |

(missing = 28)

One question which we wanted to answer, but are unable to conclusively respond to in this study is: "Which settings provide greater risk for abuse, family day care homes or centers?" Although we were able to compute an incidence rate for child sexual abuse cases in day care centers (30.7 centers with abuse for every 10,000 centers-- see chapter 1) data on the total number of family day care homes with six or more children are unreliable and unavailable. Therefore, we are unable to compute a similar incidence rate for family day care. Many licensing officials told us that they had far more allegations of sexual abuse in the smaller day care homes (caring for fewer than six children.) However family day care homes greatly outnumber day care centers. In fact, the finding that only about one-third of the day care sex abuse cases were from family day care homes might suggest that the risk of abuse is greater

in centers. We cannot, however, conclude that this is the case. It is likely that cases of abuse in day care homes go undetected for a longer period of time and they may result in less reporting to licensing and other authorities because of the relationship between the parents of victims and the day care providers and also due to negotiation of informal solutions. Calculation of incidence of sexual abuse in family day care must await better data on family day care nationwide and information on all alleged abuse cases.

We were able to compare family day care cases to center cases in our analysis of severity of abuse (Table 7-1), our proxy for risk. Family day care homes were associated with abuse of longer duration. Smaller, more intimate, family day care homes may, indeed, provide a setting in which abuse can continue for a longer period of time without detection. Family day care abuse often involved family members of the day care operator and, especially when living spaces were contiguous to the day care space, there may be increased opportunity for abuse. The primary group interactions between the children and the operators and their family members make these cases in some ways similar to intrafamilial child sexual abuse (see Chapter 2) and may foster keeping the abuse a secret for a longer period of time. On the other side, private, non-profit day care facilities were likely to have abuse of <u>shorter</u> duration (Table 7-1). It is possible that non-profit centers reinvest all funds in day care operations, thereby improving the quality of staff and program, but we have no way of knowing this. Perhaps not-for-profit organizations involve more oversight by board members and others, thus limiting the extent of the abuse.

<u>Clientele</u>

Table 7-4 shows the different types of clients served by the facilities in which abuse occurred. Over one-half of the programs served multi-racial groups of children and one-fifth served higher income children. There was no apparent disproportion of facilities serving poor or single parent families. In our risk proxy analysis, however, a variable related to age of the children attending the day care was associated with less risk for abuse. When only older children attended the abuse took place over a shorter time period and there were fewer incidents. That is, when all the children were at least three-years or older the risk for abuse was less. The programs with only three-year and older children were likely to be more structured, larger, pre-schools. Perhaps in these structured situations the opportunities for abuse is less frequent. In addition the verbal skill levels of the older children may make acquiescence more difficult, intimidation less likely and preclude keeping the incidents secret for a long time.

Table 7-4: Clientele of Day Care Facilities -- In-depth Sample

| CHILDREN ATTENDING | % (N=43) |
|---|---|
| Infants | 44% |
| Toddlers | 83% |
| Three- to Five-year old | 100% |
| Over Six-year old | 57% |
| Blacks | 49% |
| Whites | 85% |
| Hispanics | 37% |
| Other ethnic groups | 12% |
| PREDOMINANT INCOME LEVEL | |
| Above average | 22% |
| Average | 44% |
| Below average | 33% |
| PREDOMINANT STATUS OF PARENTS | |
| Single parent | 27% |
| Two parent | 39% |
| Even numbers of both | 35% |

**Characteristics of Program and Staff**

Reputation

People are inclined to believe that longevity and good reputation are signs of safety from abuse. It is true that 57% of the sample of facilities where abuse occurred were in operation five or fewer years. However the study period was one during which the number of child care programs increased dramatically (NAEYC, 1987), so it is to be expected that most day care programs are relatively new. Moreover, the number of

years in operation was not associated with increased risk of severe abuse. As parents and licensing officials in the McMartin case and others found out, programs enjoying an excellent reputation in their community could be the site of horrendous abuse.

> One large church-related day care center with a highly respected child development program had been in operation for more than 20 years with no previous complaints. This day care facility was located in an affluent community. The church also sponsored over a dozen other day care facilities in the county. Abuse, committed by a staff member against more than 30 children, was substantiated and included sexual intercourse, fondling, fellatio and digital penetration. Allegations were made that other staff were involved in the abuse, but these were never substantiated. There was evidence of picture-taking, physical abuse and ritualistic behavior.

We found a strong reputation no indicator of reduced risk. In fact, in a number of cases the reputation of the program only made it more difficult for parents and the community to believe abuse could have occurred.

Licensing/ compliance

Nine percent of the facilities in our full sample were unlicensed. While we do not know what percentage of all day care facilities are unlicensed, we concur with the general professional attitude that any unlicensed program constitutes a risk. Although some facilities are not required by the state to be licensed simply because of size or due to church affiliation, others avoid licensure because they have something to hide: for example, deficiency in staffing, training or professional experience; or an inadequate or overcrowded facility. Lack of license may reflect ignorance of or blatant disregard for regulations. At the least, unlicensed programs do not have to meet minimum safety, sanitation, teacher-child ratio or other codes and therefore require more careful scrutiny by parents.

> One facility had been operating without a license for a couple of years, despite efforts by licensing to get the owner to comply with the regulations, and requests to the state's attorney's office to close the facility. The facility and staff were reported to be totally inadequate and the enrollment was double what it should have been. The director had hired her cousin, a young man with a history of institutionalization, to do maintenance work on the dilapidated building in which the facility was housed. He lived at the facility and was the only person present at the beginning of the day as parents dropped off their children. He took a three-year old girl into the kitchen and raped her. He was sentenced to a term of ten years in prison.

Many of the unlicensed programs (67%) were family day care homes. Some of the worst of these, but not all, were overcrowded and substandard

in almost every regard and were used by parents because they were convenient; sometimes they were the only care that a parent could find. Some of these facilities had no waiting list and took anyone who could pay the price. Both their availability and their more lax rules, regarding drop-off and pick-up time, for example, made them desireable to parents burdened with other than nine-to-five jobs or family problems.

However, most of the abusive facilities in our study were licensed (79% in-depth sample) and clearly a license was no guarantee of being abuse-free. A license is no proof of quality either. Many licensed facilities had had prior violations. Forty-three percent of licensed programs in our in-depth sample had been cited for unacceptable quality of care, 35% had been out of compliance regarding the physical plant, 21% had received a violation for exceeding the number of allowable children, 19% had been previously investigated by authorities, and 9% had been cited for accepting children outside the age for which they were licensed. However, only 3% had ever been placed on probation and none had ever been closed. Unfortunately there are no data on the incidence of such violations in nonabusive centers, so we are unable to determine if this violation rate among facilities in which abuse occurred is higher than would be expected. In our experience many otherwise acceptable programs are cited for minor problems relating to the facility, or may slightly overbook children in order to maintain operation near capacity. We would not consider minor infractions of this nature evidence of increased risk for sexual abuse. Prior violations, especially prior allegations of abuse, may serve as a "red-flag" warning, but as our statistical analysis reveals (Table 7-1) prior violations and investigations were not related to more severe abuse.

People also tend to think that recent licensing visits are a guarantee against abuse. This may be true but many examples show they are no guarantee.

> During its first year of operation, a day care center that was part of a national chain had been investigated by licensing for allegations of physical and verbal abuse, with inconclusive results. The one violation which had been confirmed was understaffing, and the operators were required to correct this. Several months later, sexual abuse by several female staff was reported and substantiated.

This example also illustrates that even recent on-site inspections were no guarantee that sexual abuse would not occur. Of licensed programs, 82% had received a site visit in the year that the abuse occurred. These inspections failed to prevent abuse either because there were no obvious clues or because such clues were ignored. Licensing authorities traditionally have not had a high index of suspicion about abuse and have concentrated more on inspecting the physical facility and records. Even when licensing authorities focus on the quality of care that children are receiving and add additional site visits to their schedule abuse may occur.

> In one case a family day care operator had applied for a group home license to increase the number of children in care.

Licensing had serious reservations about this owner's ability to handle group day care because of previous incidents of a nonsexual nature which indicated her inability to supervise large groups of children. However, the agency believed it lacked firm evidence to deny her application and curtail her growing business. Instead they attempted to monitor her more carefully than was usual. A short while later the owner's husband exposed himself to and fondled a four-year old girl while his wife was occupied with the other children.

Our statistical analysis confirms that whether or not a facility had had a licensing inspection in the past year was not related to the severity of the abuse. These cases indicate that a license and licensing inspections offer no guarantees of reduced risk of abuse.

Parental access and participation

Limits on parental access was a significant risk factor both from anecdotal accounts and our proxy risk analysis (Table 7-1). For example, programs which limited parental access were more likely to have multiple perpetrators. While only 19% of the programs in our in-depth sample involved multiple perpetrators, 57% of the programs which limited parental access involved multiple perpetrators.

In one Southern church-affiliated center, parents were advised to call before visiting the facility. They were prevented from entering by an exterior lock and had to ring a buzzer for access. A second interior lock secured the area which children occupied. Licensing inspectors were similarly restrained. Since the center was seen as a model in the community, no one complained. It was estimated that over 40 children were sexually abused by several adults there.

However, there are also centers where parents think they enjoy good access but in actuality they do not.

In a major case with allegations of ritualistic abuse by a number of day care staff, the director, and other members of the community, the center owner contended that the facility -- with its many large windows and a playground facing a busy street corner -- was so open to the public that no secret rituals and sexual abuse could have taken place unobserved. On the face of it this seemed valid to parents who never remembered being denied access to the center. However, during the trial one child reported how she had been posted as the "look-out." She was instructed to stay on the playground swings and watch for parents. If she saw anyone coming she was to run to the classroom to warn the teachers.

Parental access in a center can also be measured by the extent of their involvement in the programs and activities of the facility-- as aides, board members, assistants on field-trips, etc. Only five programs

in the in-depth sample utilized parent volunteers and only a total of nine indicated any form of parental involvement.

Programs with few limits on parental access and in which there are strong, sustained levels of parent participation should be at reduced risk. However, there may also be some risks associated with parental involvement. Parents can be perpetrators.

> An unlicensed center in a poor community of a large city was housed in a community cultural center and utilized large numbers of parent volunteers and provided adequate programming and good meals at low costs. However, there were other problems. The cultural center had a known affiliation to a terrorist group that had recently been raided on suspicion of bomb manufacturing. A mother of one of the children in care who was a part-time volunteer at the center fondled and digitally penetrated another little girl.

Nepotism and family perpetrators

There is a lot of anecdotal evidence suggesting that the presence of family members of staff may constitute a risk factor. There were two ways family perpetrators in our study gained access to young children in child care. The primary method was informal: living in the same house as the facility or visiting the relative at the place he/she worked. The second method was more formal: becoming employed in a child care facility as a result of that relationship. In approximately one-third of our full sample, the perpetrator was related to another staff member. In the majority of multiple perpetrator cases a family member was involved.

Since family day care is generally in homes and thus accessible to non-employee family members, this is where the majority of abuse by family members occurred. Most family perpetrators in family day care were either without responsibility for children or served in an unofficial capacity, such as when the operator left the house on errands.

In centers, access by relatives is generally more limited than in family day care. In our study, most family perpetrators in centers were employed in some official position by the center. We presume this employment was facilitated through their relationship.

The interrelationships of family member perpetrators and their impact on abuse dynamics was discussed in detail in Chapter 2. Non-perpetrators may be reluctant to report suspicions about the activities of their relatives because they fear the embarrassment that an investigation will bring, because they are afraid to confront that individual, or because they simply cannot believe that such a thing could be true.

> This may have been the case in Prince and Princess day care. Both the perpetrator and his mother worked at the day care center. The mother had been told of suspicions of abuse on a number of occasions prior to the disclosure to authorities, but

had done nothing. The son later confessed to multiple acts of sexual penetration with a large number of children.

And, as we have seen in a number of cases, the family ties encourage collusion and cover-up in the abuse.

It is difficult to assess the level of risk posed by family members of staff in a program, because we do not know the frequency with which family members of staff have contact with children in non-abusive facilities. The presence of family members is not a risk factor in all programs. But, given that (34%) of the full sample of cases involved family perpetrators, we conclude that the presence of family members in a program requires scrutiny as a possible risk factor.

Characteristics of day care staff and administration

It has been suggested that the qualifications of the director may have an important impact on the occurrence of abuse in day care. As a result we investigated the impact of the qualifications of the director on the risk for serious abuse. In our proxy risk analysis we found that the qualifications of the director, measured in two ways-- by a college degree and by more than one year of experience as a director-- was not related to the severity of abuse (Table 7-1). Over 50% of the directors in the in-depth sample of cases had at least some college education and 32% had a bachelor's degree or better. This finding is similar to that of a study by Abt Associates (Ruopp et al., 1979) where neither total years of day care experience nor having a college degree were systematically associated with caregiver or child behavior.

However, the Abt study did find that caregivers with education and/or special training in child development or caregiving delivered better care and impacted positively on child development. We found that, in one-fourth of the cases in the in-depth sample, the directors of the facilities had training in child development. This suggests that such education did not mitigate against child sexual abuse. While 50% of the cases which took place under the administration of directors trained in child development were more minor one-time incidents, the remaining 50% of the cases which occurred under trained directors were more serious ones in which long-term abuse took place.

Even more notable is the fact that in 25% of the full sample of cases the director or owner perpetrated the abuse. In 12 (28%) of the cases in the in-depth sample the director or owner sexually abused the children: six were center cases and six were in family day care. However, only one-fourth (3) of these directors had a college degree and only two directors had received special training in child development or childhood education.

We did not obtain information on the qualifications of other staff in day care facilities in which abuse occurred. However it is notable that nearly one-third of the teacher/ assistant teacher perpetrators had a college degree.

There was one characteristic of staff which was significantly associated with our proxy measure for risk of abuse. The larger the number the staff, the less likely it was that abuse would be severe. In facilities with only one staff (and a director or owner/operator) the abuse was likely to be of longer duration. When there were a large number of staff, particularly in centers with 11 or more staff, the abuse was likely to be shorter and to involve fewer victims. This suggests it is not the qualifications of staff but the number of staff that is important. A larger number of staff may preclude the collusion necessary to carry out systematic and long term abuse of a large number of children. Of course, this does not mean that there were no cases of abuse of long duration involving many children in large centers. However, in these cases family ties were usually present among staff.

## Summary

The findings on risk factors for sexual abuse in day care are disappointing to those who seek simple solutions to the prevention of child sexual abuse. This is no surprise -- quick-fix prevention strategies have not been found for child abuse in any setting. Our conclusions are also somewhat limited by the lack of data on the nature and characteristics of day care programs in the U.S.-- a situation which we strongly recommend be remedied. Our conclusions on risk must, therefore, be viewed as preliminary.

In general, we have found that the "sacred cows" of day care have not been important factors in minimizing the risk of child sexual abuse. Facilities with excellent reputations, well qualified directors, and years of operation seem to be no less likely to harbour individuals who sexually abuse children. Factors which one might think would be associated with high risk -- high crime, inner-city neighborhoods and large staffs-- were, in fact, associated with less severe abuse cases. On average, the abuse which occurs in small day care operations, in small towns, and in family day care homes seems to be more severe. It is disconcerting to find that the gemeinschaft-type of day care facility-- the "mom and pop" operation which can give the child the warmth of a "second family" and the personal attention that may be lacking in larger, more impersonal centers -- may also provide a setting for more serious abuse. We cannot, in fact, conclude that the incidence of abuse is higher in small, primary group, day care settings, but our findings indicate that when abuse does occur there it is more likely to continue for a longer period of time and involve more incidents and victims. Our findings do confirm that parental access to (and presumably involvement with) the day care facility mitigates the risk and severity of the abuse. Parental access to and involvement with the day care may not only limit the ability of perpetrators to sexually abuse children but may deter abuse by reminding staff that the children are valued and protected by their parents. Undoubtedly parental access to day care and their involvement in the facility has other benefits for both the children and the child care programs.

## Policy Implications

### Re-evaluating Myths about High Risk Facilities

Parents, professionals and licensing officials need to be urged and educated to re-evaluate assumptions they make about facilities. Traditional indicators of quality in day care -- such as experience, education and reputation -- are not guarantees against the possible presence of sexual abuse. People need to be educated not to be lulled into a presumption that abuse could not occur simply because a facility meets conventional quality standards.

### Raising Level of Suspicion

Parents and staff should be urged to have higher levels of suspicion about possible abuse. The findings that in higher crime areas abuse appears to be of shorter duration suggests that wariness does have its benefits.

### Supervision and Administration

* Improved staff supervision

Directors and supervisory staff should make regular unannounced visits to all areas of the facility. There should be greater supervision at nap time and at the beginning and end of the day than is customary at many facilities. It should be clear to staff that there may be a supervisor in any area at any time. The findings that abuse is less severe in facilities with a large number of staff suggests that supervision may be effective in reducing risk.

### Parents

* Parental access

Parents should insist on access to the facility at any time. No area should be off limits to parents. If parents discover locked doors, or areas in which there may be children off-limits to them, it should be reported to the director and licensing or another regulatory agency. Parents should avoid sending their children to centers with policies restricting access.

* Parental visits

Parents should occasionally make unannounced visits at varying times of the day. Staff should know that a parent may drop in unannounced at any time.

* Parental participation

Parents should participate to the greatest extent possible as volunteers, board members, etc. While it is not easy in many facilities to increase parent involvement, this may be the most cost-effective method for reducing risk.

**Licensing**

* Training on and attention to risk factors

Inspectors should be trained to spot potential risk factors for abuse and alert director and staff to them, requiring changes whenever possible. There should be unannounced visits at random times. In programs where abuse may be suspected, the frequency of such visits should increase. The risks inherent in unlicensed facilities make it necessary for increased follow-up of reports of the operation of unlicensed facilities. Therefore, in many jurisdictions the number of inspectors should be increased, especially given the tremendous growth and continued expansion of day care.

* Attention to prior violations

Inspectors should be especially aware of potential problems in programs in which there have been violations as to the quality of care, which have been in flagrant violation regarding the number of children or the condition of the facilities, which have been previously investigated for any abuse, and in which the owner or relative has had a history of problems.

# Chapter 8: INVESTIGATION[1]

Linda Meyer Williams and David Finkelhor

## Introduction

Although the disclosure of any sexual abuse produces quite a commotion, abuse in day care generates an unusually intense community response. Parents, day care professionals, criminal justice officials, child welfare workers, the media and members of the general community all get involved. In the next three chapters we will be describing these social responses, first focusing on the investigation phase, then the licensing and criminal justice response (when there is one), and finally considering some aspects of community response.

Sexual abuse in day care has earned a notorious reputation as being difficult to investigate. The well-publicized story of the McMartin Preschool case has contributed to this reputation, as the case has consumed thousands of hours of investigation time and literally years of court proceedings. The intense debates and conflicts that have swirled around the case illustrate the competing interests with which investigators have had to deal. The children need to be protected from further abuse. Parents and public demand to be fully informed. Prosecutors and police are called upon to bring culprits to justice. But the due process rights of the accused need to be balanced against the demands for justice and action. The media's and public's right to know must be balanced against the requirements of a fair and thorough investigation. And the need to protect the victims must be balanced against the rigors of due process. The clash of these interests can easily become bitter and rancorous. It was, in part, the disillusionment, frustration and anger felt by many of the parties in response to the investigation of the McMartin case that sparked this study.

This research was designed to uncover the kinds of conflicts and problems that confronted investigators, and also to learn what worked and did not work in investigations and prosecutions. Toward this goal, we interviewed hundreds of investigators, including child protective service workers, licensing staff, police, prosecutors, and other special investigators. We obtained qualitative and quantitative data on 270 investigations occurring in 1983 through 1985 and detailed information on a subset of 43 cases. So, we have a good overview of the variety of cases. We did not get as much first-hand information from parties other than investigators: parents, day care staff and the accused. However, we asked detailed questions about the actions of such participants and can infer a great deal from the accounts we do have.

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[1]. All of the cases which we studied were substantiated by at least one of the agencies involved. The cases which were not substantiated by any one agency may have been very different from these, not only in the nature of the alleged abuse but in the way that they were handled by the investigators.

In the course of the study we did discover a number of conflict-ridden and generally unsuccessful investigations, in which lack of experience, resources, and cooperation took their toll on all participants. But we also heard many accounts of effective efforts, where sensitivity and skill were applied to make the system work for all parties, and where thorough investigations helped to remedy painful situations. The effective efforts have generally not been well publicized and we are pleased to report on them. They contradict the prevailing perception that these cases are routinely botched and they give hope that such difficulties are far from inevitable.

## Four Case Studies

To begin this section on social response, we present four case studies that illustrate some of the problems faced by investigators and the social response to cases. The first case is an example of issues and conflicts that may forestall a thorough investigation.

Case #1:

In 1983, a three-year old, developmentally delayed boy, who had been attending the First Western Day Nursery, a large and well-respected center in a metropolitan area, told his mother that he did not want to go to day care any more because a man "made soap" there. What he went on to describe indicated that the teacher's aide, an 18-year old male, had fondled him and masturbated in his presence. Child protective services took primary responsibility for the investigation and, after interviewing the child, substantiated the case on the basis of his account. The police, however, believing that this young and withdrawn child would be a poor witness, decided that criminal action was not possible. In addition, the offense was not considered very serious in comparison to the other active cases. The state agency in charge of day care was even more skeptical. Their officials took the position that the mother who reported the abuse should not be believed because she had lied on her application for this state-supported day care. The social worker who had been responsible for licensing this day care center for many years also discounted the charges. In the end, the alleged perpetrator, although fired from the center for "poor performance of other duties," was never interviewed by any of the investigators.

The CPS worker told the researchers that she now wished that she had interviewed the other children in the day care center who had had contact with this perpetrator. She had interviewed the victim's siblings and ruled out sexual abuse in the home, but at that time was unable to interview more children in the day care center and is still unsure about how she could have negotiated permission to interview them and at the same time avoided tarnishing the center's excellent reputation. This case resulted in 1) removal of the child from the facility by

the mother, 2) firing of the alleged perpetrator, but 3) no arrest or formal charges, and 4) no known changes in day care center policies or procedures.

The second case exemplifies many of the problems presented by the legal system in the investigation and prosecution of cases.

Case #2:

In 1984, a four-year old girl told her parents that she had been sexually abused at day care. It is not known exactly what she told them at first, but the story eventually emerged that she had been threatened with a gun and raped, and that pictures were taken of her while she and other children were forced to engage in sexual acts. It was not until after the court process was completed that the child, in the course of therapy, revealed additional information on ritualistic elements of the abuse (magical surgery, satan worship, and torturing of other children).

In this instance, CPS and licensing were not required to be involved in the investigation, so it was handled solely by the police. In the early stages of the investigation, the police talked to the first child to disclose. The alleged perpetrators were also interviewed, but only after they had been tipped off about the investigation. As expected, they totally denied any wrongdoing. No other parents or children were interviewed at that time and the day care continued to operate.

A month later the police reopened the investigation because another child had independently reported similar activities. Eventually over a dozen additional children came forward, corroborating some aspects of the first child's account, while contradicting others. Soon the media got involved in the case, and all sides were clamoring for quick determination of guilt or innocence. The center closed for the summer.

This time the police pressed charges. Eight children testified before two grand juries. Felony indictments were brought against the director and several employees. But the case took its toll on the children. In the first four months of the investigation the children told their stories to police, social workers, prosecutors, two grand juries, and at several hearings. None of the interviews were videotaped. Then the children were subpoenaed six times for pretrial hearings, in every case having to face in person the accused and their four attorneys. The main witness, a four-year old girl, was subpoenaed to answer questions about her "previous sexual history." The defense attorney argued that since she had alleged that one of the other defendants had sexually abused her before his client, therefore, she had a prior sexual history which his client had a right to explore.

More than one year after the alleged abuse occurred the trial was to begin. A completely new judge was assigned and pretrial motions were reheard. Only three children remained willing to testify, however, and one of these was so intimidated that she could only whisper in the judge's ear and was, therefore, disqualified as a witness. Each remaining child had a 60-minute competency hearing, during which time she was forced to identify the perpetrators and say what they had done. The parents report that the children were ridiculed by the defense attorneys for believing in Santa Claus and the Easter Bunny. Direct examination of the first child took a full day. At home that night, her parents reported that this child rocked and cried uncontrollably for hours. She demanded, however, to go back to court the next day so the jury and judge could hear the truth. There she was cross-examined for an entire morning before her parents decided she could take no more. According to her parents she had been yelled at by the defense attorney, called a liar, and told to look directly at him when she tried to look at someone else. He asked her questions about time sequences and details that she had no ability to answer. At the end of the first day she had not completed the cross-examination of even the first of four defense attorneys. The parents had her evaluated by her therapist who testified that she was suffering psychological damage as a consequence of the proceedings. A motion to have the courtroom cleared was sustained, but the parents were also removed, leaving the child with no support system except for the child advocate on whose lap she was permitted to sit while testifying. The cross-examination was limited to four hours each day and two more days of questioning occurred. The transcript of the trial reveals that the child was asked over one thousand questions in this period. The reports which the children had made to their parents were disallowed as "hearsay."

The investigators suggest that their lack of training and experience contributed to the outcome of this case: dismissed charges against one defendant and acquittals on all counts for the other three defendants.

In contrast to this example, a third case shows how an investigation could occur quickly and efficiently, with positive results.

Case #3:

A four-year old girl who attended a small, unlicensed family day care home in a rural area, had a persistent vaginal rash, which a physician eventually diagnosed as a rare venereal disease. The case was jointly investigated by CPS and the police who decided that the CPS worker should do the initial interview alone. During the interview a rapport was established with this rather verbal child and she told the CPS worker about the abuse. She said that the adult son of the owner/ operator had fondled her, rubbed his penis on her vagina, and performed

oral sexual acts on her. The CPS worker obtained the names of other children at the day care home from the mother of this child, contacted their parents and interviewed 12 to 14 of these children. Abuse of two more victims was substantiated and several others were suspected to have been victimized, but would not talk about it. The police and prosecutor reviewed the case and interviewed 22 children. Eleven days after the investigation began, CPS and the police went to the day care home and arrested the alleged perpetrator. In the face of evidence that he had the rare VD and testimony by a relatively articulate child witness who had not been further traumatized by the investigation, the case went to trial before a judge, and the defendant was found guilty and sentenced to 12 years in prison.

CPS attributes the outcome of this case to their prior experience with criminal investigations, bolstered by good communication among the agencies involved. This cooperation overcame manpower constraints and helped in resisting media pressure to act in a precipitate way.

The fourth illustration shows that cases which seem simple at first often grow more complicated. Yet, even with complications the involvement of many individuals and a lengthy trial, a case can go forward with prosecution and conviction.

Case #4:

An unlicensed family day care in a large city was owned and operated by a middle-aged woman who had a good reputation in her community. The initial disclosure of the abuse came from a three-year old child, who upon arriving home from day care, spontaneously told his uncle that he was forced to suck the penis of a care-taker at the facility. The child was taken to the hospital where the CPS night-shift worker interviewed him and was told what had happened. Later at the police station, the child used "anatomically correct" dolls to repeat the story.

A full investigation began. The filthy and dangerous "firetrap" in which the children were cared for grabbed the initial attention of the investigators who obtained a search warrant and immediately closed the facility, removing the children on the grounds of health and safety. During the early stages of the investigation the police and CPS social worker thought that the one child was the only sex abuse victim. However, after interviewing other children who were at the day care home, the full extent of the sexual abuse that had been ongoing at the facility was uncovered. Over one-half of the 70 children who were interviewed and given medical exams were suspected victims. The medical exams revealed that many of the children had venereal disease and genital trauma. The investigators collected evidence to support allegations that on a virtually daily basis, over a four-year period, children were

forced into almost every conceivable sex act with the male caretaker and with other children, caretakers and outsiders who frequented the facility.

In the end, based on the best testimony, two alleged perpetrators, the female owner-operator and the primary male caretaker, were indicted on sexual abuse of twelve females and five boys who had been forced to abuse the girls. Charges of child endangerment against other adults present at the facility were eventually dropped.

The investigatory and prosecution team consisted of many persons from all involved agencies, but was spearheaded by the original CPS worker, the assistant district attorney, a police officer and a child development specialist. Preparation for court and the jury trial itself took more than two years.

Eighteen children testified at the trial, some for as long as eight days. The testimony was so disturbing, that, at one point, the jurors asked for personal compensation for counselling sessions they might need to deal with psychological trauma from what they were hearing. The children were convincing, in part because some of them were older (8-11 years old), several years having elapsed between the time of the abuse and the time of trial. Also, they had received support from the team and their parents. The parents were forced to defend themselves against accusations that they had committed the abuse and, with the support of the team and the other parents, they were convincing to the jury, despite a history among some parents of prior child abuse, drug addiction and venereal disease. In the end, one perpetrator was convicted of 17 counts of felony sexual abuse and sentenced to 165 years in prison. While the female owner-operator was acquitted of the sexual assault charges, she was convicted of child endangerment and received a prison sentence.

There were hundreds of problems this investigatory team had had to deal with: the collection of corroborative evidence (required by law in this state on all counts), searching for pornographic material allegedly produced at the facility, dealing with parents' anger and denial, coping with severe after-effects of abuse on the children, disappearing witnesses, organizing a parents' support group, protecting the case from contamination by parents' discussions, and handling opposition to the case from the media and some of the community. How some of these problems were dealt with will be described in subsequent sections. All investigators reported that excellent team work and dedication was responsible for building the strong court case while minimizing further trauma to the children.

There are numerous problems illustrated by these cases. In the next several sections we will define and analyze those problems which were most common and critical. First we will discuss the investigating agencies and

the issues they typically encounter. Then, we will describe a typology of investigative approaches which characterizes the different strategies used for handling cases. Then, in Chapter 9, we will describe the licensing intervention and how the criminal prosecution of alleged perpetrators develops, showing the factors which most influence the outcome. Finally we will discuss the response of the community to these cases.

## The Investigators and Their Approaches to Investigation

### Child Protective Services (CPS)

Laws in all 50 states mandate the reporting to CPS of child abuse and neglect. Abuse in out-of-home settings, including day care, while not included in every state mandate, is reportable because laws mandate the reporting of harm to children resulting not only from the positive actions of their parents but also from their lack of action or from neglect, a condition that applies in many out-of-home cases. In a few jurisdictions where child abuse protocols do not require CPS involvement in abuse occurring in out-of-home settings, CPS may relinquish much of their authority to the police.

However, it was rare for there to be no participation of child protective services in the cases we studied. They were involved in 92% of these substantiated cases (Table 8-1). In the 8% of the cases in which there was no report made to CPS, their lack of involvement was almost always because in that jurisdiction the social service investigation was the responsibility of the day care licensing office. In our sample of substantiated cases there were only a few times that neither CPS nor licensing were involved. The importance of the child welfare system is shown when we look at the problems which occurred in one case in which neither licensing nor CPS were notified.

Table 8-1: Involvement of Investigatory Agencies -- Full Sample

| AGENCY | % CASES (N=270) |
|---|---|
| CPS | 92% |
| Licensing | 79% |
| Police | 90% |
| Prosecutor | 77% |

In the Magic Greenhouse case, which occurred in a deteriorated section of a large city, a child was brutally raped by the janitor who was also related to the director of this illegally operating day care center. CPS has no record of being notified. Perhaps this was simply an oversight on the part of the emergency room staff who treated the child for vaginal lacerations. Nonetheless, the case immediately became a police matter. Despite a guilty plea and the incarceration of the janitor, the child and her family received no CPS assistance in dealing with the consequences of the abuse and locating appropriate day care.

Although the facility closed soon after the criminal case began, it is rumored to have reopened at another unknown location in the same city. Because neither CPS nor licensing were notified, the operators continued their business with impunity, and because the justice system had a strong enough case to get a guilty plea without other witnesses, other children who may have been abused were never identified or interviewed.

In most cases, however, the abuse was reported to CPS. Notification most commonly came from a professional such as a medical person, therapist, etc., who was required to report suspected child abuse and neglect (Table 8-2). Although in one-third of the cases that we studied it was the child's parent or guardian who reported the sexual abuse to CPS, usually a professional had directed them to report or they reached CPS after calling a child abuse hotline.

CPS almost always interviewed at least the one child who disclosed the abuse or who was suspected to have been abused (Table 8-3). (Among the cases in our in-depth sample involving CPS there was only one in which they interviewed no children.) How many other children they interviewed varied a great deal. In nearly one-third of the cases they interviewed 10 or more children. The average number interviewed (a total of 424 children in 32 cases) was 13.25 per case. Nonetheless, in 28% of the cases CPS interviewed only one child. Sometimes only one child was interviewed because CPS believed that only one child had been at risk for abuse. In some investigations they spoke with parents of other children about their children's behavior and ruled out suspicion of child abuse. In some cases they were denied access to information that would identify other children who attended the day care.

There was variation in how many times the children were interviewed as well. In one-third of the cases they interviewed some children at least twice. CPS did not operate alone most of the time and in 67% of the cases one or more of the interviews with children was conducted jointly with other agencies (Table 8-4).

Table 8-2: Identity of Persons Who Reported to Each Investigatory Agency In-Depth Sample

| AGENCY<br>REPORTER | CASES<br>% |
|---|---|
| CPS | (n=36 reported) |
| Parent/relative | 33% |
| Medical person | 22% |
| Police/law | 16% |
| Therapist | 11% |
| Day care staff | 11% |
| Licensing | 3% |
| Other | 6% |
| LICENSING | (n=34 reported) |
| Parent/relative | 18% |
| Medical person | 3% |
| Police/law | 9% |
| Therapist | 0% |
| Day care staff | 18% |
| CPS | 50% |
| Other | 3% |
| POLICE | (n=39 reported) |
| Parent/relative | 51% |
| Medical person | 10% |
| Therapist | 3% |
| Day care staff | 5% |
| CPS | 26% |
| Licensing | 3% |
| Other | 3% |

Table 8-3: Number of Children Interviewed by Each Investigatory Agency - - In-Depth Sample

| AGENCY<br>NUMBER OF CHILDREN | CASES<br>% |
|---|---|
| CPS (N=36) | |
| None | 3% |
| One child | 28% |
| Two children | 3% |
| Three-nine children | 31% |
| Ten+ children | 31% |
| LICENSING (N=34) | |
| None | 80% |
| One child | 8% |
| Two children | 0% |
| Three-nine children | 12% |
| Ten+ children | 0% |
| POLICE (N=39) | |
| None | 3% |
| One child | 29% |
| Two children | 9% |
| Three-nine children | 34% |
| Ten+ children | 26% |
| PROSECUTOR (N=33) | |
| None | 15% |
| One child | 19% |
| Two children | 15% |
| Three-nine children | 33% |
| Ten+ children | 18% |

Table 8-4: Proportion of Joint Interviews Conducted by Each Investigatory Agency -- In-depth Sample

| AGENCY | JOINT INTERVIEWS % (N=43) |
|---|---|
| CPS | 67% |
| Licensing | 40% |
| Police | 53% |
| Prosecutor | 57% |

Day Care Licensing

Licensing was often a division of the same larger state agency which housed child protective services (e.g., Department of Human Services). Thus, licensing and CPS frequently investigated cases together. In a common division of labor, the licensing workers would focus their investigation on the question of whether the facility where abuse had occurred should be allowed to continue to operate. In many cases, the licensing office told us that they conducted no independent inquiry but simply used the CPS report to determine whether abuse had occurred, and then decided what action to take on the license of the facility.

In cases involving alleged abuse by owner-operators, licensing tended to take a more active or even the lead role. A lead role by licensing was justified by the notion that abuse in day care is not a family problem but a problem of day care quality control. CPS, on the other hand, usually had more experience interviewing children and investigating cases of child sexual abuse. Some states are still trying to settle this turf issue and decide who has the "right" to this task that, in many ways, no one really wants.

Day care licensing was involved in 79% of the cases in our sample (Table 8-1). Some of the remaining 21% were cases of unlicensed facilities. In some cases when the facility was operating illegally, licensing took an active role, bringing an injunction against the center to see that it either obtained proper licensing or closed, and placing children in other day care settings. In other cases involving unlicensed centers, however, licensing took the bureaucratic stance that there was no reason for their involvement since there was no license to be revoked. In these cases CPS could report the existence of an illegally operating day care facility and sometimes, in due course, a licensing investigation unrelated to the sexual abuse would commence. In other cases there was no licensing involvement because the facility was church-affiliated or family day care in a state which did not require licensing of these facilities.

Most of the time it was CPS that notified licensing about the alleged abuse rather than vice versa (Table 8-2). In only 18% of the cases did the parents report directly to licensing authorities. The person who notified licensing was likely to be the day care owner or director himself, usually letting the licensing office know that an investigation was already underway and sometimes seeking the assistance of licensing in maintaining the program during a difficult period. In some cases (e.g., case illustration #1 above) a strong alliance was forged between day care licensing person and the day care director. Licensing arranged alternative care for children if a day care facility was temporarily closed, notified and reassured parents, and ran interference for the day care operator in dealing with other agencies. This does not mean that licensing was blindly supportive of the day care operation. Although sometimes more skeptical about abuse allegations than other investigators, licensing disagreed with a finding of substantiated abuse by other agencies in only 4% of the cases. We spoke to 38 licensing workers for the in-depth research and all but three responded that they were confident that the abuse had occurred.

Although licensing staff seldom interviewed the children themselves (Table 8-3) (except in those few jurisdictions where they had the lead role in the investigation) they were responsible for deciding if, based on a report of substantiated sexual abuse, the license of the day care facility should be suspended, revoked or made contingent upon changes in personnel or procedures. Licenses were revoked in 34% of the cases (Table 8-5). In another 6% there were license suspensions and in 34% there were provisions that violations must be corrected or the license would be revoked. Thirty percent of the facilities closed, 12% closing immediately or within a day or two of the initial report of the abuse. None of those which closed quickly reopened. Two centers that closed several months after the abuse was disclosed reopened at a later date.

Table 8-5: Actions Taken by Licensing -- In-Depth Sample

| ACTION TAKEN | CASES % (N=43) |
|---|---|
| None | 25% |
| License suspended | 6% |
| License revoked | 34% |
| Provisional license | 34% |

## Police

In cases of child sexual abuse, as in all reports of suspected criminal activity, the police must determine if a crime has occurred. But because other agencies such as child protective services and day care licensing were sometimes required by statute to investigate as well, police were often in the unusual position of having to share some of the investigative responsibilities with them. The relationship and degree of coordination between the police and the other investigative bodies was in some cases mandated by state or local laws or by administrative directive, but in others it was improvised by the individual investigators or it occurred by default.

In 10% of our total sample of substantiated cases the police were not involved at all (Table 8-1). Such non-involvement had a variety of sources. In some 24 cases, police were simply never notified.

> One case in which the police were not notified allegedly occurred in a large day care chain in a southern town. The child had irritation in the area of her genitals and when questioned by her mother said that someone at the day care center had put a stick in her "peepee." Licensing and CPS investigated and substantiated the case but were unable to determine who the perpetrator was. To the best recollection of the investigators and according to their records, the police were never called.

In another instance the police were notified at the onset but they deferred to CPS and licensing for the investigation, having decided that the case, in which operator's husband attempted to convince the children to remove their underpants, was not a criminal matter.

There were other reasons why police were not notified. In some cases the perpetrator was a juvenile son or daughter of the owner operator or the husband of the operator who was then banned from the day care or removed from the home. Licensing or CPS did not consider the issue a criminal matter. In some of the cases the perpetrator was also involved in abusing his or her own children in the day care center. In these situations there was a decision made by those in the child welfare system to keep the case outside of the criminal justice system. These types of actions betray the widely recognized antipathy that some social workers have toward the involvement of the justice system because they view the legal system as "too hard" on both the perpetrators and the children witnesses and unlikely to result in a satisfactory therapeutic outcome. A child welfare model in these cases seeks remedies involving management and treatment without criminal action. This appears to have occurred in the following case.

> A large, church affiliated center had its license revoked and later provisionally reinstated when it was reported that a male employee had fondled the clothed genitals of at least eight three-year old girls. The minister had hired the individual, although he knew that he had a prior record of child

molestation, and had been persuaded to let the man be alone with the children to show trust that he had reformed. Licensing and CPS did not report the incidents to the police because it was agreed by all that the man would be banned from any contact with the children and attend counselling sessions.

The cases without police involvement tended to be cases, like this, in which "less serious" sexual abuse was alleged, such as fondling only, or fondling outside of clothes. Cases which involved penetration were more likely to include the police (Table 8-6). Cases with only one or two victims were significantly less likely to involve the police. There was also significant regional variation. Cases in the north central and western United States were much more likely to involve the police than in the south or northeast.

Table 8-6: Variables Associated With Cases Having Police Investigation--Full Sample

| VARIABLE | INVESTIGATED % (N=253) | SIG.* |
|---|---|---|
| REGION | | |
| South | 84% | |
| Northeast | 85% | .009 |
| North Central | 96% | |
| West | 98% | |
| SIZE OF DAY CARE (# of children enrolled) | | |
| Small (<12) | 98% | |
| Medium (12-49) | 85% | .019 |
| Large (50+) | 92% | |
| NUMBER OF VICTIMS | | |
| 1-2 Victims | 86% | |
| 3+ Victims | 97% | .010 |
| PENETRATION | | |
| Yes | 94% | .070 |

* Chi Square

Only one-fourth of the reports to the police were made by child protective services. The greatest number of reports (51%) were made by parents or guardians (Table 8-2). It is clear that many parents felt that the abuse which their child had suffered was a criminal matter rather than "child abuse" and, therefore, went immediately to the police.

Police found it necessary to interview children in all but one case (Table 8-3). And, in many cases, as with CPS, they interviewed only one child. Often the interviewing was conducted jointly with another agency (53%) (Table 8-4) and many times the police observed interviews conducted by CPS or child development specialists. The interview is the mainstay of police work, so it is not surprising that in 95% of the cases the police interviewed the parents, in 90% of the cases they interviewed the alleged perpetrator, and 68% of the time they interviewed day care staff (Table 8-7). The perpetrator agreed to submit to a polygraph in one-third of the cases. The police collected medical evidence in 49% of the cases.

Table 8-7: Persons Interviewed by Police -- In-Depth Sample

| PERSON(S) INTERVIEWED | CASES % (N=39) |
|---|---|
| Parents | 95% |
| Perpetrators | 90% |
| Day care staff | 68% |
| Others | 29% |

We spoke to 34 police officers in the in-depth research. All but two responded that they were confident that the abuse had occurred and that the identified individual had committed the abuse.

### Prosecutors

The prosecutor's office was involved in 77% of the cases in the in-depth sample (Table 8-1). Their involvement ranged from that of a consultant on arrest decision making to that of managing the whole investigation and prosecution of the case. When prosecutors were involved in the investigation from the onset, they sometimes reviewed all decision making. In some instances, even the police function was incorporated into the prosecutor's office and police investigators were assigned to the prosecutor. In other, sometimes disastrous cases, however, the individual prosecutor did not even become aware of the case until it appeared on his "list" of court appearances for that day or week.

An example of a prosecutor coming into a case cold was the Lawson's Day Care Home. The district attorney's office had been marginally involved in this case but had never prepared it for court due to many delays instigated by the defense. Then, unexpectedly, the defense attorney died and the case was postponed for another year while the attorney's office reassigned and straightened out his cases. By the time the case was rescheduled, yet another prosecuting attorney had been assigned. He had not been previously involved in the case, and when he interviewed the victim and her mother, decided that the case was weak and that the abuse could just as likely have occurred in the victim's poor home environment. The child protective services worker and police officer who substantiated the case and made the arrest both reported to us that they were not consulted at all in this decision making, and they disagreed with precipitate decision of a busy unprepared prosecutor who came into a case at the very end.

In 15% of the cases in which prosecutors were involved they interviewed no children themselves (Table 8-3). In two cases the prosecutor believed that the identified perpetrator did not commit the abuse. In these cases the grand jury also failed to indict.

Once a case is set to go forward to trial the prosecutor is ultimately responsible for decisions about the conduct of the case, including such things as plea bargaining and sentencing recommendations. These aspects are discussed in Chapter 9.

## Typology of Investigative Approaches

There were as many different approaches to the investigation of child sexual abuse in day care settings as there were cases. Although some jurisdictions had specific guidelines for interagency coordination in the investigation of these cases, these were rare, and, when they did exist, the requirements of different cases often did not lend themselves to such prescriptive guidelines. The skill, personality, and attitudes of the investigators, the timing of the case, the dynamics of the abuse, the unfolding of the disclosure, and the response of parents and the community, all interacted to provide a unique set of circumstances for each investigation.

Looking over all the cases in the in-depth sample, however, we were able to cluster cases into three general patterns. These patterns represent ideal-types. No case completely fits one or the other. They are offered to assist in considering how approaches to the investigation can affect outcome.

### Child welfare solo

The first pattern is a solo child welfare investigation. This approach was generally taken when a sexual assault involved no obvious or

immediate physical trauma to a child and was reported directly to a child welfare agency, usually child protective services or licensing. Police played a minor role, if any, and either were not notified at the beginning or, if notified, had decided to await child welfare findings.

Although CPS defends this model by charging that sometimes police push a case too quickly, leaving no time to help the child victim to feel comfortable enough to tell all that happened, there is much evidence from our research that this model encountered serious difficulties. One case illustrates the many problems that could occur.

> In this case, a report was made to child protective services that a child had been sexually abused by several child care staff in a center operating in a middle-class neighborhood of a medium-sized city. The child protective services worker, for reasons unknown to the researchers, decided to handle the case by himself. But he was unable to get a consistent report from the child. His records indicate that he interviewed several other children at the day care center and that all denied being abused. The case was declared unsubstantiated. However, several months later, another report of abuse surfaced at the same facility. This time the police were notified by a former police officer, the father of one of the victims. A new CPS worker (the other had quit, reportedly a victim of "burn-out") and the police this time conducted a joint investigation, interviewing 40 children in their own homes. Although the original children who denied being abused continued to deny, CPS and police, working together, were able to identify and obtain testimony from 16 other children, the abuse of eight of whom resulted in criminal charges and the ultimate conviction of two perpetrators.

One problem with the CPS solo model is that a single agency (and often a single individual) must shoulder the burden of interviewing and decision making, often without support or consultation from any others. Another problem with this model is that the delayed involvement of the police may make the criminal investigation more difficult. The police complaint common to many of these cases is that they were called in too late to collect any physical evidence in the cases (e.g., evidence of pornography production, implements used in the abuse) and also that the earlier child welfare investigation tipped off the offender and prepared him or her to defend against the charges. Another problem with late police involvement is that contamination of the evidence can occur before the police are able to interview the victims.

Parallel investigation pattern

The second pattern of investigation is what might be called parallel investigation. This occurred when both child welfare and law enforcement agencies were involved but each organized their own separate investigations, designed to accomplish the divergent tasks assigned to their respective agencies.

In one version of this type of investigation the agencies communicated on a limited basis around two shared goals: 1) the substantiation of the case, and 2) the protection of children from further abuse by the perpetrator. In other cases of parallel investigation the separation was more complete, each agency committed to accomplishing only its own bureaucratically defined sub-goals (i.e, interviewing witnesses, arresting perpetrators, inspecting day care centers for violations).

Although the investigators may have cooperated in interviewing children, sharing information, and collaborating in efforts to avoid interfering with the investigations of each other, decision making was kept totally separate. Usually in these cases CPS interviewed all the children and police did likewise. And, if the case was prosecuted in the courts, the children were likely to be interviewed again. The purposes of the interviews were distinct and each agency operated on the assumption that they or their hired interviewers knew best and could not rely on the questioning of another agency. While these investigations were frequently quite thorough and sometimes interviews were conducted jointly, it was a demanding type of investigation which often strained the resources of all agencies involved. One case of an illegally operating day care center exemplifies this model:

> When this case broke it was learned by all investigating agencies that an earlier anonymous report of sexual abuse had been mishandled by child welfare. A variety of pressures caused the prosecutor's office to take an immediate interest in the case and conduct its own separate investigation. Simultaneously a new investigation was initiated by CPS and police investigators were sent to the children's homes. There was basic cooperation among the agencies and the goals of each were respected by the other. There was, as well, an over-riding concern with not jeopardizing the criminal case in any way. But the decision making was clearly separated, with CPS assessing issues of child safety, particularly where the status of children of the perpetrators were concerned, and the prosecutor's office handling the interviewing of children for the purpose of determining the nature and extent of the abuse.

In this type of case the children were often subjected to repeated interviews. Although the agencies worked together, they seldom really collaborated and, often, each worker was left to fight his/her own battles within his/her agency, with little support from others investigating the case. In addition, the numerous interviews with the children in these types of cases and their often contradictory conclusions could be used to impeach the credibility of the children in court, if the case got that far.

In some cases parallel investigations involved so little sharing of goals and information that the findings and decisions of each agency inevitably conflicted or the investigation totally dissolved. The police focused on making arrests. Licensing checked compliance with bureaucratic regulations. The child protective services did no more than determine that the reported victim was no longer at risk for further abuse. One

state's records were marked, "Investigation closed, child removed from care and no longer at risk." No action was taken either to protect other children or to prosecute the offender. The following case is an example of this type of parallel investigation.

> In this case, which occurred in a large city, a three-year old girl was found to be profusely bleeding from the vagina upon returning from day care. The child reluctantly told the hospital staff that the director of the day care injured her by sticking his finger in her. The police proceeded to arrest the director while CPS went off in their own direction and investigated the family of the victim. Initially only the siblings of the victim (and no other children from the day care) were interviewed and taken to the hospital for medical exams. The CPS worker became convinced that a family member had committed the abuse, although this was never substantiated. Later, after considerable media attention to the case, other children independently reported that they, too, had been abused by the day care director, but CPS maintained that they came forward because the parents wished to reap the monetary rewards of civil suit. It is not surprising that there was no prosecution in this case.

The case described above is a good example of the sub-goal specialization of both CPS and the police. Police, like other social agencies, are faced with impossible tasks. They are told to enforce the law, but often learn to focus their activities around measures which are within their immediate control and can be used to demonstrate that they are doing their job. Thus, police may fixate on arrests. Once a crime has been established and the perpetrator has been identified, they may hurry to arrest him. But, in these complex cases, with so many agencies involved and so many difficult issues regarding the testimony of child victims, it is necessary to take time before arrest to build a case that will hold up in court and permit successful prosecution. Although in the example mentioned above the police "got their man," the case was flawed by lack of cooperation between agencies which fed an adversarial relationship, delayed discovery of additional victims and created disagreement between investigating agencies, resulting in dropped charges and considerable additional trauma to the children.

To add to the futility of parallel investigations, licensing may also be involved in its own parallel investigation of the case. In this model licensing usually confined its role to determining if the immediate causes of the abuse had been removed. Often the firing or resignation of the alleged perpetrator was enough to satisfy licensing under this model. There was usually little or no effort to examine the hiring policies, supervision and other factors which may have contributed to continued risk for the children.

In many parallel investigations, our researchers noted that police and child welfare workers were in agreement that the abuse had been perpetrated by the accused, but the case was dropped by the prosecutor; illustrating the gulf between the investigators and the prosecutor. It

was not uncommon in these cases that the CPS worker (and sometimes even the police officer) did not even know the outcome of the case in the courts, having abdicated all responsibility or lost all contact with the case once he or she completed his narrowly defined or specialized tasks. Because many investigators were taxed by the weight of new cases and had no officially recognized role in the prosecution of the case, the prosecution was deprived of the very people who probably knew most about the case and undoubtedly could have assisted.

Multidisciplinary team investigation pattern

The third pattern that investigations took was a multidisciplinary team approach. Much has been written about multidisciplinary team approaches to investigation and its benefits. At the same time, investigators in the field, generally, have complained about the problems of teams which waste time, never seeming to accomplish anything, spending too much effort fighting turf issues, and allowing the bosses to sit around and agree with each other while the staff go out and do the extra work.

In discussions with investigators, it became clear that the existence of a multidisciplinary review team did not necessarily mean that a multidisciplinary approach was used in the investigation. We did, however, learn of cases in which cooperative efforts were made by investigators in the child welfare, law enforcement, medical and other professions to work together to accomplish their goals. These teams usually conducted a number of joint interviews with victims, although all cases with joint interviews were not multidisciplinary. The true multidisciplinary cases had joint decision-making on which evidence to collect and what steps to take next. These decisions were not always or even usually made in a room at a weekly meeting, but rather over the phone or as investigators prepared the next step after each interview was completed. Decisions about what the evidence meant were often made together. The agencies were in communication to assure that each understood the implications of one's actions for the job of others. But they also agreed that they would have to disagree some of the time.

It was not the task of this research to find out what conditions favored the development of these investigatory teams, but we did note that they were able to handle many of the problems which arose in these cases of sexual abuse in day care, and that the investigators were more likely to be satisfied with the way these cases were handled.

Even in so-called "team approaches," one of the agencies usually took the lead in the investigation. Sometimes the lead would change hands as the case progressed through the system.

> One example of a case where CPS took the lead was the Astor's day care home case, which was described in detail in the beginning of this chapter (Case #3). In some ways, CPS had the lead in this case by default. When the report first came to CPS and they called the police to coordinate their investigation,

the two agencies were unable to find a mutually convenient time to go out to see the victim, so CPS went alone. The police were kept abreast of all developments and went out to the day care home with CPS later when they both felt there was enough evidence to proceed with an arrest.

In the Golden case it was the police who took the lead. In this case the 30-year old husband of the operator was reported to have had sexual intercourse and fellatio with a two- and four-year old brother and sister over a two-year period. The mother notified CPS and the police. The police were in charge of the case and in this jurisdiction a multidisciplinary approach was "optional." The police, however, did involve CPS in all interviewing and a mental health professional was assigned to the case to assist in evaluating the children. Licensing authorities were also kept informed of the progress on the case and based their decision making on the findings of the police and CPS. The family day care home was closed and the perpetrator entered a guilty plea to a reduced charge of indecent assault. Although these were reduced charges, the fact that a thorough investigation and a united team of investigators put pressure on him to plea bargain was beneficial in this case. It reduced the further trauma to the children that might have occurred had a court trial been necessary. Given the young age and the dysfunctional family situation of the victims, it is not clear that the case could have tolerated a trial.

In Wyatt's day care the prosecution took the lead in the investigation. A 65-year old retired tradesman was accused of fondling and fellatio with a four-year old girl who attended his wife's day care program. In this case the investigator for the prosecution was involved in interviewing the four-year old victim from the beginning, as is now the general policy in this state. After ruling out intrafamilial abuse, the CPS took a back seat in this investigation. The evidence gathered from the interviews with the child was sufficient to convince the perpetrator to enter a plea of guilty, reportedly motivated by his desire to avoid subjecting the child to further stress and a jail term.

Team approaches generally provided continuity, with child welfare and law enforcement involved in the case from the beginning.

## Comparison of Investigative Approaches

Our data did allow us to compare statistically the cases with different types of investigations. Unfortunately, none of the cases in the in-depth sample fit the CPS solo investigation pattern. Although in the total sample at least 10% of the cases were CPS solo investigations, since these cases did not result in involvement of law enforcement, the CPS investigators were often very reluctant to provide the detailed information required for our study.

Between the other two types, 29% of the in-depth sample cases could be characterized as being a team investigation and 71% a parallel investigation. Table 8-8 shows the characteristics of the cases according to the type of investigation pattern.

Table 8-8: Characteristics of Cases by Type of Investigation -- In-Depth Sample

| Case Characteristics | % PARALLEL (N=30) | % TEAM (N=12) |
|---|---|---|
| | (71%) - - - - - - - - - - - | (29%) |
| Family day care | 53% | 47% |
| Center | 82% | 18% |
| 100+ incidents | 50% | 50% |
| Sexual intercourse | 43% | 57% |
| Child-child acts | 67% | 33% |
| Use of force | 67% | 33% |
| Threat | 71% | 29% |
| Ritualistic | 88% | 12% |
| Pornography | 20% | 80% * |
| Girl victims only | 75% | 25% |
| Boy victims only | 70% | 30% |
| Both sex victims | 67% | 33% |
| Multiple victims | 64% | 36% |
| Female perpetrator only | 83% | 17% |
| Male perpetrator only | 71% | 29% |
| Both sex perpetrators | 62% | 26% |
| Multiple perpetrators | 63% | 37% |
| Day care owners | 82% | 18% |
| Year disclosed | | |
| 1983 | 100% | 0% |
| 1984 | 72% | 28% |
| 1985 | 60% | 40% |
| Initial report made to | | |
| CPS | 60% | 40% |
| police | 94% | 6% |

* chi square $p<.05$

Only one characteristic of the cases was significantly related to use of one pattern or another. If pornography production was alleged, investigations were significantly more likely to utilize a team approach. In no other way did the dynamics of the abuse in the team investigation cases differ significantly from the parallel investigation cases. There were trends that may be worth noting, however. The team approach (29% of the total cases) tended to be used more frequently for investigations of abuse in 1984 (28%) and 1985 (40%) (as opposed to 1983 (0%)), in family day care settings (47%), when hundreds of abuse incidents were alleged (50%), in cases in which sexual intercourse was alleged to have occurred (57%), and when the initial report was made to someone other than the police (40%).

Most important to note, however, was that team investigations had a definite impact on the outcome of the cases. The impact on rate of conviction was significantly higher (reported in the next chapter). The team investigation was also more likely than the parallel approach to result in the revocation or suspension of the day care facility's license. In 100% of the team investigation cases (N=12) the license was revoked, suspended or made contingent upon some changes in the day care center operation (Table 8-9). In comparison, the cases with parallel investigations had significantly fewer sanctions regarding licensing (65%).

In the in-depth sample we asked all the investigators to rate their satisfaction with the way they had handled the investigation and their satisfaction with each of the other agencies involved in the investigation and prosecution of the case. Their ratings were made on a four point scale where 1= unsatisfactory and 4= very satisfactory. Satisfaction was much greater for team investigations than it was for parallel investigations (Table 8-9). The greatest impact was on the satisfaction of CPS with the justice system representatives. The differences were statistically significant for the ratings by CPS of their satisfaction with the police (33% of CPS workers in the parallel cases were satisfied with police compared to 86% satisfied in the team approach) and with prosecutors (10% vs. 50% ).

Table 8-9: Comparison of Outcome of Parallel and Team Approaches to Investigation -- In-Depth Sample

| OUTCOME | PARALLEL % | TEAM % |
|---|---|---|
| License revoked, suspended or altered | 65% | 100% * |
| CPS very satisfied | 55% | 70% |
| Licensing very satisfied | 67% | 80% |
| Police very satisfied | 75% | 89% |
| Prosecutor very satisfied | 100% | 100% |

Table 8-9: Continued

| OUTCOME | PARALLEL % | TEAM % |
|---|---|---|
| Licensing very satisfied w/ CPS | 50% | 83% |
| Police very satisfied w/ CPS | 47% | 67% |
| Prosecutor very satisfied w/ CPS | 40% | 71% |
| CPS very satisfied w/ licensing | 53% | 75% |
| Police very satisfied w/ licensing | 40% | 75% |
| Prosecutor very satisfied w/ licensing | 50% | 33% |
| CPS very satisfied w/ police | 33% | 86% * |
| Licensing very satisfied w/ police | 56% | 40% |
| Prosecutor very satisfied w/ police | 50% | 62% |
| CPS very satisfied w/ prosecutor | 10% | 50% * |
| Licensing very satisfied w/ prosecutor | 16% | 40% |
| Police very satisfied w/ prosecutor | 58% | 63% |

* chi square p.<.05

The researchers completed a check-list of factors that they considered to be weaknesses for each of the cases in the in-depth sample. In general, cases with parallel investigations were found to have had more weaknesses indicated. Table 8-10 lists the factors which were considered to be weaknesses in the cases and the proportion of cases with the weakness for each investigation pattern.

It is notable that the skill level and attitudes of the investigators were more likely to be seen as a weakness in the cases which had parallel investigations. Remarkably, in 48% of the cases with parallel investigations, CPS skill level was viewed as a weakness. The skill of CPS was never rated as a weakness in the team cases. It may be that CPS workers involved in team investigations had received more training or had more experience with these cases, or that their skills were more useful when applied in a team approach. Team approaches probably minimize the negative impact of one poorly skilled individual on a case, while with parallel investigations, the skill level of one investigator can completely make or break the case.

Table 8-10: For Each Pattern of Investigation, the Percentage of Cases that Had Each Weakness -- In-Depth Sample

| WEAKNESS | PARALLEL (N=30) % | TEAM (N=12) % | TOTAL (N=43) % |
|---|---|---|---|
| Victim competence | 31% | 17% | 27% |
| Victim credibility | 31% | 8% | 24% |
| Victim cooperation | 10% | 17% | 12% |
| Parental cooperation | 17% | 0% | 12% |
| Parental mobilization | 17% | 0% | 12% |
| Skill of CPS | 48% | 0% | 32% * |
| Skill of licensing | 17% | 0% | 12% |
| Skill of police | 22% | 8% | 18% |
| Skill of prosecutors | 14% | 0% | 9% |
| Skill of interviewers | 32% | 0% | 23% |
| Attitude of CPS | 8% | 8% | 8% |
| Attitude of licensing | 17% | 0% | 12% |
| Attitude of Police | 15% | 0% | 10% |
| Attitude of prosecutor | 29% | 0% | 19% |
| Coordination of agencies | 47% | 8% | 36% |
| Knowledge of child sex abuse | 32% | 8% | 25% |
| Publicity | 18% | 0% | 13% |

* $p = < .05$

Dealing with parents and the media were difficult areas for investigators to handle, as we shall detail in the next section. However, we found that team investigations never were listed as having a weakness in these areas (Table 8-10), while 17% of the parallel investigation cases had a problem with parental mobilization or lack thereof, 17% had difficulty with lack of parental cooperation, and 18% had weaknesses in the way publicity about the case was handled. Victim age and victim credibility were also more likely to have been a problem for parallel investigations, reflecting difficulty in obtaining comprehensible and consistent reports from the children.

These findings provide empirical support for the idea that the team approach provides a more effective method for responding to the serious problems which confront investigators in these cases. The team approach

seems to lead to more satisfactory results based on investigators' own evaluations of the case handling and outcome. It may be that this approach is viewed with satisfaction because it provided support to the individuals involved in the investigation. It also may have allowed a matching between the skills of team members and the complex tasks which arose (e.g., dealing with media, parents, etc.). In addition, it is possible that the existence of a team to respond to these cases reflected an organizational commitment to the investigation of these cases. And, it may also be that the team helped the members to deal with problems that arose in getting their agencies to respond appropriately.

## Problems in the Investigation of Cases of Sexual Abuse in Day Care

Sexual abuse in day care presents many of the same problems for investigators and prosecutors as other types of sexual abuse. Typically, the acts occur in private with no witnesses other than the victim and the offender. The authority of the perpetrator or his threats often keep the child from fully disclosing and result in a pattern of telling and recanting. And the perpetrator, as an adult, tends to have more credibility than his victim(s).

The investigation of day care cases, however, poses a number of special problems: the extreme young age of the children; the unusual types of coercion, threats, and force which have been used in many cases to insure silence; the public hysteria that develops about these cases; the out-of-home setting in which the abuse takes place; and the lack of professional experience with this type of case. This section presents some of the special challenges that faced the investigators dealing with these cases.

### Children's Statements

One central problem confronting investigators in many of these cases were the imprecise, incomprehensible or contradictory accounts obtained from children. This problem had a number of aspects. Sometimes the investigator was hampered by the inability of very young children to verbalize exactly what happened to them.

> In one case, Top Day Care, the two-year old pointed to her vagina and said "Mary bite." Mary, the day care operator, explained that the redness in the child's vaginal area was due to insect bites, but some investigators interpreted this as evidence of oral sexual contact with the child. The child could never be more explicit.

Because, as in this situation, so many cases involved victims three-years old or younger, the problem of inadequately developed verbal skills was common.

Another problem was the use of terms or ideas that had only private meaning for the child. In these cases the adults were unable to make

sense of and interpret what the child described. In the following case, the investigators believed that the child was abused but were unable to make sense of what he reported and to locate the perpetrator.

> A three-year old boy had been complaining of rectal pain for about a week. While bathing him, his mother asked him if someone had hurt him and he replied, "There's this weird man who dances and sings and his name is 'Prince Peterson.' He poked me in the back." Anal penetration of the boy was substantiated by medical exam. However, a perpetrator was never identified. The child repeatedly insisted that it was "Prince Peterson" who sexually abused him by inserting a stick in his rectum while he was in the day care center bathroom. But none of the men known to have had even remote access to the child were identified as "Prince Peterson" or met the description the boy gave, and the identity of this mythical figure remains an enigma.

In this case the CPS and police investigators agreed that the child had been abused and were distressed over their inability to understand all that this child was telling them. In some other cases, however, there was an apparent mixing of fantasy and reality that made the adults suspicious about the veracity of the entire report, sometimes with serious consequences.

> In one case in which this happened, a small, timid, four-year old boy reported being hit, cut with a knife, having his genitals fondled, and a boy peeing on him. He also said he was whipped with a belt, his penis was pulled, and he was undressed. However, he also reported seeing a monster in the perpetrator's mouth, and someone "changing into a man" and then "into a boy." Moreover, while describing all this to the CPS worker, he stopped and asked her if she could become invisible or fly. Most of this child's report, including the sexual abuse, was discounted as fantasy. Although fondling by a janitor was substantiated and he was required by licensing to have no further contact with the children, the case was unfounded by the police and the investigation was closed.

There is a great deal of controversy over the issue of fantasy in young children's reports, and not a great deal of scientific evidence to guide professionals. Some investigators are concerned that children in some circumstances concoct stories that include suggestions of sexual abuse. They believe that other irrational elements in the account need to be taken as clues to the fantasized character of the whole story. Other investigators believe that fantastic elaborations may be something that children concoct when under stress. Thus the stress of a real abuse situation may lead a child to include elements that did not actually occur in addition to elements that did. Still other investigators point out that the fantastic accounts may be the child's construction of real events. In 13% of the cases of child sexual abuse in day care there were reports of the presence of ritualistic elements. Bizarre content in the children's reports, according to many who investigated these cases, may

not be due to fantasies, but reflect sadistic and ritualistic practices in the abuse, or may have been intentionally introduced by the perpetrators to make the child's report less credible. These explanations are not necessarily mutually exclusive.

Evidence that finally substantiated what were initially viewed as fantastic elements did emerge in at least one case, Country Walk, and was reported in Hollingsworth's (1986) Unspeakable Acts.

> In the Country Walk case children had reported extensive abuse including naked games; oral, vaginal, and anal sexual penetration; animal killing; smearing of feces; administration of drugs; use of masks; etc. Much of what happened to the children while at the day care home was, at first, incomprehensible to the investigators and the details emerged in bits and pieces over the course of many hours of interviewing. Many elements of the abuse which seemed incredible at first became frighteningly believable as several of the children would refer to the same bizarre behaviors. One aspect of one child's story about the abuse had the investigators puzzled. A four-year old girl repeatedly reported that she had to put "pennies" into the male perpetrator's rectum. Investigators thought that this child must have incorporated some fantasy elements into her account of the abuse. After the female perpetrator pled guilty and began to assist the prosecution, she told of many things that had been done to the children which corroborated their strange "tales." She also mentioned that the male perpetrator had forced the children to put suppositories in his rectum... suppositories covered in copper foil.

It is undoubtedly true that in some cases investigators' prejudices about children play a role. There is a presumption in the criminal justice system, codified into law in some jurisdictions, that children under a certain age (usually six) are not competent to tell the truth. The law may encourage investigator skepticism regarding children's reports. The presumption of young children's incompetence and a lack of knowledge about child emotional and cognitive development is reflected in the handling of many cases.

### Relationship with Parents

Another complicating factor in the investigation of day care cases is the relationship between the investigators and the parents. Parents of victimized and, in many cases, non-victimized children were almost always deeply involved in a case. They played pivotal roles in the disclosure, investigation and even prosecution. But often relationships between investigators and parents were not easy or cordial. Some investigators complained about parents who hampered the investigation, who contaminated testimony, who pestered officials and who compromised the soundness of cases. Parents, for their part, complained that investigators often were insensitive to them and the children, failed to provide them with needed information, were not aggressive in their pursuit of the truth, and did

not respect their need for support and assistance in a difficult time. Often these relationships turned adversarial and usually the case and everyone involved suffered.

One of the important arenas of conflict was access to the children for questioning. Many parents were understandably concerned about exacerbating the trauma to their child. Others had a more serious problem; they did not believe their own children. In both cases parents simply refused to let their child be interviewed, which obviously made an investigation very difficult.

Some of these families even moved from the vicinity or otherwise made themselves unavailable. This was an extremely serious problem for a case that had only one alleged victim. If the parents or guardians refused to provide the investigators with access to this child, then there would clearly be no prosecutable case.

> This happened in the Fun Castle case. The only known victim was a three- year old boy in the custody of his aunt and uncle. He told his aunt that a female teacher at the school had kissed him on his "privates." At the aunt's request the child's former therapist interviewed him. Although the police were permitted to talk briefly to the child, the aunt refused to permit the protective services worker to interview him. The aunt insisted that she could provide all information to the investigators and, thereby, protect her nephew. Lacking any corroborative evidence, however, the investigators never felt they were able to get enough information to bring any criminal charges.

In some cases investigators prevented this reaction from parents by involving them in the process from the beginning, explaining to them all the procedures that the child would undergo, limiting the intrusiveness of the investigation into the child's life and permitting them to be present during the interviews or to watch through a one-way mirror.

Another important arena of conflict concerned how active parents should be in the gathering of information. Parents naturally wanted to learn and develop as much evidence as they could. Investigators, however, often saw it as an interference in the investigation when parents took an investigatory role and questioned children. They worried that parents might confuse the children, implant stories, and contaminate testimony. Our research found that in spite of much theoretical concern about this problem, there is no direct evidence that implantation of stories occurred. There were some notable cases, in fact, in which it might have been expected to happen but didn't.

> In the West Creek Day Care, a three-year old male attended a large day care center and reported that he had been fondled by a male teacher. Although the teacher technically "passed" the polygraph, he was labelled by the investigators as a "walking time-bomb" and a "pedophile" because of a response to one question which indicated that he was sexually attracted to little boys. The alleged perpetrator was arrested and the case

was sensationalized in the media. Letters were sent to parents, warning them about the possible abuse of their children and notifying them of a parents' meeting. There was some hysteria on the part of the parents but, despite the fact that the stage had been set for contagion due to the investigators' labeling of the teacher and the local and national media coverage of both this case and several other "mass abuse" cases, there were no further disclosures of sexual abuse at that center. All charges against this man were eventually dropped.

With regard to the contamination of children's stories, here too there were few cases where this seemed to have occurred. In one case in which it did seem that parents added some ideas to children's stories and confused them, it turned out to be at the direction of inexperienced investigators.

An example of this is the Lollipop case. After the first disclosure of abuse and interviews with a few children, CPS staff and a police officer went to the center and spoke to the parents who were picking up their children. The parents were told to talk to their children to see if they could <u>confirm</u> allegations of sexual abuse. Simultaneous with this action by the investigators, articles began appearing in the newspapers about the case, including details of the accounts given by children who had already been interviewed by CPS. Thus, when other children began to come forward with similar, but not highly corroborative stories, the investigators felt the accounts of these children had been contaminated by information from their parents who had been motivated to question them before the children were interviewed by the investigators. As a result, the case was not prosecuted. But the original instructions to interview the children had been given to the parents by the investigators.

Although actual contamination did not occur very often, there were struggles between parents and investigators over how much parents were entitled to know about the investigation. Even without contamination, investigators sometimes had good legal reasons for not disclosing important facts. However, it required quick and sophisticated maneuvering to protect the integrity of a case while not alienating parents by keeping them in the dark about what may have happened to their children.

One case where this issue was handled very well was in the Sixth Street Day Care case. As the children in care were interviewed it quickly became apparent to the CPS worker that there were many who had been abused. Additional staff were assigned to assist in interviewing the children. At the same time, parents were told that it was important that they not discuss the details of the case among themselves. With crowds of parents and children waiting together in the CPS office, CPS staff were assigned to be present to enforce this rule. The investigators, however, also recognized that parents needed to support each other and so would inevitability be in contact. They,

therefore, arranged for a parent's support group and a children's group. These groups stressed the prohibition against contaminating witnesses, while working to provide parents with the support they needed to deal with their own feelings of guilt, anger and denial, as well as the difficulties they were having with their children's behaviors.

Another type of conflict that would frequently come up between parents and investigators concerned the pace and aggressiveness of the investigations. Parents were frequently concerned that little was being done to prove the abuse, arrest and prosecute the offenders. In the McMartin case, for example, some parents, frustrated by the slow pace, hired their own investigators and started to collect evidence themselves. In response to such actions, investigators, for their part, often felt they were being harassed and pressured. When parents took matters into their own hands, went to public officials and over the heads of investigators, this could result in rash actions. However, in some cases parental pressure was very timely. Parental pressure sometimes worked to get the slow wheels of the bureaucracy moving, to get resources allocated to an investigation, and to assist the investigators in getting the manpower needed to complete an investigation.

In the Country Walk case parental pressure not only helped keep the momentum going for the investigation of the case in which their children were abused, but also sparked a review of all day care abuse reports that had been investigated in the one year prior to the report of abuse at Country Walk. This review reactivated several cases that had been unsubstantiated in prior investigations.

Parents were not always on the side of more aggressive investigation. In some cases, strange as it may seem, parents have organized to stop an investigation, often rallying in defense of the day care facility and the accused. Many of these have been parents of non-victimized children, who believed that their day care was being unfairly smeared by false allegations. But parents of victimized children have also rallied behind accused facilities. Some of this parental action was based on strong loyalty to the day care or to the accused. Often the parents had had positive relationships with the facility and staff for years. The parents simply could not believe that the people to whom they had entrusted their children or individuals who had shown them kindness in the past could be abusers. Parents may also have been motivated by their economic dependence on the day care, having waited months or years to get their child enrolled. There was anger toward other parents who were seen as jeopardizing their families' economic security by making false charges of abuse.

This response created problems for the investigators. Parents who unconditionally supported the perpetrator were likely to deny the investigators access to their children. These parents sometimes made counter accusations and threats against the victim and his/her family. These problems occurred in several cases in which the accused was arrested before all the evidence had been gathered. The mobilization of parents in

support of the day care facility usually meant that media involvement was unavoidable.

> In a case which received much publicity in the Northeast, many parents initially expressed disbelief in the perpetrator's guilt, making statements to the media that, "They can't tell us how long the school will be closed... My child is happy there... My daughter loves it there and feels badly that she can't go to that school." Later, widespread support for the perpetrator came from the community rather than from the parents.

> In another well-publicized case a large number of parents initially were active in the perpetrator's defense, holding rallies for him and publishing a petition of support in the local newspaper. After some time had passed many parents defected from that group, but there was still a nucleus of parental support.

Such resistance to the investigation tends to follow a pattern. It appears quickly at the beginning stages of the investigation. If only one victim and one perpetrator are identified it is less likely that large numbers of parents will rally to the center, possibly because their access to day care is not usually as threatened in cases in which a lone perpetrator can simply be fired. But if parental resistance does arise in lone victim cases, it can intimidate the victim's family and totally incapacitate the investigation. In multiple victim cases it is more likely that investigators will have to deal with antagonistic parental responses and media coverage. However, parental resistance often wanes as the investigation proceeds. This occurs particularly when more children disclose that they, too, were abused and parents' denial dissipates. The resistance also disappears as parents deal with feelings of guilt that they did not protect their child. However, the parents' initial resistance has sometimes planted the seed for general community support for the accused.

Although the investigators were frequently concerned about parental interference, in fact, we found that parents provided crucial assistance and support to many investigations. In some cases intelligent questioning and careful listening by parents was a strong asset in information gathering. Parents are often the adults who receive disclosures from children and sensitive parents have obtained good information in many cases, reacting appropriately without scaring or shaming the child into silence. Moreover, children often do not tell investigators all that happened to them the first time they are questioned. Either because of their reservations about the investigators, their fears of offender retaliation, or actual repression of the events, many children will disclose the full the details of the abuse only over a period of weeks, months, or even years. Usually the recipient of this more detailed information is the parents. Parents who have been effective in eliciting this information have been invaluable to investigators.

> One case in which investigators praised the role of the parent was Dollhouse Day Care. The mother of two of the victims,

because she had been the close friend of the female perpetrator, resisted believing that the abuse had occurred when it was first reported to her by another child. She had defended the perpetrator to the others who had learned about the allegations. However, when she saw her own daughters' reactions to the sexual devices found at the day care facility she changed her attitude. Before the police were notified, but on the same day that the initial disclosure occurred, she took her daughters home from day care and questioned them about what happened there. She showed no reaction to things they told her and did not lead them. During breaks in her children's disclosures, she would go into the bathroom and cry, and then come back out and question some more, letting them know that telling was the right thing to do. She wrote down the details of what her children said to her and, because evidence about a child's initial reports of sexual abuse was admissable in this state, she was an important prosecution witness.

In the Country Walk case the parents were given guidance and support by child development experts. The parents were taught appropriate responses to the children's ongoing disclosures. They were helped to be open to anything the child would want to reveal and many wrote down what their children told them and when. This information was helpful to investigators in piecing together what had happened in the day care home.

These cases reveal the importance of a partnership between parents and investigators. Although conflicts between investigators and parents posed difficulties in many cases, they should not be exaggerated. There are many models of good cooperative situations that lead to the promise that conflict need not be the rule.

## Cooperation of Day Care Facilities

Another central problem facing investigators was gaining the cooperation of the day care operators and staff. Few accused parties in child abuse cases cooperated automatically with investigators, but when opposition to the investigation came from a whole organization, including many individuals who may not be party to the accusations, the investigation became especially difficult.

In one case, Parade Day Care, the administration of the day care protected the alleged perpetrator by refusing to assist the investigators in locating him. They would not give the investigators the last name of the aide known only as "Mike" to the abused children.

An investigation of allegations of sexual abuse within a day care facility had a dramatic impact on the functioning of the program. Parents often became very fearful, sometimes removing their children. Staff were badly affected, becoming very self-conscious of their interactions with children. Enormous time

had to be committed by administration and staff in responding to the investigation, the publicity, the concerns of parents, and the meetings with lawyers. From the perspective of the day care operation, suspicious investigators tried to blame the center, rather than determine the truth about the abuse.

For example, one case involved a 15-year old aide who forced a five-year old to fellate him once at naptime. The center director reported the incident, dismissed the offender to his parents' custody, and, in general, cooperated with the investigators. Suspicion was cast on the director and staff, and a conspiracy to cover-up or minimize the seriousness of the abuse was alleged by some investigators. This suspicion was unduly aroused by unexperienced investigators working alone, who it seems, overreacted to the normal concerns of the director for the reputation of the center and the understandably conflicting reports of all the events that occurred on the day of the incident. The day care staff felt confused, intimidated and fearful.

In some cases investigations themselves brought on the demise of a facility, even when the charge was not substantiated, simply because the facility could not survive the stress and stigma. It is no wonder that innocent parties in any facility and victims of unsubstantiated charges felt great resentment toward investigators.

The degree to which a facility was affected by an investigation was related to some extent to the size of the facility and the number of staff and administrators involved in the abuse. Large centers were often able to deal with the investigation in a bureaucratic manner and to take steps, such as isolating the alleged perpetrator from children during the investigation, without significant disruption. If the accused was a support or marginal staff member, the center was often better able to distance itself from the turmoil than when a key staff member such as the director or a family member of an owner-operator was the accused. Some facilities were forced to close, lay off staff, and defend themselves against law suits even though only a single staff member was accused. Innocent staff reported that they felt tarnished simply by their association with the center and were sometimes the target of harassing and embarrassing investigations themselves. In some cases they became defenders of the alleged perpetrator; sometimes they backed up his or her accusers.

There are strong suggestions in some cases that staff did participate in a cover-up of the abuse. In several cases, children told of staff witnessing the abuse and not reporting it. Some staff appeared to change their accounts of the day's events to protect the accused.

In one case the child victim who was raped by the janitor said that a teacher interrupted the abuse and said to the child "get your clothes on and go back to the playroom!" This worker never cooperated with the investigation.

> In another case, the teaching staff at first reported that there was no way the child could have been abused or hurt while at the day care center. But later, when they were confronted with evidence that the child had been seriously injured, several of these staff suddenly remembered that they had seen the child crying on the day in question when she supposedly had fallen and injured herself on the playground.

In a number of other cases, such as McMartin, and some family-run day care centers and homes, family member co-workers were believed by investigators to have known about the abuse being committed by their relative but maintained a posture of denial throughout the case. In spite of these examples, however, non-accused staff in most facilities took the charges seriously and cooperated with the investigations.

The management of the image of the facility became an important task for the remaining staff associated with the center. Investigators who were sensitive to these concerns had an easier time obtaining the cooperation of centers and access to witnesses and staff. The state investigators do have an interest in maintaining a good working relationship with the day care facilities. This is not just to assist the investigation but to sustain the supply of day care in the community, and, also, to avoid the filing of a civil suit in the wake of an investigation. But a spirit of cooperation is hard to sustain. The investigators must also take action to guard against a cover-up and collusion among staff. The probing and investigating actions investigators had to take were disconcerting to the day care workers and frequently led to an adversarial relationship.

The cases in which the most adversarial relationships developed between investigators and centers were cases in which centers were being operated illegally or licensing standards were being flagrantly violated. But an adversarial atmosphere also developed with well-respected, professionally run centers which found themselves threatened by inexperienced investigators who were acting hastily under the pressure of publicity.

Some special problems -- conflict of interest problems -- were posed for investigators in cases that occurred in facilities with close ties to state agencies. These were largely day care facilities that accepted state funds or state-referred clients, or were actually run by the government. In these cases, CPS and licensing personnel were called upon to investigate individuals with whom they may have had close prior professional relationships. Moreover, the allegations themselves raised questions about the wisdom of the investigating agency's prior judgments in certifying and inspecting the programs. A few states routinely involved other agencies or statewide investigatory teams in the investigation of any case in which this type of conflict of interest may exist.

Conducting fair and thorough investigations that respected the rights and reputations of the facilities being investigated and the needs of their staff was one of the toughest challenges facing investigators.

## Publicity

Another special problem that arose in day care abuse investigations was the intense public pressure and publicity that surrounded many cases. Some of these cases drew significant media attention, generated strong community feeling, and drew powerful politicians and public officials into the fray. The nature of the media response to these cases is discussed in Chapter 10. The involvement of the media presented the investigators with problems which they did not usually confront in the everyday case of child sexual abuse.

Among other things, media attention made it more difficult to maintain confidentiality. In some cases, T.V. stations and newspapers clamored for the details of the cases and promised their viewers "film at eleven." Most investigators did not have clear policies for dealing with the media. When they refused all involvement, it resulted in the frustrating situation that the public often got most of its information from the accused or from poorly informed advocates for one side or another.

Media involvement created a variety of other problems, too. Sometimes stories in the press promoted rumors that exacerbated problems among investigators or between investigators and the other parties. Frequently investigators reported that they felt pressure from the media to take action on a case which was still under investigation and would require more time for effective decision making.

And, finally, fear of publicity caused some investigators to limit the number of children they questioned simply because they felt that the more people who were made aware of the investigation, the greater the likelihood that the fact that an investigation was on-going would be leaked to the press.

One of the areas in which most investigators felt they could have improved their performance was in anticipating the impact that media would have on a case. If they had developed a plan for handling and establishing a cooperative relationship with the media, many investigators felt that cases would have proceeded more smoothly.

## Lack of Resources, Experience and Training

The problems of media and community pressure in these cases and the large number of potential victims were compounded by staff shortages and the lack of experience that was present in almost every investigation.

The agencies charged with conducting these investigations were agencies already overburdened with large caseloads, high staff turnover and tight budgets. A case of sexual abuse in day care put additional stress on their resources. It took months of the investigator's time. Frequently it required interviews with many possible victims, parents and staff. The logistics of arranging all the interviews and finding the

space to meet with all the families were not made easier by the financial and office space limitations of child welfare offices.

But, even more critical than the shortage of staff was the lack of experience. Many investigators had never had to handle cases of child sexual abuse in institutional settings; coordinate their activities with numerous other agencies; and deal with groups of parents, the media and law suits. To cope well with all of the problems which we have cited earlier, investigators had to anticipate them and plan their strategies ahead of time. Few had the experience or guidelines to do this.

Instead, child protective services, and sometimes the police, usually operated under a model designed for the investigation of intrafamilial child sexual abuse. This model called for a child welfare worker to interview the victim and all his or her siblings, and to confront the alleged perpetrator before he could apply pressure on the child to recant. In some states it is the law that the CPS worker must inform the accused of complaints against him within 24 hours. This model, unfortunately, does not help investigators handle the complexity of abuse in day care settings. One cannot approach the day care center in the same way that one calls on a family where sexual abuse has been alleged.

> The Tiny Tykes case is one example of how applying a model for dealing with intrafamilial child sexual abuse may fail in the investigation of cases of child sexual abuse in day care. In this case the investigation of a child's complaint of sexual abuse at day care almost immediately began to focus on the dysfunctional family of the abused child. The parents grew defensive, increasing the CPS investigators' suspicions and resulting in the case being "indicated" for sexual abuse by the child's father. None of the parents of children in the day care home were notified of the allegations, nor were any children other than the siblings of the abused child interviewed. The day care operators provided self-serving information which reinforced the position of child protective services. Some months later several other independent allegations of abuse at the same day care facility surfaced and it was only then that the case was substantiated against the day care operator's husband, with the father of the first child being cleared of any wrong-doing.

The model for dealing with cases of intrafamilial child sexual abuse also increases the likelihood that the accused will be "tipped off" about the investigation before all the evidence is collected. In many of these cases the only apparent evidence to collect, at least at the onset of the investigation, was medical evidence on the child. However, many children later revealed more details of the abuse. For example, children would rarely tell of picture taking (i.e., possible pornography production) during the first interview. If the alleged perpetrator had been aware for a long time that an investigation was underway it was unlikely that evidence of such pornography would be found at such a late date.

This is precisely what is alleged to have occurred in the Country Walk case. The night before the arrest was made it is reported that neighbors witnessed the removal of boxes and video equipment from the day care home. No evidence of pornography production was found.

The Willow Tree case shows that even the best efforts to keep the "cover" on an investigation can be thwarted. In this case a community leader was reported to have sexually abused children in the day care center where he had an office. The investigators wanted to set up a hidden camera and listening device in his office. Aware of the potential for someone tipping off the community leader, the investigators had decided to install the device on the weekend when no one was around. They had even checked the license plates of cars in the center parking lot during the week to make sure that no employees lived in the neighborhood. They forgot that most people residing in that neighborhood register their vehicles to family members living elsewhere, due to prohibitively high insurance rates in that high crime neighborhood. So most of the day care employees did, in fact, live nearby and knew of the police actions on the weekend. This may explain why investigators failed to detect any suspicious activity in the alleged perpetrator's office once the device was installed.

Sometimes, however, even without experience, luck helped investigators out.

The investigators handling the Dollhouse day care case told us that the best thing they ever did was to take pictures of the inside of the day care home when they were permitted entry into the facility, even before an arrest was made. At the early stages of the investigation they did not really know what would become important evidence, but later when the children told of being tied-up in car seats along one wall of the facility or abused with a particular plastic toy, it was helpful to the case and the children's credibility that these items appeared in the pictures exactly as the children described them. If the investigators had gone back to search for evidence later it is likely that they would not have found the exact scene that the children had described.

Some investigators told us that their agencies were not organized to provide the time, facilities, staffing and consultation which were required in these cases. No policies had been developed and staff had not been trained to deal with the complex and sensitive issues involved. Unfortunately, this resulted in botched investigations and unnecessary harm to victims, families, day care facilities and innocent staff.

## Policy Implications

Detailed recommendations for how to conduct investigations in day care abuse cases are beyond the scope of this report. This subject has been widely discussed by investigators on the state and national level, and special projects are underway with federal funding to provide protocols. Most of the observations from our study may seem obvious to those with experience in the field. Nonetheless, they are worth noting in summary because many communities have not yet prepared themselves for the possibility of such an investigation.

### * Multidisciplinary Investigations

Multidisciplinary investigations are the mother and apple pie of the child abuse field. Everyone is in favor of them. However, we know of no previous data that shows the advantages of such an approach as well as our own. Multidisciplinary investigations resulted in more successful investigations both in terms of objective outcomes (successful prosecutions and licensing actions) and subjective satisfaction.

However, not everything that is called multidisciplinary is really so. Our observation is that true multidisciplinary investigations require not just cooperation and communication among agencies, but joint decision making.

### * Collaborative Interviewing

The notion of collaborative interviewing has become another platitude in the child abuse field. Almost everyone agrees that it is important to minimize the additional trauma to victims and families by reducing the number of interviews and the amount of time taken up by the investigation. Nonetheless, there are many communities where such a collaboration would be very difficult to organize even at this late date.

### * Knowledge About Child Development

Investigators who have experience with and knowledge of very young children, their capacities and limitations, can make an enormous difference to an investigation. Sometimes these skills can be contributed by a member of the investigative team. In other cases, they have to be acquired through the hiring of consultants. Investigations completely lacking in such skills will have a far more difficult time.

### * Resources

Investigations of day care abuse consume an enormous amount of time and resources. This is a reality. Some communities cannot afford to devote the time and money that such cases require, and this will

inevitably compromise the quality of the investigation. Sometimes agencies embark on such cases believing that they can only afford a minimum effort, only to discover that when media and political pressures mount they suddenly need to devote any and all resources they have. Many agencies have been burned by such cases, and it is probably wise to expect the worst and budget accordingly.

*** Working with Parents**

Working cooperatively and effectively with parents is crucial for a number of reasons. Parents can be among the best resources in gathering information. Parent support is essential for cases to go forward and children's testimony to be effective. Parent opposition can fatally complicate and compromise a case. And perhaps most importantly, the most effective therapy for abused children is to have parents who are empowered and capable of giving them the support they need.

To work effectively with parents, investigators need to plan in advance and make this an important goal. It may require, in some cases, virtually the full-time efforts of a single worker. Parents need information, they need emotional support, they need opportunities to interact with other parents. On-going parents' groups may be organized by the investigators. Leadership among the parents may be cultivated by the investigators. These kinds of efforts will pay off in many ways.

*** Sensitivity to the Needs of the Facility**

Working cooperatively and effectively with the facility under investigation can also be crucial for an investigation. Clearly the first goal of the investigation needs to be to uncover the facts. But investigators do not need to presume that staff members of the facility will be uncooperative. Nor need they presume that initial shock and resistance by staff will be sustained. Other staff may need some time to integrate and adjust to the news of the investigation. If investigators can recognize and respect some of the needs of the facility, cooperation may be forthcoming.

*** Anticipating Media Impact**

One of the most important steps investigators can take to safeguard an investigation is to plan ahead how to deal with the media. Initial assumptions that they can keep information from the media often prove to be a mistake. Thus investigators need to expect that the public and parties to the investigation may become privy to facts from the investigation. Decisions need to be made about who will deal with the media and how the investigation will be described. Investigators should get help in how to relate to reporters and get across their own point of view.

Although many of these recommendations seem obvious enough, the question becomes whether a community should make plans to deal with such a problem when there is a possibility that no such case may occur there. The solution to this dilemma proposed in some states is for the state to provide a mobile investigatory unit to handle day care and other out-of-home cases. This approach has been tried with some success in New Jersey. However, even in the absence of such mobile units, advance planning by local agencies need not be that time-consuming. Simply having some individuals who are familiar with the requirements in investigating such cases may go a long way toward setting things on a good course in the event such cases do arise.

# Chapter 9: LICENSING AND CRIMINAL JUSTICE SYSTEM INTERVENTION

Linda Meyer Williams

## Introduction

Public and professional ideas about the outcome of day care abuse cases have been influenced by the experience in the controversial McMartin Preschool case. In that case, criminal justice prosecution of the perpetrators occupied several years and several million dollars. Public officials fought publicly with one another over the merits of the case. Charges were dropped along the way against five of the defendants amidst accusations of wrongful prosecution. The controversy, which will continue to swirl for years, painted a picture of day care cases as true hornets' nests for the law enforcement and state regulatory officials.

Interestingly, advocates from opposing points of view have joined in reinforcing this image. On the one hand, the child advocates, arguing for reforms, have bemoaned the lack of justice and the insensitivity of the judicial process in regard to children. On the other hand, supporters of the accused have portrayed the criminal justice system as mired in hysteria, bureaucracy and irregular investigatory and prosecutorial practices.

Our own verdict on the system response is not so pessimistic. In fact, the evidence suggests that the criminal justice system is working about as well in cases of abuse in day care as it does in other cases of sexual abuse. In this chapter we reach this conclusion by examining more than just the sensational cases. We analyze data from a random sample of "everyday" cases and report the interventions by the authorities-- the licensing agencies and the criminal justice system. This helps to place the concerns generated by the battle over child sexual abuse into proper perspective by describing what really happened, identifying both the problems and the strengths of these cases, and analyzing the basis on which decisions are made. In this chapter we analyze how the case outcome was influenced by the characteristics of the victim, the perpetrator and the abuse. We report factors associated with li ensing revocation and how cases fared in the criminal justice system, revealing that although most cases never reached prosecution, those that did reach the courts met a high standard of proof-- almost always resulting in a conviction and prison sentence.

## Licensing Intervention

Unlike cases of intrafamilial child sexual abuse in which the state focuses attention on whether to remove children from the home, in day care abuse cases the victimized children are usually removed by their parents and the important question for the state revolves around two other matters: whether to close the day care facility and whether to criminally prosecute the offenders. In some ways closing the facility is the easier

action. Many day care operations require licenses from the state which can simply be revoked. Although an investigation is required, there is usually no hearing unless the closure is appealed by the day care operator-- a relatively rare occurrence. Because there are no criminal sanctions involved, the procedural complications of the criminal law do not apply here.

Closing a day care facility is not necessarily a routine matter or of little consequence, however. Doing so deprives the owner and employees of a livelihood. And, parents and the community are deprived of a needed service. For these reasons licensing authorities tend to act cautiously.

It is commonly believed that when child sexual abuse is reported licensing agencies move quickly to close down the facilities. As our research shows, however, only slightly over one-third of the licensed facilities were closed down (see Table 8-5). In 6% of the cases the license was suspended, but then reinstated, and in 34% of the cases the continuance of the license was provisional, that is, changes in the day care operation were required to keep the license. For example, in a few cases the facility was required to provide training on child sexual abuse for staff or to develop procedures to prevent the reoccurrence of abuse. These procedures included changes such as requiring the presence of two or more staff with the children at all times or improving the security of the facility against outside intruders.

There are several reasons why a day care center might not be closed by state licensing authorities although child sexual abuse had been substantiated. About one-fourth of the facilities were not licensed. Some of these did not come under the jurisdiction of licensing because they were church-sponsored or family day care centers (exempt from licensing in some states), or because they were considered to be day camps or community programs and came under the jurisdiction of local government. In other cases the perpetrator was either not an employee of the facility or, if he/ she was employed there, was fired. In these cases licensing frequently determined that the risk of future abuse was low.

Some observers argue, however, that licensing has not been aggressive enough in closing facilities where abuse has been substantiated. Politics and bureaucratic constraints on licensing, as well as errors of judgement, sometimes permitted facilities to continue to operate when perhaps they should have been closed. For example, in some cases the only action by licensing was a directive to keep the perpetrator from having any contact with children. This occurred in one case in which the perpetrator was a highly respected minister who had confessed to the abuse. It also happened in several cases in which janitors who abused children were not criminally prosecuted. Some CPS and police investigators feared that these types of solutions would permit perpetrators to regain access to the children. In fact, this occurred in several of the facilities. The minister in the first case soon had his wife directing the center, and, in the other the janitor was reportedly seen playing with children at lunchtime. One case, which occurred in a highly regarded day care program, shows that the best intentions of licensing officials to keep perpetrators from gaining access to children can be thwarted:

In this case the teenaged son of the owner-operator was reported to have sexually abused a three-year old girl. He was placed in a psychiatric facility and ordered by the juvenile court to receive therapy. The facility remained open under the stipulation that the boy not be allowed in or around the facility during its hours of operation. However, less than a year later there were new reports of numerous children being sexually abused by both the adolescent and his mother. Both were eventually convicted and the center was closed.

In some cases the licensing workers' decisions were overturned by superiors or on appeal to the state. In one case community pressure and the suggestion that racism had affected the licensing worker's decision to close a center operated by a black woman (whose husband had fondled a child), caused licensing administrators to permit the facility to reopen.

Some argue that in this case and others licensing was overzealous, closing facilities when other options would have been more appropriate. These other options, however, were more likely to be effective when the abuser was a staff member who could be fired or was an outsider who was not related to anyone on staff.

One way of assessing the outcome of the licensing intervention is to examine how satisfied CPS, the police and licensing workers themselves, were with their performance. The licensing workers were, in fact, unsatisfied with their own performance only 13% of the time (Table 9-1). CPS workers and police, however, had a somewhat different view-- they were unsatisfied with licensing about one-quarter of the time. Often CPS felt that licensing was overly protective of the center. Some police felt that licensing authorities "dragged their feet" when it came to the investigation or that they were ill equipped to handle sexual abuse cases and focused only on bureaucratically defined goals, such as checking the quality and safety of the physical plant, while ignoring the staff who had access to the children.

Table 9-1: Agency Satisfaction with Performance of Licensing -- In-Depth Sample

| AGENCY | % Very Satisfied | % Satisfied | % Unsatisfied | % Very Unsatisfied |
|---|---|---|---|---|
| Licensing (N=23) | 70% | 17% | 9% | 4% |
| CPS (N=21) | 57% | 19% | 24% | 0% |
| Police (N=14) | 50% | 21% | 7% | 21% |

Many licensing staff clearly recognized the problems they faced in these cases. Licensing divisions often suffered from inadequate number and quality of staff to do the job. Because of the size of the caseload and the number of new centers applying to be licensed, an annual site visit was sometimes all the contact they had with each facility. When a sex abuse allegation surfaced the time demands increased geometrically. It is little wonder that the remedies which they relied on were those that took the least time: terminate (or isolate) the perpetrator or close the center. In addition, licensing had to deal with community pressures and parental mobilization. On one hand they were pressured to close the facility, but just as often concerns were raised about the lack of availability of day care and they would be pressured to keep the center open. While they often found the facility to be cooperative, when cooperation was not forthcoming licensing had to balance the investigatory role with concern about future working relationships if the facility was to remain open.

**Factors Associated with Licensing Revocation**

An analysis of the relationship of victim, abuse and facility characteristics to license revocation was conducted to discern patterns in decision making. Some of the data from this analysis are presented in Table 9-2.

Victim characteristics

Cases involving girl victims were more likely to result in licensing revocation. Throughout this chapter the significant relationship between the abuse of girls and more serious responses by investigators will be demonstrated. This relationship suggests that either the abuse of girls was seen as more serious or that it fit the common stereotypes of child sexual abuse and thus was more credible to the investigators. One other victim factor -- age -- was significantly associated with license revocation. Cases involving young victims were more likely to result in closure of the facility by licensing.

Abuse characteristics

It does not appear from our analysis that characteristics of the abuse are associated with license revocation. This suggests that it is not primarily what happens in the abuse, but other factors related to the facility and its ability to assure that the abuse will not be repeated which are most important in determining whether or not a license is revoked.

Table 9-2: Factors Associated With License Revocation for All Licensed Facilities -- In-Depth Sample

| CHARACTERISTIC | % LICENSE REVOKED (35%) (N=31) | SIG. |
|---|---|---|
| VICTIM CHARACTERISTICS | | |
| No girl victims | 0% | |
| Girl victims | 52% | .030 |
| 1 victim | 31% | |
| 2+ victims | 40% | NS |
| < 3 year olds victimized | 64% | .052 |
| ABUSE CHARACTERISTICS | | |
| Sexual intercourse | 50% | NS |
| Child care perpetrator | 32% | |
| Director perpetrator | 50% | NS |
| Multiple perpetrator | 20% | |
| Ritualistic abuse | 33% | NS |
| FACILITY CHARACTERISTICS | | |
| Family day care | 80% | |
| Center | 14% | .002 |
| Years of operation | | |
| 0-5 years | 56% | |
| 6+ years | 9% | .037 |
| Private profit | 48% | |
| Non-profit/ governmental | 0% | .045 |
| Non-church affiliated | 42% | |
| Church affiliated | 14% | NS |
| One staff person | 71% | |
| 2+ staff | 29% | NS |
| No black children attend | 60% | |
| Black children attend | 14% | .031 |
| No waiting list | 54% | |
| Waiting list | 11% | NS |

* chi square analysis

Facility characteristics

There were several facility characteristics which were significantly associated with license revocation. Most of these variables were related to the size and organization of the day care operation. Family day care facilities were most likely to have their licenses revoked (80%). In family day care cases the perpetrator was usually the day care provider's family member or was the day care provider him or herself. Thus, the viability of the day care home was brought into question by a report of sexual abuse. Private profit-making facilities were more likely to be closed because most of these were family day care homes. By contrast, state authorities tended not to close a governmental or not-for-profit day care centers. Centers which had been operating for more than five years were also more resistant to licensing revocation; perhaps positive prior experience with the day care operation lessened licensing officials' trepidations about leaving the center open. Clearly the larger centers were able to distance themselves from direct responsibility for the abuse and were usually able to fire the offending staff member, to make corrections in their security system or to take steps to restrict access to children by family of staff or outsiders. These actions were often sufficient to avoid license revocation.

Thus, larger and older, governmental centers were clearly more able to resist license revocation. The fact that black children were more likely to attend such centers may explain why facilities serving the black community were less likely to have their licenses revoked. However, another factor may operate here. Facilities with no waiting list were more likely to be closed, perhaps because having no waiting list was a reflection of a poor quality day care facility. However, it may be that the closing of such centers did not engender very strong opposition from parents, because the market for day care in that community was not strong. By contrast, centers with long waiting lists were in demand and there was likely to be more pressure to keep them open. The media can also have a powerful influence on decision making in these cases. This raises a concern that licensing revocation decisions may be made to some extent on the basis of the demand for day care and public opinion. In inner cities or other areas where day care is a scarce commodity, licensing officials may be reluctant to contribute to the day care crisis by closing centers. This is a concern if the failure to close a facility leaves children unprotected in substandard care.

## Case Attrition and Prosecution

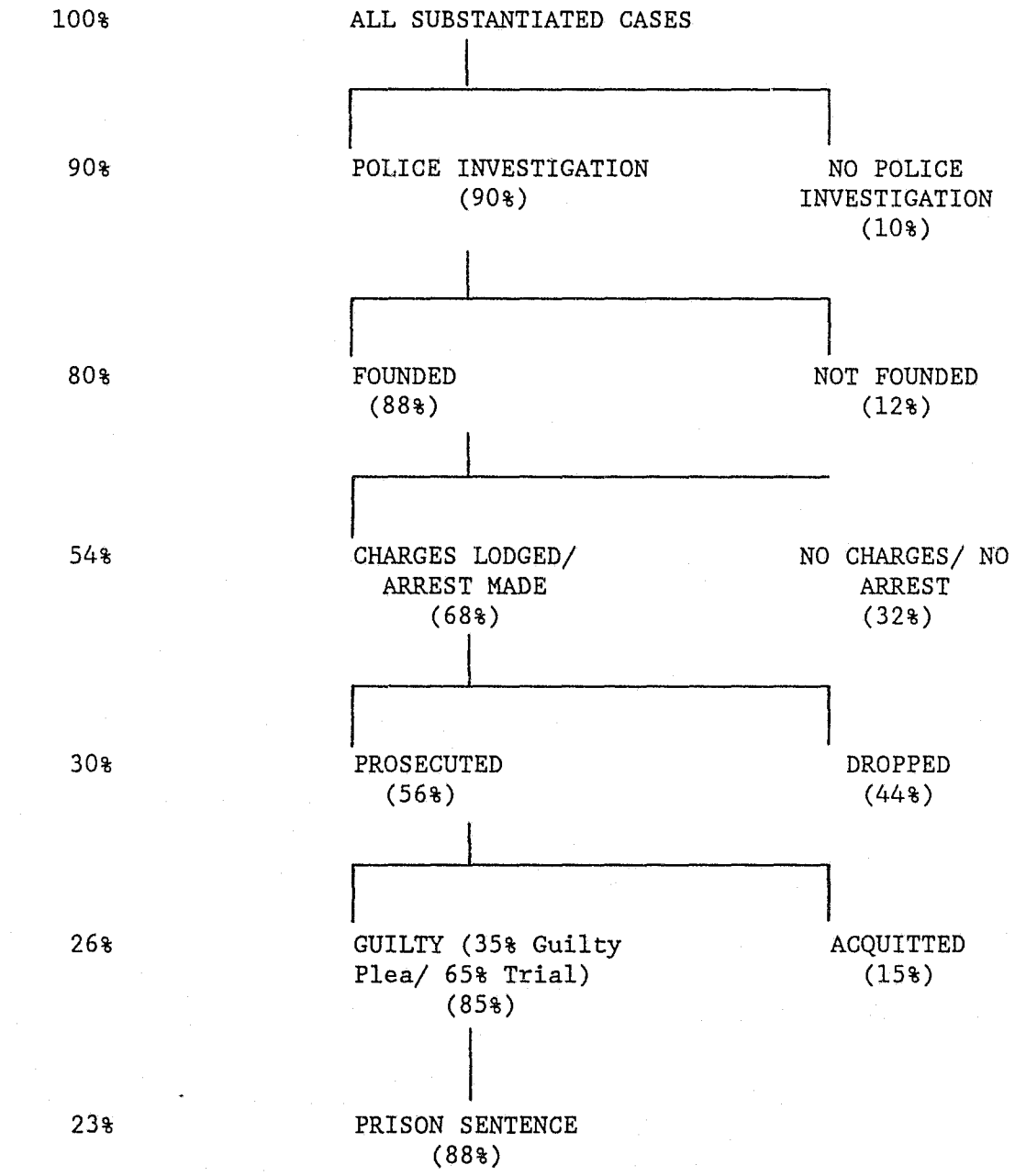
The other and more serious form of state intervention in the wake of sexual abuse is criminal prosecution. Tracking our cases through the criminal justice system revealed the complicated maze through which each case must pass if it is to result in prosecution. Although this research deals with only substantiated cases, in order to get a total picture of how these cases fared it was important to understand attrition at the earliest stages of reporting. While we do not know how much abuse occurred and was not disclosed by children, or, if disclosed, did not

result in a report to the authorities, we have been able to estimate the proportion of all reported cases which were substantiated. As Table 9-3 shows, only 21% of the reported cases (a case refers to all reports of abuse at one facility) were substantiated. The first column of Table 9-3 reflects the dramatic attrition of all reported cases. However, because we have focused our research on what has happened to substantiated cases the figures in column two are used in the discussion of criminal justice system outcome which follows. The outcome of substantiated cases and the decision making process is documented in Figure 9-1, a flow chart of the progress of cases through investigation and prosecution. It is notable that 54% of all cases resulted in an arrest. And, although a large percentage of the cases in which charges were brought (44%) had all charges dropped (leaving only 30% of all substantiated cases to be prosecuted), once a case proceeded to a trial a conviction of at least one perpetrator was highly likely (85% of all prosecuted cases resulted in conviction or guilty pleas). And, those convicted usually (88%) received a prison sentence. In sum, 26% of all substantiated cases resulted in at least one conviction and 23% of all substantiated cases resulted in a prison sentence for at least one of the perpetrators. These findings and the factors which influenced the progress of cases through the system will be discussed in detail in the sections which follow.

Table 9-3: Criminal Justice System Outcome as a Percentage of all Reported Cases and as a Percentage of all Substantiated Cases

| OUTCOME | % of all Cases | % of all Substantiated Cases |
|---|---|---|
| Cases Reported | 100% | - |
| Substantiated (CPS/Lic) | 21% | 100% |
| Police Investigated | 21% | 90% |
| Founded | 18% | 80% |
| Charges/Arrested | 13% | 54% |
| Prosecuted | 7% | 30% |
| Conviction/Guilty | 6% | 26% |
| Prison Sentence | 5% | 23% |

Figure 9-1: Criminal Justice System Outcome of Substantiated Cases of Sexual Abuse in Day Care[a]




[a] The figures used to calculate case attrition are based on both the in-depth sample (N=43) and the total sample of cases collected from 1983-1985 (N=270). For most figures the total sample was used. The in-depth sample was relied upon for information on decision points about which we did not collect data for the total sample, (e.g., founding decisions by the police, trial and sentencing outcome).

## Unsubstantiation/ Substantiation

The decision-making stage at which the attrition of day care cases is the greatest is substantiation (the decision by child welfare that abuse occurred). Seventy-nine percent of cases reported to CPS and licensing were not substantiated. This estimate was based on data from the seven states where the best information was available on the total number of reports (see Chapter 1).

The percentage of unsubstantiated cases is high in comparison to other child abuse of which the American Humane Association estimated in 1984 that 58% were unsubstantiated. It is possible but unlikely that this high rate of unsubstantiation was due to a higher standard of proof in day care cases. Instead, it may be that more day care cases were unsubstantiated because more cases with weak evidence were reported. It is likely that people were more willing to report suspicions of sexual abuse by someone at a day care program than to report suspicions of someone in the family. The shame that the report of family abuse would bring and the reluctance to accuse a loved one is not present in most day care abuse. This hypothesized lower threshold for reporting suspicions of day care abuse may have resulted in reports of day care abuse being made on the basis of weaker evidence.

We cannot test this hypothesis because our research sample did not include cases which were unsubstantiated by all investigators, but our review of the few cases which one of the agencies did not substantiate lends support to the hypothesis. These cases often involved very young, lone victims and were reported only when parents noticed some suspicious behavior by the child or persons at the day care.

In summary, although this study was not designed to look in detail at unsubstantiated cases, our review of state data revealed that 79% of all reported cases were unsubstantiated. Although it appears that this high unsubstantiation rate may occur because reports of many cases in which vague suspicions of parents cannot be confirmed, further study is necessary. It is clear, however, that child welfare personnel are more likely to unfound a case than to move forward based on weak evidence.

## Involvement of Police

As we discussed in the previous chapter, in 10% of our total sample of substantiated cases the police were not involved at all. Therefore, as Figure 1 shows, 90% of reported cases remain in the system at this stage.

When sexual penetration was reported or more than one child was abused the police were usually called. Cases were less likely to be referred to the police when "less serious" sexual abuse such as fondling only, fondling outside of clothes, or tongue kissing was alleged. There was a tendency for "less serious" cases involving family members of day care operators to be handled "extra-legally." Therefore, those cases with family members which were referred to the police were likely to be the more serious cases.

Cases unfounded by the police

Twelve percent of the cases which were investigated by the police were unfounded by them. Officially, unfounding a case signifies that the police did not believe that a crime, as defined by the laws of that jurisdiction, had occurred. It is not surprising that a majority of all the cases we studied were founded because our sample included only child welfare substantiated cases and had excluded numerous cases with weak evidence that were unfounded by both the child welfare and criminal justice system. Thus we cannot compare the founded rate in these cases with that of other crimes or child sexual abuse in general.

Statistical analysis of the factors related to unfounding of cases which had been substantiated by child welfare is not possible due to the small number of cases in the category. In the in-depth sample we studied five cases which were unfounded by the police. Three of the cases involved allegations of sexual abuse committed by a lone female against a single child victim and in one case the alleged perpetrator was a 12-year old boy. These cases suggest that the police are less likely to substantiate allegations of abuse of a single child, especially when the accused is a trusted female day care staff or a youngster, even when that abuse was substantiated by child welfare. As with CPS unsubstantiating cases, when police unfounded cases it was usually because corroborative evidence was lacking and the child was either very young or unwilling or unable to talk to the investigators.

After the attrition due to police unfounding, 80% of all substantiated cases remain in the criminal justice system.

Arrests

Fifty-four percent of the substantiated cases resulted in an arrest or the filing of charges.[1] Of the total number of cases investigated by the police, 60% resulted in an arrest. Of the cases which were founded by the police 68% resulted in an arrest. A high "clearance by arrest" rate is not unusual for interpersonal, violent crimes, in which the victim is often able to identify the attacker (in contrast to most property crimes where the offender's identity is unknown). The best comparison can be made to forcible rape cases, since most police statistics do not provide detail on the outcome of cases of "child sexual abuse" per se. In the U.S. in 1985, 72% of founded forcible rapes resulted in arrest (U.S. Dept of Justice 1987). One could safely conclude that founded cases of child sexual abuse in day care are nearly as likely to result in arrest as all founded rape cases.

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1. In many jurisdictions the perpetrator was not actually "arrested" in the technical sense. That is, he was not taken into custody. Instead he or she was requested to appear to be formally charged. Cases with actual physical arrest and those with formal charges but no physical arrest are included in the category "arrest."

In nearly one-quarter (22%) of the cases when an arrest occurred it happened quickly, within 24 hours of the report to the police. However, about one-fourth (26%) of the cases took more than three months before an arrest. And, six months elapsed in 11% of the cases. (Table 9-4).

Table 9-4: Days Elapsed Between Report and Arrest -- In-Depth Sample

| DAYS PRIOR TO ARREST | CASES % (N=27) |
|---|---|
| 1 | 22% |
| 2-7 | 22% |
| 8-30 | 26% |
| 30-90 | 4% |
| 90-180 | 15% |
| 180+ | 11% |

The Magic Greenhouse case is an example of a quick arrest. In this case the mother of a three-year old noticed her daughter's genital bleeding soon after the child arrived home from day care. The child told her mother that the janitor at day care put his "peepee" in her (vagina) and then put a "stick" in her (anus). She was examined at the hospital and anal and vaginal tears were noted. That evening the police went to the day care center where the alleged perpetrator resided. When the police drove up, he emerged saying, "Are you looking for me?", thus indicating to the police that he knew they would be coming for him. The police arrested him and, unable to make bail, he spent all of his pretrial time in jail. He later pleaded guilty to the charges of rape in return for sentence of 5-10 years in prison.

One important way in which police generally measure success is by their clearance by arrest rate. If it is high, they feel that they have done their job. However, quick arrests sometimes reflected a preoccupation with their own immediate goals without consideration for collecting evidence that would corroborate the victim's testimony in court. Although quick arrests are usually credited with recovery of evidence useful at time of trial they do not always result in successful prosecution.

The details of another case were remarkably similar to the Magic Greenhouse case: the child arrived home bleeding and was taken to the hospital where she reported that the director had inserted his "finger" in her vagina. The perpetrator was quickly arrested. Later, however, charges were dropped when the child became increasingly reluctant to testify, media coverage and public support of the perpetrator grew and other suspected victims and their families became leery of involvement in such a public event as the trial promised to be. The prosecutor felt that the arrest had been made too quickly, before a strong case could be built and without coordination with and the support of child welfare. It is also likely that the power and prestige of the perpetrator and his family (a day care director in this case as opposed to a janitor in the Magic Greenhouse case) affected the outcome.

It may be wise for the police to carefully collect evidence and make plans to handle the media and support the victims before an arrest is made, but a lengthy investigation prior to arrest poses its own problems. The McMartin case is an example of a long period of time elapsing before an arrest is made with the likely loss of evidence.

In over three-fifths of the cases the arrest occurred in the month following the initial report to the authorities. In a typical case the child welfare (CPS or licensing) and police investigators interviewed the children and others, collected physical evidence and checked the background of the suspect prior to making an arrest. Even though in most states corroboration was not required by law, the decision-makers at later stages of court processing (the prosecutors, judges, and juries) expected corroboration of the children's testimony and it was common for investigators to try to collect such evidence prior to making an arrest.

The arrested perpetrator was almost always charged with a sexual offense; rarely were child endangerment or other non-sex offenses the only charges. The accused was charged with a felony, such as rape, sexual battery, and deviate sexual intercourse, in 63% of the cases. Less serious charges like indecent assault were the only charges lodged in the remaining 37% of the cases.

Analysis of the extent of police response

Data analyses, summarized in Table 9-5, show the association of victim, perpetrator, abuse and facility characteristics with the extent of police response (no investigation, investigation but no charges, charges/arrest) in 201[2] cases studied.

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2. For purposes of this section data were analyzed from 201 of the total sample cases. Sixty-nine cases had missing information either because the case was under investigation or because case records were reported by the authorities to be incomplete.

Table 9-5: Police Response -- Full Sample*

| (CASES:N) | NO POLICE INVESTIGATION (12%) (N=25) | INVESTIGATION/ NO CHARGES (45%) (N=91) | ARREST/ CHARGES (42%) (N=85) | SIG.** |
|---|---|---|---|---|
| VICTIM CHARACTERISTICS | | | | |
| 1 Victim | 100 | 17% | 53% | 30% | |
| 2+ Victim | 100 | 8% | 38% | 54% | .002 |
| Girls only | 98 | 14% | 50% | 36% | |
| Boys only | 52 | 15% | 48% | 37% | .05 |
| Boys and girls | 24 | 6% | 34% | 60% | |
| Youngest Victim: | | | | | |
| 0-2 year old | 50 | 12% | 50% | 38% | |
| 3-4 year old | 116 | 12% | 48% | 40% | NS |
| 5-6 year old | 29 | 17% | 31% | 52% | |
| PERPETRATOR CHARACTERISTICS | | | | |
| 1 perpetrator | 162 | 12% | 45% | 43 | |
| 2+ perpetrators | 32 | 3% | 50% | 47% | NS |
| Female only | 45 | 13% | 71% | 16% | |
| Male only | 127 | 11% | 38% | 51% | .000 |
| Male and female | 24 | 8% | 38% | 54% | .001 |
| Professional Staff | | | | | |
| No | 136 | 13% | 35% | 52% | |
| Yes | 47 | 11% | 66% | 23% | .001 |
| Family Member of Staff | | | | | |
| No | 132 | 11% | 55% | 34% | |
| Yes | 61 | 12% | 25% | 64% | .000 |
| ABUSE CHARACTERISTICS | | | | |
| Oral Sex Acts | | | | | |
| No | 151 | 15% | 48% | 36% | |
| Yes | 50 | 6% | 32% | 62% | .004 |
| Sexual Intercourse | | | | | |
| No | 175 | 13% | 46% | 41% | |
| Yes | 19 | 7% | 48% | 44% | NS |

Table 9-5 Cont'd.

| (CASES:N) | NO POLICE INVESTIGATION (12%) (N=25) | INVESTIGATION/ NO CHARGES (45%) (N=91) | ARREST/ CHARGES (42%) (N=85) | SIG.** |
|---|---|---|---|---|
| FACILITY CHARACTERISTICS | | | | |
| Center | 141 | 14% | 51% | 35% | |
| Family day care | 60 | 10% | 32% | 58% | .01 |

* missing = 69
** chi square

Victim characteristics

A more serious response by the police was likely in cases with multiple victims. Allegations of abuse by two or more victims was, perhaps, seen as an indication of a serious pattern of deviant behavior by an abuser or abusers, and not a chance occurrence. The convergence of several children's stories undoubtedly made the case stronger. The police were more likely to believe that the abuse occurred. On the other hand, when the word of only one child was balanced against that of an adult, it was less likely that the adult would be charged with a crime. Other victim characteristics such as age and sex were not related to the seriousness of the police response.

Perpetrator characteristics

The sex of the perpetrator, however, was an important factor in determining the response of the police. One analysis shows that cases which included male perpetrators only or both men and women perpetrators together were more likely to result in serious treatment by the police than cases with only female perpetrators. And, when cases with only men perpetrators were compared to those involving only women perpetrators it was found that there was also a significant difference in the extent of police response. In short, cases with men only were three times more likely to result in arrest (Table 9-5). Greater police involvement in allegations of sexual abuse by a man may have been influenced by stereotypes about men, women and children. Because most of the child sex abusers known to the authorities are men and because women are the viewed as care-takers and nurturers, it is likely that it was difficult for the investigators to accept the possibility that a woman could sexually abuse a child. It was probably easier for them to believe the accusations against a man.

The case was also more likely to be treated as criminal if a family member of one of the day care personnel was alleged to be involved in the abuse. Conversely, when a professional staff person (usually a teacher) was involved, a police investigation and arrest was less likely. In addition, treatment of the case as a criminal matter was less likely if the perpetrator(s) in the case was a child care staff rather than a member of the support staff (e.g., janitor, bus driver). The police may be less willing to believe that a trusted child caregiver could molest a child. Or, it may be that the relationship of the caregiver to the child interfered with the child's ability to give convincing evidence, due to the child's ambivalent feelings about the abuser. Or, the cases involving child care staff may have engendered more resistance to the investigation by the day care operation or may even have resulted in conspiracy to cover-up the abuse. It appears that, for whatever reason, the power of a caregiver to avoid arrest is greater than that of a janitor, bus driver, family member, or outsider.

Cases with multiple perpetrators tended to be more likely to be investigated, but were no more likely than cases with only one perpetrator to result in an arrest.

Abuse characteristics

A case was more likely to result in greater involvement by the police if there were allegations of oral sex, and there was a trend for the small number of cases with allegations of sexual intercourse to be treated more seriously. These acts could be classified as felonies and would, for this reason, elicit most serious police response. It is interesting that even though oral sex acts are less likely than sexual intercourse to be associated with medical evidence or physical trauma, cases in which oral sex was alleged were treated more seriously by the police. This may reflect greater social disapproval of oral sexual contact, which may be considered more deviant than heterosexual intercourse even when the intercourse is committed with a child.

Facility characteristics

Cases which occurred in family day care homes were more likely to receive serious police attention and result in arrest. This may reflect the day care home operators' relative lack of power to deflect accusations of impropriety when compared to the power of those operating a (usually licensed) day care center. It may be more difficult for authorities to believe that an opportunity for abuse could occur at a larger day care center when compared to a day care home where access of family members to children is greater and proximity to bedrooms and other private space is increased.

Two cases exemplify some of these issues. The first case reveals how the sex and stature of the perpetrator, combined with the young age of one boy victim, resulted in a lack of sufficient evidence to effect an arrest.

A highly respected woman teacher in a large, licensed, day care center was accused of the abuse of a three-year old boy. After the victim had been observed acting out sexually with a friend he disclosed to his mother that he had been fondled and fellated by the teacher. Although a thorough investigation was conducted by the police, they were unable to obtain much information from the young boy. The case was founded based, in part, on interviews with the woman, but no arrest was made. The police complained of lack of evidence, the young age of the victim, and the exemplary record of the perpetrator.

In contrast to this case, in a small day care home, the alleged perpetrator, the adult son of the owner, was arrested soon after several girls told how he abused them.

In this case a four-year old girl had a persistent vaginal rash, which a physician diagnosed as a rare venereal disease. This was reported to child protective services who called the police. The child told the CPS worker that the adult son of the owner/ operator had fondled her, rubbed his penis on her vagina, and performed oral sexual acts on her. Abuse of two more victims was substantiated and two others were suspected to have been victimized, but would not talk about it. Eleven days after the investigation began the perpetrator was arrested.

Multivariate analyses of extent of police response

It is not sufficient to look simply at case examples and the bivariate relationships to understand how factors are related to the extent of police response. These variables are undoubtedly interrelated. For example, it may be that male perpetrators are only more likely to be arrested because they are more likely to commit sexual intercourse. To control for these factors and determine how much of the variation in police response could be explained by the victim, perpetrator, abuse and facility characteristics, multiple regression analysis was used.[3] In this analysis the dependant variable was a score of the extent of police response: the extent to which the abuse was defined as criminal. The case was given a score of zero (0) if there was no police investigation, the score was one (1) when there was an investigation but no charges were lodged or arrests were made, and the score was two (2) when arrests were made and/or charges lodged.

Table 9-6 shows the results of the regression analysis and explains the measurement of the independent variables. Five statistically

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3. The regression analysis was performed using a backward elimination procedure to isolate the best prediction equation based on only the significant variables ($p<.05$). Outliers were checked by examining scatter plots of the residuals and no extreme scores were located. No substantial zero order correlations were observed to raise questions of multicollinearity.

significant variables emerged which together explain 17% of the variance in the seriousness of police response. Even when controlling for the other variables, perpetrator sex and professional status in the day care facility contribute to the extent to which a case is defined as criminal. If all the perpetrators in a case were male then it was more likely to receive more intensive police scrutiny and action. If any of the perpetrators in the case was a professional staff member, the case was less likely to result in an arrest, even when controlling for other variables related to the nature of the abuse. The variables multiple victims, oral sex and sexual intercourse also contribute to increased seriousness of police response.

Table 9-6: Regression Analysis of Extent of Police Response -- Full Sample

| VARIABLES[a] | BETA | F-RATIO | PROBABILITY |
|---|---|---|---|
| Multiple victims involved | 0.201 | 8.949 | 0.003 |
| Only male perpetrators | 0.165 | 5.123 | 0.023 |
| Sexual Intercourse | 0.146 | 4.165 | 0.040 |
| Oral sex | 0.186 | 6.914 | 0.009 |
| Perp. professional staff | -0.143 | 3.874 | 0.048 |

| | |
|---|---|
| $R^2$ | = .1717 |
| F-Ratio | = 8.0818 |
| Significance of F | = 0.0000 |
| N | = 201 |
| Missing | = 69 |

[a]Variables

| | | |
|---|---|---|
| extent of police response | 0=no investigation | 1=investigation 2=arrest |
| female victims | 0=no girls abused | 1=girls abused |
| multiple victims | 0=only one victim | 1=2+ victims |
| male perpetrators | 0=not only male perp | 1=male perpetrators only |
| multiple perpetrators | 0=only one perpetrator | 1=2+ perpetrators |
| prof staff perp | 0=none involved | 1=prof staff perp was involved |
| sexual intercourse | 0=no sexual intercourse | 1=sexual intercourse alleged |
| oral sex | 0=no oral sex | 1=oral sex alleged |
| sexual trauma | 0=no evidence | 1=yes, medical evidence |

## Prosecution

### Charges dropped pre-trial

Fifty-six percent of the cases in which there was an arrest made went to trial. In other words, forty-four percent of the cases were dropped after an arrest was made or charges were lodged. With the exception of unsubstantiation (estimated at 79%) this was the greatest rate of attrition in any stage of case processing (Figure 9-1). Only 30% of all substantiated cases remain in the system after the cases are dropped. It could be argued that the cases which are dropped after an arrest are in some ways the least successful cases. These cases cause unnecessary trauma to children, prolong investigations and may unnecessarily stigmatize innocent adults who never get their day in court.

It is difficult to learn all the reasons why the decisions are made to drop charges and not proceed to trial. Each investigator had different ideas about what caused cases to be dropped, or sometimes a number of factors contributed to dismissal of charges. Legal issues and insufficient evidence or incompetent witnesses were often mentioned. Other factors included the limited resources of both staff and time in the prosecutor's office. And withdrawal of parental or victim cooperation and concerns for trauma to child witnesses precipitated some dropped charges.

Table 9-7 presents data on the factors in the in-depth sample associated with the decision to drop charges for all cases in which an arrest occurred. Factors which are associated with dropped cases suggest that "less serious" cases are less likely to be pursued. Incidents including only one or two older children, one perpetrator, no weapons or physical force, and no intrusive sexual abuse (no sexual intercourse or fellatio, for example) are less likely to move forward to trial, suggesting that these cases lacked corroborative evidence and may not have been treated seriously or allocated sufficient priority by prosecutors' offices.

> In one case the husband of the owner/ operator of a family day care was arrested for fondling a three-year old girl and exposing his genitals to her. Disclosure of the abuse came after the child was observed to have undergone behavioral changes including sudden and excessive masturbation, excessive eating and emotional withdrawal. Upon being questioned, the child described the perpetrator exposing himself. She described his genitals in detail and later told a therapist that he put his finger in her (bottom). The man was arrested but the prosecutor declined to pursue the case due to the sketchiness of the child's story and the paucity of other evidence. The decision was lamented by child welfare and the police who had worked hard to develop the case.

Table 9-7: Variables Associated with Charges Dropped in All Cases with an Arrest -- In-Depth Sample

| | % Dropped (N=27) | sig.* |
|---|---|---|
| Total % dropped | 44% | |
| <10 incidents | 73% | .011 |
| No girl victims | 83% | .106 |
| Older victims (3+ years) | 61% | .040 |
| 1-2 victims only | 71% | .011 |
| Single sex perpetrators | 55% | .085 |
| Lone perpetrator | 55% | .086 |
| No sexual intercourse | 57% | .039 |
| No fellatio | 77% | .006 |
| No physical force | 65% | .009 |
| No weapon threatened | 57% | .044 |
| Parallel investigation | 63% | .087 |

*corrected chi square analysis

One simple explanation for some dropped charges was failure to indict. In 15% of the cases brought forward for prosecution, the grand jury failed to indict any defendants. In two of these cases the prosecutor himself was not convinced that the abuse had been perpetrated by the accused.

One resource which was scarce in many courts was time. These cases took a lot of time, especially because of the need to work with the child witnesses and parents. If the case was not taken seriously or deemed likely to result in an acquittal it stood a good chance of being dropped. In addition, when cases were delayed, particularly those with only one victim, they were at greater risk for being dropped.

> In one case where delays led to dropped charges a young man who worked at a day care center (and had a recent history of arson and burglary), was arrested for fondling and digitally

penetrating the anus of a four-year old boy. Extreme time delays in the courts of this large city resulted in one and one-half years of continuations. Although the child victim was a good witness at the onset and in the competency hearing before the judge, by the time the case was ready for trial he started becoming distracted, forgetful and inconsistent in his testimony. Eventually he lost all bowel control and was unable to continue to testify.

Most parents were willing to be part of the investigation and to have their children evaluated because they were concerned about their well-being and because they believed that the investigation would reveal what happened to the child and help with the negative consequences of the abuse. Sadly, the parents did not always get what they wanted. As we have seen, the investigatory process was sometimes brutal for children, and investigators turned out not to have had the crystal ball that would help explain what happened to the child or what the consequences would be. By the time investigators finally substantiated or founded cases and were ready to move forward with prosecution, some of the parents, unfortunately, had had enough. Concern about the negative consequences of a trial on the child's emotional and physical well-being and how it would interfere with school performance of those just starting kindergarten and first grade, made some parents unwilling to go forward with the case. The horror stories of traumatic court experiences, such as the experience of the child in case #2 (Chapter 8), were enough to make some parents and experts agree that no child should be subjected to court-room testimony. The withdrawal of cooperation by the victim or parents was judged to be a problem in 12% of the cases in the in-depth sample.

In nearly one-quarter of the cases, however, parental cooperation became an important strength, helping to assure that the prosecution could go forward. As has already been discussed, parental cooperation is fostered in the investigation stage, but it must be bolstered by the prosecutor as well.

The prosecutor acted swiftly to obtain parental support in the Family Affair day care case. The prosecutor entered the case at a point at which the numerous victims' parents were angry about the slow progress of the case and the repeated interviewing of their children. To establish better lines of communication and encourage parental support for the prosecution efforts, he met with the parents and periodically mailed newsletters to them to keep them informed of all case developments. He sent them a newsletter even when there was no apparent progress in the case, to explain what the office was doing. Support groups were also set up for the parents, as in the Sixth Street case (described earlier). He told us that this process made the parents supportive of the prosecution.

The ability of the prosecutors to conduct the case and introduce child testimony in ways that would minimize trauma was in part, dependent upon the resources available. The Miami prosecutor's office, in response to the Country Walk and a number of other cases, did find the resources to

set up a separate child interviewing room. However, time and financial resources were scarce commodities only grudgingly devoted to crimes against children in the offices of most prosecutors.

The laws governing children's testimony also affected the parents' assessment of the possible trauma to the children and their cooperation in the case. In several cases, the parents were permitted to testify about the details of the abuse that were reported to them and thus, at least in part, shield their children from the possible trauma of court room testimony. If the law had not permitted their participation in this way, it is unlikely that these cases would have gone forward, particularly because one case had had several changes of venue and was unusually protracted in length, and also was retried after an appeal over-turned the first guilty verdict. In addition, when laws permit the introduction and use of videotaped or closed circuit t.v. testimony this may be seen as a way of reducing trauma to the child and assist in maintaining parental and child cooperation in the case. This, however, is not a straight-forward matter. One case shows how the best intentions and the newest technology can exacerbate the trauma and result in dropped charges.

> The investigators in this case decided that to minimize the trauma of repeated interviewing and courtroom testimony they would videotape the victim interviews. They did not, however, anticipate the children's reactions to the video equipment. When faced with the cameras the children froze, got increasingly anxious and retreated to the safety of a corner. It turns out that the children had been forced into sexual acts while being videotaped by the alleged perpetrators. For all they knew, now these adults that their parents told them to trust were about to reenact the abuse.

Video equipment and time delays were not the only traumatizing element. Often the children were required to testify at preliminary hearings or provide evidence at pre-trial motions. They were interviewed and reinterviewed in preparation for court, or each time a new prosecutor was assigned. In some cases they were required to give depositions, a process which even an expert witness finds harrowing, and they were brutalized by defense attorneys. It is not surprising that in some cases parents withdrew their cooperation. What is surprising is the fact that few cases were dropped for this reason. In fact <u>lack of victim or parental cooperation was never listed by the prosecutor as the primary reason for charges being dropped</u>. Once an arrest was made it was more likely that the prosecutor would decide that the evidence was weak than for a parent or child to withdraw cooperation.

An important factor which had an impact (Table 9-7), though not a statistically significant one, on the likelihood that charges would be dropped was the approach taken to the investigation. Cases with a parallel investigatory approach were more likely to be dropped. In these cases the police did their job by arresting the accused and collecting evidence and then the case was turned over to the prosecutor for decision making. As we have suggested in the previous chapter cases in which there was no team planning and decision making were likely to fail to produce

corroborative evidence; to further traumatize victims and reduce their ability to testify; and to engender poor relations with parents, the community and the media. These problems took their highest toll at this stage when a case was being readied for trial, and as a result many charges were dropped. Sixty-three percent of the parallel investigation cases that had resulted in arrest were dropped, whereas only 20% of the team investigation cases were dropped.

Judicial decision-making was another factor that could play a role in the dropped charges. Judges decided that children were not competent to testify and eliminated them from the pool of eligible witnesses. It is important to note, however, that no cases in our in-depth sample were dismissed by a judge due to insufficient evidence, a clear indication of the quality of the cases brought into the courtroom.

Guilty pleas

Probably the best justice system outcome for the victim of child sexual abuse is a guilty plea by the perpetrator. In these cases the children are, for the most part, spared the trauma of courtroom testimony and cross-examination by the defense attorney. The child's identity is more likely to be kept confidential and often the time for the entire court process is dramatically shortened. But perhaps even more important for the child is the perpetrator's acceptance of guilt, relieving the child of a sense that he or she is the one who is on trial.

Some people think that the guilty plea is an unavoidable evil. A guilty plea is viewed as undesirable because it is often obtained through "plea bargaining," following which the perpetrator serves no time in jail, is placed on probation, and attends counselling of unknown efficacy. If the perpetrator is released to the community, there is concern that he or she will recidivate. Although contact with the victim will undoubtedly have been curtailed, there is relatively little that can currently be done to keep the perpetrator from gaining access to children in another center in another state. For this reason, many advocates of plea bargaining for sex offenders have recommended that charges be reduced, but that a sex crime still be charged. Despite these problems, guilty pleas are viewed as a necessity when the evidence is weak or the trauma to the child would be excessive and unavoidable, and of course they reduce the court caseload.

The perpetrator pleaded guilty in 30% of the cases that went to court in the in-depth sample. This represented 10% of all substantiated cases and 10% of all the perpetrators. Guilty pleas, therefore, comprised a significant number of the cases that make it to court, a number which is lost in the public discussion of these cases. However, compared to other crimes in general and to all sex crimes in particular this percentage is not large. A study by INSLAW (1986) provides tables that permit calculations that 77% of all sex crimes resulted in a guilty plea in the ten jurisdictions which they studied. Table 9-8 shows that in several studies greater than 85% of the sexual abuse cases resulted in a guilty plea. This figure is more than double the rate of guilty pleas for our

cases, but may in part be due to the more serious nature of some of the charges in day care cases. It is also highly likely that, because of the young age of the victims, defense attorneys advised their clients not to plead guilty and to instead stand trial-- counting on being able to discredit the testimony of such young children.

Our information on cases resulting in a guilty plea comes from the in-depth sample. The cases with guilty pleas have one common feature--strong law enforcement and prosecutorial involvement from the onset. A team approach to the investigation was utilized in one-half of the cases with a guilty plea and in the other one-half of the investigations the police and prosecutor "called the shots." Early and sustained involvement of the police was critical for several reasons. First, early police involvement made it possible to collect incriminating evidence before the perpetrator or others had the opportunity to destroy it.

> In one case the police were able to move quickly to make and arrest and search the suspect's apartment. When a huge quantity of child pornography was discovered they were able to pressure the day care teacher, who was the son of the owner, to confess. But the evidence of child pornography was not all that motivated his confession. The perpetrator reported that when he learned about the harm that the abuse had caused the children, he pleaded guilty to spare them the further trauma of court room testimony. He was sentenced to four consecutive life terms.
>
> In the Magic Greenhouse case the immediate involvement of the police and collection of medical evidence of genital trauma to the child and the presence of spermatozoa were critical. Although the perpetrator at first demanded a trial, when confronted with the positive medical evidence and the likely testimony of a "jailhouse snitch," he pleaded guilty. This was fortunate for the prosecution, because the long delays combined with a dysfunctional family made it unlikely that the child would have been a good witness.

Second, early police action put the perpetrator on notice that they were serious and reminded him/ her of the possible consequences of a conviction, thus providing a motivation to confess far beyond what a social worker could ever elicit. Indeed, the police were able to stress the possibility of a prison sentence and then offer to assist in negotiating a short prison term or probationary sentence. A primary motivation for pleading guilty was to bargain for a reduced sentence. Two cases in which plea bargaining took place had very similar circumstances.

> In both the Wyatt's family day care and the Big Blue Bird case, the perpetrator was the elderly retired husband of the owner/ operator of a small family day care home. In both cases the husband helped out in an unofficial capacity by taking care of the children, and was well liked by the children and their parents. In both cases the abuse consisted mainly of fondling of the child's genitals and occasional oral genital contact. In

both cases the police took a "soft" approach to the accused, for example suggesting that such feelings toward children were normal, and thereby, obtaining a confession. The men were encouraged to confess and spare the children the trauma of a court trial and themselves the trauma of spending their retirement years in prison. They received probationary sentences with a stipulation that they receive counseling.

In two other cases it was the preparation of a strong case by the prosecution that applied pressure on the perpetrator to plead guilty.

> In the Golden family day care case the law permitted parents to testify in court about their children's reports of the abuse. The children had told them about being forced to submit to sexual intercourse, fellatio, and other acts of degradation by the husband of a day care owner. When the parents and a child psychologist testified at a preliminary hearing, the perpetrator saw the strength of the case and admitted two instances of abuse and pleaded guilty to two counts of indecent liberties (reduced from aggravated criminal sodomy charges). He received a 5-20 year prison sentence. The investigators attributed their success to extremely good cooperation between the agencies, prior training in sexual abuse case handling, and a team approach in which the individuals had experience working together.
>
> In the Country Walk case, when the female perpetrator began to see how strong the case against her was, she decided to plead guilty and throw herself upon the mercy of the court. The prosecution wanted her to testify against her husband, but was unwilling to negotiate a reduced sentence to obtain this testimony because such negotiation would be used to raise questions about her credibility as a witness. She did testify for the prosecution, assisting in the conviction of her husband. She was later sentenced to ten years in prison.

In summary, if a case is strong either due to early and skillful law enforcement involvement or to a team approach, then the accused will be motivated to plead guilty, envisioning a guilty verdict and longer prison sentence if he does not.

Conviction or acquittal

Of the cases which proceeded to trial 85% resulted in a conviction (including guilty pleas, discussed above). Table 9-8 reveals that, in general, the outcome of these day care cases compared favorably with the disposition of other cases of child sexual abuse, as reported in a Bureau of Justice Statistics, American Bar Association and other studies of case outcome in several jurisdictions. In these four other studies convictions ran 88%-94%, not significantly different from the rate in day care cases. However, in the other studies most of the guilty dispositions were as a result of guilty pleas, a less frequent occurrence in day care cases. Day

care cases which were prosecuted were ten times more likely to go to trial than were other prosecutions of sexual abuse. It is remarkable that even with a lower rate of guilty pleas and high rate of jury trials (81% of all trials), the day care cases were just as likely to establish the guilt of the perpetrator. Eighty percent of the day care cases that went to a trial resulted in a conviction, whereas in the other studies only 15-50% resulted in convictions.

Table 9-8: Comparison of Child Sexual Abuse Case Outcome in Five Studies

| DISPOSITION | BJS (N=1093) | ABA (N=378) | ROGERS (N=261) | MASS (N=306) | FRL/DAY CARE (N=43) |
|---|---|---|---|---|---|
| % of substantiated cases resulting in arrest | NA | 51% | NA | NA | 54% |
| % of arrests prosecuted | 71% | 63% | 63% | NA | 56% |
| Outcome of court cases | | | | | |
| Acquittal | 6% | 6% | 11% | 10% | 15% |
| Guilty Plea | 94% | 88% | 86% | 90% | 30% |
| Conviction | | 6% | 2% | | 55% |
| Disposition of convictions | | | | | |
| Not Incarcerated | 46% | 32% | NA | 34% | 12% |
| Incarcerated | 54% | 68% | NA | 66% | 88% |

BJS - Bureau of Justice Statistics Bulletin, (1984) "Tracking Offenders: The Child Victim," December.

ABA - American Bar Association, (1987) "Child Sexual Abuse: An Analysis of Case Processing," NIJ Grant # 84-IJ-CX-0074 Final Report.

Rogers - Carl M. Rogers, (1982) "Child Sexual Abuse and the Courts: Preliminary Findings. In Conte and Shore (eds.), Social Work and Child Sexual Abuse. New York: Haworth Press (p. 145-153).

Mass - Boston Globe Spotlight Team, (1987) "Child Sexual Abuse: The Crime of the '80's," Boston Globe, November 8-11, p. 7.

FRL - Family Research Laboratory, "Child Sexual Abuse in Day Care Settings.

But, despite this high rate of conviction in cases that went to trial, taking into account attrition at earlier stages, conviction is not the most common outcome for either day care abuse or other sexual abuse. Of all day care cases in which there was an arrest only 48% resulted in conviction and of all substantiated cases 26% resulted in a conviction.

The majority of cases which were prosecuted went to trial before a jury. This was usually the decision of the defendant and was probably influenced by a notion that there was a greater likelihood of creating reasonable doubt in the mind of at least one jury member than in the mind of the judge. Juries have been skeptical of charges of sexual assault. In addition, a jury trial is usually more prolonged and provided the possibility that the delay of the case would result in clouded memories and more reluctant child witnesses. Contrary to these common perceptions, the high rate of conviction by juries which we found in these cases suggests two things. One, the cases which finally made it to court were very strong; two, children's stories were credible to the juries. Ordinary people are shocked by such charges and may be inclined to believe children. In fact, there were several cases in which the defense attorney's decision to show a videotape of the children's testimony in an attempt to impeach their credibility backfired and created sympathy for the victims. Some jurors cried when they heard the children speak of what had happened to them. In addition, the delay tactic which may result in clouded memories in other types of cases actually has helped in some of these cases. The passage of time has allowed the children's verbal abilities to develop and enabled them to report in more detail the abuse which they experienced at a younger age. So, jury trials, despite the time they consume, have been linked to conviction. The one case in our in-depth sample which resulted in an acquittal was a trial before a judge who apparently felt that the legal elements necessary to prove guilt had not been present.

Extent of criminal justice response

Table 9-9 summarizes the bivariate analysis of the association of the victim, perpetrator and abuse characteristics with conviction in the full sample. A conviction was more likely in cases in which multiple victims were involved and in cases which involved male perpetrators, family members of staff, oral sex, and sexual intercourse.

Table 9-9: Factors Associated with Convictions -- Full Sample*

| | (CASES:N) | NO CONVICTION (75%) (N=150) | CONVICTION (25%) (N=51) | Sig.** |
|---|---|---|---|---|
| VICTIM CHARACTERISTICS | | | | |
| 1 victim | 100 | 86 | 14 | |
| 2+ victim | 100 | 64 | 36 | *.001 |
| Girls only | 98 | 79 | 21 | |
| Boys only | 52 | 83 | 17 | *.016 |
| Boys and girls | 24 | 60 | 40 | |
| Youngest Victims: | | | | |
| 0-2 year old | 50 | 72 | 28 | |
| 3-4 year old | 116 | 89 | 11 | NS |
| 5-6 year old | 29 | 69 | 31 | |
| PERPETRATOR CHARACTERISTICS | | | | |
| 1 perpetrator | 162 | 74 | 26 | |
| 2+ perpetrators | 32 | 75 | 25 | NS |
| Female only | 45 | 93 | 7 | |
| Male only | 127 | 68 | 32 | *.01 |
| Male and female | 24 | 75 | 25 | |
| PROFESSIONAL STAFF | | | | |
| No | 136 | 68 | 32 | |
| Yes | 47 | 87 | 13 | *.020 |
| Family Member of Staff | | | | |
| No | 132 | 78 | 22 | |
| Yes | 61 | 64 | 36 | *.059 |
| ABUSE CHARACTERISTICS | | | | |
| Oral Sex Acts | | | | |
| No | 151 | 80 | 20 | |
| Yes | 50 | 58 | 42 | *.003 |
| Sexual Intercourse | | | | |
| No | 175 | 79 | 21 | |
| Yes | 19 | 42 | 58 | *.001 |

Table 9-9 Cont'd.

| | (CASES:N) | NO CONVICTION (75%) (N=150) | CONVICTION (25%) (N=51) | Sig.** |
|---|---|---|---|---|
| Ritualistic | | | | |
| No | 168 | 74 | 26 | |
| Yes | 23 | 74 | 26 | NS |
| FACILITY CHARACTERISTICS | | | | |
| Center | 141 | 81 | 19 | |
| Family day care | 60 | 60 | 40 | *.0031 |

* missing = 69
** chi square

To understand the nature of the relationship of the independent variables to each other and to conviction, we conducted a further multivariate analysis on the extent of system response, this time adding conviction to the dependent variable analyzed earlier when examining the extent of police response.

In the regression analysis of extent of criminal justice outcome, six statistically significant variables emerged, which together explain 26% of the variance for the cases in the full sample (Table 9-10).

Even when controlling for other variables, the sex of the perpetrator was once again important. Cases with only male perpetrators were positively associated with more extensive criminal justice response. Building on the analysis of the extent of police response, we find that the variables ritualistic abuse and family day care facility also contributed to the equation. Controlling for other factors, if the case had ritualistic elements, it was less likely to proceed to conviction. Testimony about bizarre occurrences in these cases could create doubt in the minds of jurors and judges or disturb the children to such an extent that the case did not go forward. This finding coincides with prosecutors' approach to ritualistic abuse cases. While a majority of cases in the in-depth sample with elements of ritualistic abuse resulted in convictions (58%), in these cases prosecutors focused on the perpetrator, the use of force and the nature of the sex acts, rather than on the ritualistic elements present in the abuse. A few cases which raised the issue of ritual abuse as more than simply a way to intimidate the children have found it difficult to obtain a conviction.

Table 9-10: Regression Analysis of Extent of Criminal Justice Response -- Full Sample

| VARIABLES | BETA | F-RATIO | PROBABILITY |
|---|---|---|---|
| Multiple victims involved | .239 | 11.955 | .001 |
| Only male perpetrators | .207 | 9.272 | .003 |
| Sexual intercourse | .228 | 10.514 | .002 |
| Ritualistic abuse | -.174 | 4.596 | .031 |
| Family day care | .178 | 7.866 | .006 |
| Oral sex | .241 | 12.003 | .001 |

| | |
|---|---|
| $R^2$ | = .2590 |
| F-Ratio | = 11.302 |
| Significance of F | = .000 |
| N | = 201 |
| Missing | = 69 |

Cases which occurred in family day care settings were more likely to proceed to conviction, due perhaps to the relative powerlessness of the perpetrators associated with such cases.

An important predictor of conviction was the presence of multiple victims. Cases in which there was more than one substantiated victim were positively associated with conviction. This finding confirms the belief shared by a number of prosecutors that the convergence of several victims' testimonies makes a case much stronger. The word of one child alone may leave room for reasonable doubt, but when several children testify about similar acts, although their stories may not completely agree, the doubt is removed. The weight of multiple victims' testimonies reaches a "critical mass" and makes a conviction likely. This occurred in several major cases including Country Walk and Sixth Street. Also, in multiple victim cases, it was likely that at least one victim would be able to provide clear, consistent and convincing testimony, and stand up to repeated questioning. When this occurred, the mere appearance and brief statements of several other victims were sufficient corroboration. Also, multiple victim cases were more likely to lead to a guilty plea. In 66% of the cases with guilty pleas, multiple victims were ready to testify, a fact unlikely to have escaped the attention of a defense attorney who would undoubtedly advise his client accordingly. When there was only one identified child victim, the case was more difficult to prove. Convictions with only one victim only occurred when there was compelling

medical corroborative evidence (e.g, presence of venereal disease or spermatozoa).

The commission of more serious acts of sexual abuse (i.e., sexual intercourse and oral sex acts) were associated with conviction and important in the multivariate analysis. These are serious sexual violations, and testimony about these acts may be more convincing. When the alleged abuse is confined to fondling or even digital or object penetration of the child, the prosecutors and jurors may wonder whether the child misunderstood normal care-giving or toileting activities. In addition, there may be suggestions that the child could have fabricated his account based on his own experiences and experimentation with sex. But when children can describe in detail the physiology of sexual acts and sexual response, details about adult genitalia, and show evidence of penetration, their accusations are more likely to be believed. It is also likely that when this type of serious violation of children was alleged the prosecutor's office considered the case to be more worthy of serious attention and devoted more resources and skilled staff to the trial.

It is also important to note that, for the same reasons discussed in the preceding section on dropped charges and guilty pleas, team approaches to investigation and prosecution were more likely to result in a conviction. Sixty-seven percent of all team cases resulted in a conviction, while only 22% of the parallel investigation cases had convictions.

Cases which resulted in a conviction took a tremendous amount of time. Even the quickest case still took 22 months from the inception of the investigation to the verdict. Many cases which we studied from 1983-1985 still remain open years later, awaiting trials of one or more perpetrators on one or more additional charges, or in the process of appeal by the convicted party.

## Sentencing

Our data on sentencing outcomes is based on the 17 perpetrators from the in-depth sample who were convicted and sentenced by the time of this writing. Sentences were rarely handed down at the time the verdict was rendered. In these cases the convicted offender would generally undergo several months of psychiatric testing before the sentencing decision was made by the judge. In some cases not only did the prosecutor and defense have an opportunity to make sentencing recommendations, but the family members were permitted the opportunity to speak to the court. Needless to say, they did not recommend leniency.

Prisoners across the U.S. as well as in the same prison often complain about sentencing inequities. And, in fact, we noted the wide range of sentences and the fact that some individuals who had committed equally serious, frequent, and intrusive sexual acts received less severe sentences than their counterparts in other cases. The sentences received ranged from probation (12%) to life sentences (30%), with one perpetrator receiving six life terms (Table 9-11). Originally, six offenders were

given life sentences, two of these were women (although the sentence of one woman was over turned on appeal). Although she was convicted again, because she had been re-tried on the abuse of only one child, she was sentenced to only 20 years in prison. In all, roughly one-quarter of all the perpetrators in the in-depth cases have served time in prison for the abuse that they perpetrated against the children. Eighty-eight percent of those convicted spend time in prison, although almost 50% of these offenders can expect to be back out on the streets before the children they have abused graduate from first grade. Even so, the proportion of convicted offenders in day care cases who serve a prison sentence is dramatically higher than in other cases of child sexual abuse (Table 9-8).

Table 9-11: Sentencing Outcome for Convicted Perpetrators -- In-Depth Sample

| Sentence | % (N=17) |
|---|---|
| Probation | 12% |
| Prison | |
| 1-2 years | 12% |
| 3-5 years | 18% |
| 6-10 years | 18% |
| 10-20 years | 12% |
| 25+/ life | 30% |

At this time we are unable to determine the factors that influenced the sentencing decision making, because of our small sample size. A number of those sentenced to life imprisonment or lengthy sentences, such as 165 years, had a prior criminal history of sexual abuse, as did the one man who, although he pleaded guilty, was sentenced to 5-20 years in prison. A review of the cases indicates that age and prior criminal history may play a part. The probationary sentences were given to elderly men who had pleaded guilty.

## Summary

Child sexual abuse arouses contradictory responses: anger and fear about its occurrence and the danger it poses to children, but also denial that it can occur and that respectable citizens perpetrate the abuse.

These contradictions are reflected in our findings on case outcome. While 79% of the cases of child sexual abuse in day care were unsubstantiated and in 44% of all cases resulting in arrest the charges were dropped, once a case made it to court, a conviction and a prison sentence was the likely result.

The social response was strong to sex acts like rape and deviate sexual intercourse forced on young children, by lone males who are not part of the day care staff. Men were arrested and charged with rape and involuntary deviate sexual intercourse. Their cases were less likely to be dropped, especially when they worked in roles peripheral to the day care facility. The abuse that they committed was, perhaps, seen as a serious threat to the security and safety of the community. On the other hand, the social response to women who committed sex acts with children was more ambivalent. The case may have been unfounded and was unlikely to result in arrest or prosecution, although if a woman was convicted she was just as likely to get a lengthy prison sentence. These findings suggest that the criminal justice system was more comfortable prosecuting, convicting, and punishing those who fit the traditional stereotype of the sex offender than sanctioning women or men who provide child care. To recognize that child caregivers, women, and groups of adults sexually abuse children may be so threatening that society fails to respond with arrests and convictions.

This suggests that factors not directly related to the quality and nature of the evidence may have had an important impact on identifying cases as criminal matters. The sample of cases which made it to court, therefore, included a disproportion of cases in which the perpetrators and the victims fit the sex stereotypes about sexual abuse. Cases were systematically decriminalized if they involved women, professional caregivers or no sexual intercourse or oral sex. This suggests that to increase the criminal response to cases of child sexual abuse, the stereotypes about who is and is not likely to sexually abuse children need to be addressed. These stereotypes may contribute to the exclusion of cases from prosecution more than the problems of obtaining court-worthy evidence which are now the focus of much attention.

Having said this, we must also point out that while the prosecution of these cases was often fraught with problems, these problems were frequently overcome by the prosecutors and police. The study clearly shows that, perceptions to the contrary notwithstanding, day care cases do not necessarily fare badly within the system. In fact, the conviction rate for day care cases was higher than for other sexual abuse cases. And, despite public perceptions, there have been quite a few convictions in highly publicized, multiple perpetrator/ multiple victim cases, including those concerned with controversial allegations of ritualistic abuse.

## Policy Implications

Detailed recommendations on the licensing and criminal justice system response to child sexual abuse in day care are beyond the scope of this report. Others have discussed this subject at length and protocols have been developed for the prosecution of child sexual abuse. However, some recommendations are worth noting here, in summary.

### * Team Approach to Intervention

A team approach to the case increased the likelihood of prosecution and conviction and also lessened the trauma to children by resulting in more guilty pleas. While in many cases the outcome depended on the dedication of the individual members of the team and their immense efforts, that dedication was often facilitated by a team approach. Not only did the team approach help to build a strong case while minimizing the trauma to the participants and controlling the public response, but the team members provided support to one another during the years it often took to see a case through the entire system. A team approach usually helped guarantee vertical prosecution, that is, the same prosecutor was there to handle the case at every stage. The success of teams may, in part, be due to the training and resources that often are provided to teams.

Prosecutors are often adverse to team collaboration. Attorneys are trained to be independent and to take responsibility for their own actions and decisions. Nevertheless, the results of our analyses illustrate the benefits of a team approach.

### * Focus Attention on the Attrition in the Early Stages of Criminal Justice System Processing

The system devotes considerable time and energy to the prosecution of a small number of cases. Child advocates and federally funded programs have directed their attention to techniques and model programs to improve the handling of cases of child sexual abuse in the courtroom. Our research has shown that most cases never make it to court and that once they do conviction is likely. Training, resources and research should be directed at improving the capability of the system to substantiate cases of child sexual abuse in day care, to collect evidence and make arrests that will hold up in court, and to do this with the least trauma to the child victims. Training should also focus on breaking down the stereotypes about abusers and their victims which focus attention on cases committed by strange men against girls.

### * Determine if Other Children Have Been Victimized

Our findings clearly revealed that when several children can corroborate abuse the cases are much more successful. Unfortunately, in

many cases investigators interviewed only the disclosing victim. Yet there were often suspicions that other children had been victimized. Investigators need the training, resources and authority to sensitively screen other children for evidence of sexual abuse.

* Foster Prosecutorial Optimism

Some prosecutors have prejudices about cases of day care abuse and are unnecessarily pessimistic about the chances for success. An educational effort directed at prosecutors would dispute myths and promote a more accurate assessment of the problems and potentials surrounding cases of abuse involving very young children. Prosecutors need to be informed about the many successful prosecutions and made aware of the strategies used in these cases. Workshops, manuals and articles in periodicals can be used to promote these approaches.

* Innovations in Investigations and Court Room Procedures

The use of videotaped testimony, closed circuit t.v., special court rooms for children, anatomically detailed dolls and other currently popular approaches could not be systematically studied in this research. Many prosecutions occurred before these techniques were commonly used. The pros and cons of these innovations, how to use the techniques and suggestions for evaluating their benefit are discussed in a number of readily available books and articles (APRI, 1987; Whitcomb, Shapiro, and Stellwagen, 1985; Goldstein, 1987). Based on our discussion with investigators and prosecutors handling these cases, we suggest that while these techniques are often helpful they are not a panacea. Although these techniques can reduce trauma to children and facilitate prosecution, our case examples reveal they can backfire. The skill of the individuals and the resources and experience of the team is critical. As with most new technology, these tools are likely to be most effective when used by trained teams which have experience with cases of child sexual abuse.

Chapter 10: COMMUNITY IMPACT

David Finkelhor and Nanci Burns

One unique feature of day care sexual abuse cases is the large number of people and social institutions they mobilize. These cases often turn into whirlwinds that sweep up large numbers of professionals, policy makers, children, parents and even ordinary citizens in the course of their path through the community. In this chapter we will look at selected aspects of that community impact: the media coverage and the impact it has, the lobbying efforts of parents groups, the civil litigation that often drags on, and the institutional changes that result from the furor.

## Media Coverage

Day care cases can generate an enormous amount of media attention, and this attention can be crucial to how cases are perceived by public and professionals alike. Sixty-four percent of cases in the in-depth sample had some media coverage. In one-half of the in-depth cases, the coverage was extensive, involving five or more articles or stories. Close to half included television coverage as well. Not all these media-covered cases were large-scale ones like McMartin, which has had constant coverage for over three years. Even a relatively minor case involving three children in a small unlicensed day care, like the Astor's Day Care Home, had several extensive newspaper and some television stories concerning each step: the investigation, the arrest, the arraignment, the trial and the sentencing. Several of the day care cases like McMartin and Country Walk, received extensive national media attention.

There were a number of predictable factors that tended to be correlated with cases that had media coverage. Almost all the multiple victim cases received media attention, as did the cases in which abuse was of lengthy duration. Cases with criminal justice response tended to attract media attention (88% of cases in which there was an arrest and 100% of the cases in which there was a conviction or guilty plea). The cases which escaped media coverage tended to be ones with lone female perpetrators, lone juvenile perpetrators, and, a disturbing finding, cases in which there were no white victims. Apparently, when only minority children are victimized, it is not considered so newsworthy.

As this finding suggests, the media is not always objective in its choice of stories or manner of coverage. However, it may be that cases without police involvement are likely to be kept from the media. And, media involvement may depend on initiatives taken by parents.

Although the treatment of the day care cases was not necessarily inflammatory or sensationalized, in some cases it was. Our informants and raters judged the media coverage to have been sensationalized in about one-quarter of the cases, for example, in the Dollhouse day care case.

A local paper carried two full pages about the trial, replete with line drawings of all the participants and extensive verbatim transcripts of testimony, including descriptions of the sexual acts as reported by the children.

Media coverage could also be biased. Our informants judged that in four (9%) of the in-depth cases the media appeared to lean unfairly toward defending the accused perpetrator. In another three cases they judged that the coverage was slanted in favor of the victims.

Media coverage and personnel have had a very direct influence on the conduct of several cases. In the Country Walk case, for example, a T.V. reporter was called by the mother of one victim and told a story about that child's being drugged. This reporter was in close touch with the district attorney's office and became one of the main catalysts for the case being reported and opened into a large criminal investigation. By contrast, in the McMartin case, revelations in the media about certain facts -- such as the doubts of a former member of the prosecutorial team about the case -- have complicated court proceedings and may become the basis of future appeals and legal challenges.

Whether partial or impartial, extensive media coverage generally brings into play a number of other actors. Politicians and policy makers are sensitive to publicity and worry about the growth of public anxiety. Prosecutors, in particular, experience pressure to take some action when frightening criminal acts, such as multiple sexual abuse, are given prominent attention. Investigators and licensing officials, aware that they can become scapegoats, also become more self-conscious in their conduct. Moreover, as reporters enter the fray, it becomes harder to keep information confidential. Media coverage also has effects on victims and their families. Once their identities are revealed or suggested, they are often besieged by reporters, concerned friends, and too often by hostile allies of the accused. On top of dealing with the immediate family crisis, parents of victims find themselves playing unaccustomed and often uncomfortable roles as public figures.

Media coverage affects other members of the community as well. Families whose children were not victimized, as well as families with children in other day care programs, become acutely sensitized to the problem of abuse. They can become extremely concerned about the possibility that their child has been or will be abused. In the wake of one case, there were often other reports about other day care facilities in the same community as parents became more suspicious about abuse, and investigators more concerned about its reality. After the Country Walk case, day care licensing officials in Florida acted quickly to close 40 illegally operating facilities. In Southern California, within 14 months after the McMartin case broke, seven local preschools were shut down by the state or their owners. In other cases media attention to earlier cases made investigators reluctant to widen an investigation. Fears of widespread publicity caused investigators to refrain from interviewing other children.

In the wake of extensive media attention, uninvolved parents may also become concerned that abuse hysteria will have negative effects on the community, making it difficult to obtain needed child care services. In this concern they are usually joined by child care professionals, who find that the media coverage puts them under a great deal of unusual scrutiny. Professionals worry that the "bad apple" in the barrel will make parents and children unnecessarily suspicious and make it more difficult for them to carry out normal day care functions.

## Parent Groups

Another unique feature of day care abuse is the organized groups of parents that tend to coalesce around these cases. Parental activism during and in the wake of these cases has had a major impact on how cases have developed, how cases were handled and what institutional changes occurred as a result.

Parents' groups develop in response to three major needs: psychological support, information dissemination and the desire to influence events. Initially, groups tend to coalesce on a time-limited basis primarily for emotional support and information. It is enormously stressful when a parent discovers that his/her child has been attending a day care facility where abuse was occurring. For comfort and support, it is natural to want to turn to other parents in the same predicament, so parents of victims and suspected victims tend to draw together. Moreover, information is often difficult to obtain. Investigators usually do not divulge all that they know to parents, because they are trying not to contaminate the testimony of other children or tip off suspects. But parents feel a strong need for information, in part to cope with their feelings and also in order to assess the impact on their child. Rumors abound. Some children divulge more than other children. So parents tend to want to get together and talk to each other just to get additional information and support.

But as time passes, the function of these groups tends to grow. Parents in such a stressful situation can become rapidly frustrated with and alienated from the conduct of events. They can feel mishandled by investigators and misrepresented by the media. They come to believe that investigations are going too slowly. They are often angry and eager for culprits to be brought to justice. They often feel that little is being done to help them or their children. In their frustration they want to organize with other parents to make their views known and get attention to their needs. As a consequence, what started as a time-limited support group can evolve into an on-going project whose goals have shifted from personal support to changing the system. The parents of victims were mobilized and organized in 42% of the cases in our in-depth sample, and their efforts resulted in important developments in about 25%. In a few cases, investigations probably would have reached a dead end without parental action.

> For example, in the Forester Day Care case, an initial investigation by an inexperienced worker reached no conclusion.

It was only as a result of substantial parental agitation that the investigation was re-opened and led four months later to the arrest of the day care operators.

In the Merry Gnome case, the investigation was proceeding, but parents were dissatisfied with the slow pace of events. Parental agitation and the discovery of some political connections between one of the accused and the district attorney led to the case being transferred from the office of the district attorney to the state attorney general.

Organized parent groups influenced investigations in other ways. In the McMartin case, parents conducted unsuccessful searches for evidence and offered substantial rewards for the pornographic photos that they believed had been taken. In the Cross County Preschool case parents picketed the center where the abuse had occurred, and may have been a factor in a judge's decision eventually to close the center.

Some investigators viewed parental activism as an unfortunate interference and harassment. They felt that such networking among parents could contaminate testimony or pressure officials into precipitate actions. They believed that it contributed to and exacerbated the conflict between agencies, as when prosecutors, under parental pressure, ordered the premature arrest of a perpetrator in a case in which police and social service had a well-planned investigation underway. However, although parental activism sometimes made investigators' jobs more complicated it often grew out of the fact that parents had very legitimate needs and concerns that investigators were not adequately addressing.

In the most sophisticated investigations, the inevitability of parental mobilization was recognized at the beginning, and steps were taken to anticipate and benefit from it. Investigators in at least one case assigned a full-time staff person to work with the parents and, in effect, harness their energies on behalf of the investigation.

Parental activism sometimes did not stop with the conclusion of a case. While those groups which simply functioned as support groups tended to die out, parents in some cases split off to form more long-term politically active organizations. Often they had intense dissatisfactions about the handling of their cases, the laws or the outcome, all of which motivated them to press on for institutional changes. Parents took their bitterness and anger into the political realm and worked strenuously for legislative and policy changes. The poignancy of their tragedy often gave them a powerful moral authority in arguing for such changes. In several cases parental activism resulted in administrative changes in the way that investigations were conducted or the way in which day care was licensed. But even more important objectives were sometimes achieved.

In Southern California, the Children's Civil Rights Fund (CCRF), an offshoot of the cases in the South Bay, hired a lobbyist to lobby the state legislature for a bill to allow closed circuit television for child witnesses in cases of sexual abuse. The bill passed after only six months of lobbying.

Believe the Children is an organization that emerged from a gathering of parent groups from California and four other states that met at the 4th National Conference on Child Sexual Victimization. These parents have built a national structure to educate people about child sexual abuse and ritualistic abuse, and sponsored a national conference of parents whose children have been involved in such cases.

The parents of victims in the Country Walk case formed an organization, Justice for Sexually Abused Children (JSAC), which conducted an ambitious petition and letter-writing campaign to change state laws. As a result of their lobbying and testimony, model laws were passed prohibiting corporal punishment in day care, requiring criminal records checks of all child care workers and reforming judicial proceedings that involve children. This last act provided for procedures to protect children in court, permitting qualified persons to act as a child's interpreter, admitting certain out-of-court statements made by children and opening up the possibility for videotaped testimony.

These parent groups have achieved their goals without governmental funding, using only volunteer time and effort and sometimes engendering financial support in the "grass-roots" level.

Although most of the activism has been by parents of victims on behalf of more vigorous investigation, prosecution and state action, there has also been activism on behalf of the accused, sometimes by parents as well.

In one case, shortly after accusations began to surface, parents of children at the day care organized a support group to assist the accused couple. They went to a local shopping center and gathered 175 signatures, later published in a half-page newspaper ad, protesting the investigation and the allegations.

Such support for the accused can be understood in its context. In some cases like Niles and McMartin, the centers involved were ones with good reputations and popular staff, who had close personal ties and strong loyalties among the parents and the community. The centers and the staff did not fit the stereotype of child abuse. Some parents initially saw the accusations as a threat to their child care arrangements, and as unfair branding of well-known and well-liked staff. Undoubtedly the need to deny that their children might have suffered such abuse could have played a role, too. A number of parents in several cases admitted in retrospect to having felt enormous skepticism and hostility toward the accusers and their families initially, only later to change their mind when confronted by similar stories coming from their own children.

In some communities, parents who believed the accusations and those who didn't organized into bitterly opposed groups, each doing their best to influence public opinion and the investigation. In the Toy Horse case, for example, opposing parents' groups fought angrily for media attention

and testified on opposite sides of hearings aimed at closing down the center.

## Civil Litigation

The unresolved and bitter feelings that swirl around cases of day care abuse sometimes result in civil suits. In a little over a third of the cases in our in-depth sample such civil suits were filed. The most common type of suit was by the parents of victims against the center, attempting to recover damages for the harm caused by the abuse.

> In one case, the families of about half the victims sued the center, and the case has been settled out of court on terms that remain secret. Similarly, extensive suits were filed in the Prince and Princess Day Care case and have also been settled for an undisclosed amount.

Suits have also been filed by parents of victims against state agencies. Sometimes these are suits that allege negligence by licensing authorities in not adequately monitoring a facility. Sometimes these are suits that allege failures in the investigation and protection of children. Most of the civil suits by parents are still pending and have been for several years. Like most civil suits, many will be settled out of court or eventually dropped.

The accused have also filed suits. In the McMartin case, the accused, some of whose cases were dropped post indictment, have filed suit against investigating agencies, the prosecutor's office and the parents. In another case, the wife of the convicted perpetrator (a suspected perpetrator herself) is suing the Department of Social Services for defamation of character and loss of income. In the Toy Horse case, the perpetrator brought suit (later dropped) for more than one-quarter of a million dollars against three sets of parents claiming slander, damage to reputation and loss of income.

## Institutional Change

In part because of the number of people mobilized and the amount of publicity generated, cases of sexual abuse in day care have been catalysts for institutional change on a number of fronts. Among the most directly affected are those who take responsibility for the investigation. Many of the investigatory agencies experienced some form of frustration, and in the wake of cases developed policies to improve future investigations. In some communities these policies took the form of protocols specifying how investigations would be conducted in the future. For example, some communities instituted protocols requiring a multidisciplinary team approach. Others assigned responsibility to one particular agency in an attempt to avoid future confusion and turf issues. Still others took pains to train staff more specifically in the conduct of such cases.

In some communities the day care cases were catalysts for changes that had long been urged by those with special interest in child sexual abuse. For example, in Miami, in the wake of the Country Walk and several other cases, a special interview facility for children was established in the court house.

The legal system has experienced changes directly as a result of cases of day care abuse. Although the courtroom use of closed circuit television and the videotaping of children's interviews have been changes sought to deal with the whole problem of sexual abuse in general, in certain jurisdictions the impetus to implement these techniques came in the course of day care abuse cases. Enabling legislation allowing for the greater use of such techniques was also facilitated in some states in the wake of these cases.

The day care cases have brought quite a bit of pressure to bear on licensing agencies, since the public and policy makers are apt to see abuse as a failure of the licensing process. States have taken a variety of actions. At least one began a policy of licensing all family day care after a major case in a family day care home. Some have increased the number of staff, the frequency and the rigor of their licensing investigations. Others have instituted new kinds of training procedures for staff. Licensing policies have been changed in a number of jurisdictions. These new policies, for example, allow a license to be suspended pending a hearing. Standards of proof under which licensing action may be taken have also been eased in some areas.

Day care operations themselves have experienced quite a bit of change as a result of both specific cases as well as the greater public and policy concern about abuse. One of the most tangible changes has been in insurance costs. Although insurance costs have been increasing primarily for reasons that have little to do with day care, some specific increases have been linked to cases in some locales. In Texas, one chain that operates 13 facilities reported a 400% increase in rates in the immediate aftermath of a serious local case. A study by the Child Care Action Campaign found that 70% of 1200 centers they surveyed had had their insurance increased by 300% or cancelled in 1985, this despite the fact that 88% of the centers had never had a claim.

Day care operations have also been required to submit to more careful screening and to institute more careful hiring practices. In some states fingerprint and criminal records checks are now mandatory. Training for operators and workers is now being required in some areas.

Some of the effects on day care have been more subtle and global. Observers suggest, for example, that men are less and less likely to be working in day care, as men tire of the special scrutiny they have to undergo, and as operators become more conservative about hiring men. A survey in Alameda county has shown a 50% reduction in male preschool teachers in recent years, although the decline probably has many other causes in addition to concern about day care abuse. Some facilities have changed their policies to prevent workers from being alone with children. And both male and female teachers also report being more careful in their

behavior with children, making sure that their physical affection will not be misinterpreted. There is much discussion throughout the whole profession concerning false allegations and a concern about whether this will make staff less affectionate and open. Some observers worry about possible morale problems as already underpaid staff feel under even more pressure, and also the possibility that talented people may be discouraged from entering the field. However, while these problems have received much discussion, we know of no evidence to clearly substantiate such trends or that relate them to day care abuse cases.

### The Public at Large

The years during which the problem of day care abuse broke on the public scene (1983 - 1985) were years that saw some changes in nature of the public discussion about sexual abuse. The number of reported cases continued to grow and with it the number of treatment and prevention programs. But at the same time a current of dissent developed that had heretofore not been so public. Critics began to voice more openly a concern that too many possibly false allegations were being made. Child welfare workers came under criticism for some of their assumptions and practices -- for example, their belief that children who disclose sexual abuse are always being truthful or their conviction that anatomically detailed dolls were always an objective vehicle for eliciting disclosures. Groups of individuals who felt they had been victims of false child abuse allegations began to organize, lobby and speak out. And a network of attorneys and professionals who specialized in defending against sexual abuse charges developed and refined their arguments and techniques. These developments have been termed by some journalists (Hechler, 1988) the "child abuse backlash."

Cases of sexual abuse in day care were conspicuous focal points in the development of this backlash, but they were not responsible for it. The backlash was an inevitable development, born of the enormous and rapid growth of the child abuse problem and the natural dialectic by which public policy debates evolve. Much backlash sentiment did initially focus on the McMartin case; it was through this case for the first time that the idea was promoted that investigators might be brainwashing children into believing that they had been abused. The well-known Small World Day Care case in Niles, Michigan, too, became part of the backlash as one of the alleged perpetrators in that case became a major organizer of Victims of Child Abuse Laws (VOCAL). An article in the Village Voice focusing primarily on an El Paso, Texas case, painted day care cases in general as simply a modern day witchhunt and Star Chamber proceeding against innocent people.

Day care abuse cases have been the lightning rods for backlash sentiments for a number of reasons. Certainly the credibility of such young children is, among all child abuse victims, the easiest to question. The fact that perpetrators in many day care cases fail to resemble stereotypes of child molesters also made them good targets for skepticism. But perhaps most importantly, some of these cases have involved multiple perpetrators, who with their collective supporters and resources have been

able to effectively mobilize attorneys and publicists to present a public defense in the way that lone perpetrators in previous sexual abuse cases had not been able to do.

Although the so-called "backlash" has been greeted with some alarm among child welfare advocates, there is no evidence to suggest any imminent swing of public or professional opinion away from concern about child sexual abuse. There is a steady expansion of professional interest and awareness about the problem. Reporting continues to increase. Prevention programs are being implemented and adopted all over the country. The most conspicuous policy response to the day care cases has been increased licensing efforts, the development of better investigatory arrangements and efforts to integrate prevention concepts into day care. Public attitudes, to the extent that they have been gauged, do not seem extremist in one direction or another. A Los Angeles Times Survey (Timmick, 1985) in the summer of 1985 found that the typical American believed that a quarter of all children or more would be sexually abused (not far from the truth, according to prevalence studies). Their recommendations for what should be done were about evenly split between "having wider public education on the subject" and "heavier punishment for child sex abusers." In regard to the McMartin case, of those who had heard about it, over 90% believed that at least some of the children had really been sexually abused. People were about evenly split over whether they were satisfied with how the case had been handled by authorities, but even the "authorities" in this case are not satisfied with how the case has been handled. Three-quarters of the public supported the idea that child care workers should have mandatory fingerprint checks. The public apparently does believe that sexual abuse occurs in day care.

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