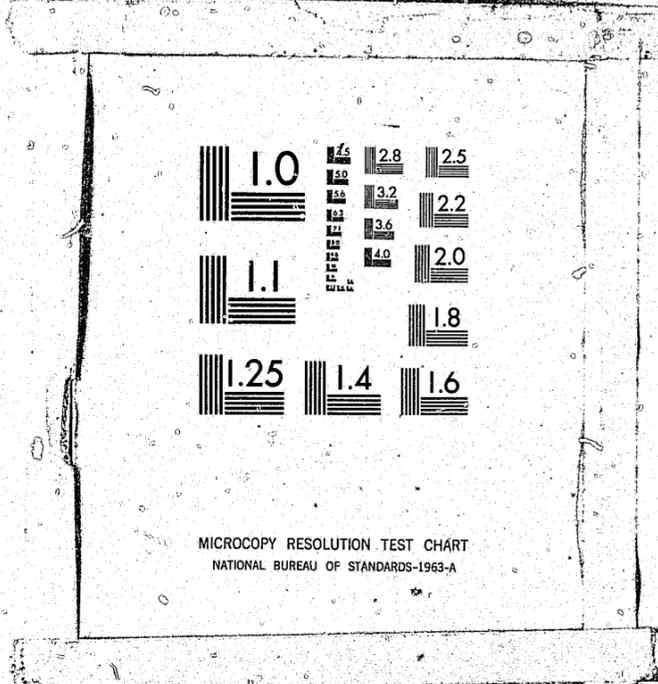


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THE SYSTEM'S RESPONSE
TO
SEXUAL ABUSE OF CHILDREN

RESEARCH AND
EVALUATION UNIT

A Research Report
Produced by the
RESEARCH AND EVALUATION UNIT
of the
Crime Control Planning Board
444 Lafayette Road
St. Paul, Minnesota 55101
January, 1981

by
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THE SYSTEM'S RESPONSE
TO
SEXUAL ABUSE OF CHILDREN

ACKNOWLEDGMENTS

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Many individuals provided invaluable assistance to the design and implementation of this research. In particular, I would like to thank Carolen Bailey of the St. Paul Police Department, Madonna Lennon of the Crime Control Planning Board, Michael O'Brien of the Minnesota Department of Corrections Incest Offender Treatment Program, and Cindy Smith of the Minnesota Department of Public Welfare. Their technical assistance and encouragement were invaluable to this research effort, and their comments and criticisms greatly improved the quality of this report.

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EXECUTIVE SUMMARY

SUMMARY OF RESEARCH FINDINGS
AND RECOMMENDATIONS

This study examined the social service and criminal justice systems' response to sexual abuse of children. The primary focus of this research was on child sexual abuse offenders. Two major methods were employed. The first involved extensive interviews with 74 professionals who deal with child sexual abuse offenders, including child protection workers, law enforcement officers, county attorneys and judges. Twenty-nine treatment providers also were surveyed. The second method was an analysis of 183 reports of sexual abuse involving 223 victims in nine Minnesota counties in 1978 and 1979.

The major findings of this study were:

- Most respondents stated that child sexual abuse offenders should be criminally prosecuted because they have violated the law. Criminal prosecution also is believed to be necessary to ensure that offenders get the treatment they need.
- Although most respondents reported that they had good relationships with professionals in other agencies, there were several areas in which poor communication and inadequate coordination among agencies impeded the processing of cases in a consistent and effective manner.
- Respondents reported a need for more treatment programs and staff, more training in the dynamics of child sexual abuse and the methods of dealing with offenders, and improved coordination among the agencies that deal with sexual abuse of children.
- Most child sexual abuse offenders were white males between the ages of 25 and 49. Victims were predominantly white females, and ranged in age from 5 months to 17 years.
- Fondling was the most frequent kind of offense reported (41.3 percent of all incidents). Rape and incest made up about one-third of the reported incidents (33.2 percent) and deviant sexual acts

accounted for one-fourth of the incidents (25.6 percent). Fathers and stepfathers committed most offenses (71.9 percent).

- Only 37 of 183 offenders (20.2 percent) were convicted of felonies in criminal court. Most of these convictions (94.6 percent) were in metropolitan counties. Reasons cited for the failure to prosecute more offenders included the difficulty in obtaining reliable evidence, the failure of some victims and their families to cooperate with prosecution efforts, and the preference of child protection workers in some counties for handling cases informally.

Based on the findings of this research, the following recommendations for changes in policy and law are offered.

Recommendation 1: State and county governments should devote resources toward: 1) the provision of treatment for child sexual abuse offenders, victims and their families, and 2) the training of child protection workers, mental health workers and therapists in sexual abuse therapy.

Recommendation 2: Sexual abuse therapy should be made available to all convicted offenders. Therapy can be in lieu of or in conjunction with incarceration, depending upon the circumstances of the individual case.

Recommendation 3: The Criminal Sexual Conduct Statutes [MINN. STAT. §§ 609.342-.345 (1978)] should be amended to include all sexual penetration and contact with 16- and 17-year old victims committed by parents, family members, and persons in positions of authority over victims.

Recommendation 4: Counties should adopt a policy of prosecuting offenders whenever possible. To facilitate implementation of this policy, child protection workers, law enforcement officers, and county attorneys should receive training on ways to enhance criminal cases, such as interviewing victims and using expert witnesses. Training in the dynamics of child sexual abuse should be made available to judges, county attorneys and probation officers so they can learn why incidents are not immediately reported, why victims may be reluctant to testify, the risks to children that are involved, and so on.

Recommendation 5: In order to encourage the use of testimony of victims, the language in MINN. STAT. § 595.02(6) (1978) which excludes certain individuals from testifying in court should be amended to read ". . . children under ten years of age, who are not able

to describe or relate the events or facts respecting which they are examined in language which is appropriate from a child of that age . . ." (The current language of the law discourages the admissibility of testimony of children under ten years of age.)

Recommendation 6: County and state governments should adopt a policy of facilitating communication and cooperation among agencies in order to coordinate efforts to deal with child sexual abuse. Funding for training of agency personnel should be a part of this effort. (Expanding the role and authority of child abuse teams would be one method to accomplish this goal.)

Recommendation 7: The Minnesota Government Data Practices Act [MINN. STAT. §§ 15.162-.169 (1978), as amended] should be reviewed and revised to clarify the restrictions upon and responsibilities of government agencies to provide other government agencies with access to private data on individuals. Agencies should be provided with such access when it represents a legitimate exercise of their legislated functions.

Recommendation 8: School boards and county and state governments should provide financial support for community education programs, particularly in schools, to inform children and adults that the problem exists, that sexual abuse is illegal, and that services exist to help victims, offenders and their families.

Recommendation 9: The effectiveness of treatment programs should be evaluated to determine circumstances under which the goals of child protection, family reintegration and offender rehabilitation are best achieved.

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CHAPTER I
INTRODUCTION

During the past decade, public officials in Minnesota and around the nation have become increasingly aware of the problem of family violence. This decade has experienced the development of many programs aimed at preventing family violence, providing services to victims, and treating offenders. In the area of child abuse, the legislature has responded to the problem by adding mandated reporting laws and procedures to the existing criminal statutes.

Sexual abuse of children presents unique problems which differ from physical abuse of children and from sexual abuse of adults. It is only recently that serious attempts (such as the Incest Offender Treatment Program of the Minnesota Department of Corrections) have been made to deal with the problem. Yet much more needs to be known about the extent of the problem in Minnesota, the ways in which it is handled by public agencies, and the efforts of local agencies to deal with it.

This research project assesses the system's response to sexual abuse of children. The focus is on perpetrators of sexual abuse against their children or children under their care. This research includes interviews with social service and criminal justice personnel concerning their perceptions of the effectiveness of their efforts to deal with individual who sexually abuse children. Included in this analysis is an examination of the extent of coordination and cooperation among the

agencies which deal with child sexual abuse. In addition to the interviews, cases were tracked through the social service and criminal justice systems in order to determine how sexual abuse offenders are currently being handled.

The purpose of this research was to describe the system of dealing with child sexual abuse offenders and to identify problems which hamper efforts of agencies to deal effectively with the problem. Some recommendations are then suggested to help agencies overcome these problems. These recommendations entail changes in laws, policies or procedures for dealing with child sexual abuse offenders, suggestions for improving interagency communication and coordination, the provision of training opportunities for professionals in order to assist them in their efforts to deal with the problem, and the expansion of treatment programs for offenders, victims and their families.

The purpose of this research was not to evaluate the programs and policies of specific counties or agencies. Rather, the recommendations derived from this research project are directed toward assisting county and local agencies in dealing with offenders. The benefits to be derived from the implementation of the recommendations include greater protection of present and potential victims from abuse, better services to individuals and families in need of assistance, greater efficiency and inter-organizational cooperation in providing services and, ultimately, a reduction in the incidence of sexual abuse against children.

It must be emphasized that this research is *not* an evaluation of the long-term effects upon victims and offenders of different strategies and approaches to dealing with the problem. Thus, the recommendations

suggested in this report, if implemented, need to be evaluated in terms of their impact upon offenders, victims and their families and in terms of their success in reducing the incidence of sexual abuse of children in Minnesota.

CHAPTER II

SEXUAL ABUSE OF CHILDREN AND THE SYSTEM'S RESPONSE TO IT

A. RECOGNITION OF THE PROBLEM

In recent years, there has been increasing concern over the incidence of cases of physical and sexual abuse of children by their parents or by other custodians in whose care children are placed. Although the problem is believed to have existed in our society for many years, it has recently received more public attention and concern and has been the subject of public and legislative attempts to deal with it.¹ David Finkelhor suggests that the two major forces leading to the "discovery" of the problem of sexual abuse of children have been the child protection movement, which has been concerned with physical violence directed against children, and the women's rights movement, which has been concerned with issues such as spouse abuse and rape. Finkelhor argues that

¹Some of the recent works which have discussed and analyzed the problem of sexual abuse of children are: L. Armstrong, *Kiss Daddy Good-night: A Speak-Out on Incest* (New York, NY: Hawthorne Books, 1978); A. W. Burgess, A. N. Groth, L. L. Holmstrom, and S. M. Sgroi, *Sexual Assault of Children and Adolescents* (Lexington, MA: Lexington Books, 1978); S. Butler, *Conspiracy of Silence: The Trauma of Incest* (San Francisco, CA: New Glide Publications, 1978); V. DeFrancis, *Protecting the Child Victim of Sex Crimes Committed by Adults* (Denver, CO: American Humane Association, 1969); D. Finkelhor, *Sexually Victimized Children* (New York, NY: The Free Press, 1979); S. Forward and C. Buck, *Betrayal of Innocence: Incest and Its Devastation* (New York, NY: Penguin Books, 1979); B. Justice and R. Justice, *The Broken Taboo: Sex in the Family* (New York, NY: Human Sciences Press, 1979); K. C. Meiselman, *Incest: A Psychological Study of Causes and Effects with Treatment Recommendations* (San Francisco, CA: Jossey-Bass Publishers, 1978); and D. R. Walters, *Physical and Sexual Abuse of Children* (Bloomington, IN: Indiana University Press, 1975).

concern with sexual abuse of children is a logical extension of the concerns of these movements.¹ It is also likely that the increasing willingness of the public to deal more openly and directly with sexual matters has permitted the emergence of sexual abuse of children as a social issue. As a result, government planners and policy makers are aware of the problem and efforts have been undertaken to deal effectively with it.

B. THE SCOPE OF THE PROBLEM

It is extremely difficult to measure the extent to which sexual abuse of children occurs in Minnesota. Figures compiled for the Minnesota Department of Public Welfare by the American Humane Association indicate that in 1978 there were 481 incidents of sexual abuse reported to the Department of Public Welfare.² This is broken down into 34 rapes, 209 incidents of molestation, 49 incidents of deviant acts, 89 cases of incest, and 100 unspecified sexual abuse cases. These categories are not defined, however, and it is not clear that cases were categorized according to clear and consistent criteria. In addition, some victims were abused in more than one way, so the actual number of victims is slightly lower than 481.³

¹D. Finkelhor, op. cit., p. 2.

²Minnesota Department of Public Welfare, *Reported Child Abuse, 1978* (St. Paul, MN: Minnesota Department of Public Welfare, December 1979), p. 13.

³Preliminary figures, obtained via telephone conversation with a Department of Public Welfare official, indicate that there were approximately 544 reported cases of sexual abuse of children in 1979.

These figures, however, greatly underestimate the scope of the problem since only a small percentage of abuse cases actually are reported (although reporting appears to be increasing because of public awareness and laws which mandate the reporting by public agencies of abuse cases). Thus, official reports only document a small segment of all of the incidents of abuse.

Most attempts at studying the nature and circumstances of sexual abuse of children and the characteristics of offenders have interviewed known victims or analyzed case records of officially recorded incidents of abuse. These studies have interviewed victims in hospitals and mental health centers² and have analyzed welfare department records³ and police records.⁴ Although they provide insight into patterns associated with sexual abuse of children, these studies do not present an accurate picture of the scope of the problem and the frequency of its occurrence. They measure only those cases which are reported and come to public attention.

¹See D. Finkelhor, op. cit.; J. Gagnon, "Female Child Victims of Sex Offenses," *Social Problems* 13:176-192, 1965; and J. Landis, "Experiences of 500 Children with Adult Sexual Deviants," *Psychiatric Quarterly Supplement* 30:91-109, 1956.

²A. W. Burgess, et al., op. cit.; J. J. Peters, "Children Who Were Victims of Sexual Assault and the Psychology of Offenders," *American Journal of Psychotherapy* 30:398-412, 1976; and C. Swift, "Sexual Victimization of Children: An Urban Mental Health Center Survey," *Victimology* 2:322-327, 1977.

³V. DeFrancis, op. cit.

⁴Queen's Bench Foundation, *Sexual Abuse of Children* (San Francisco, CA: Queen's Bench Foundation, 1976).

There have, however, been some surveys of adults and college students which asked them to recount their sexual victimization experiences.¹ While suffering from problems of accuracy in reporting and biases in sampling techniques inherent in most surveys, these studies present a picture of the extent of childhood sexual victimization among the population as a whole. The first study to collect data on this subject was Alfred Kinsey's survey of sexual behavior and experiences of females.² Information from surveys administered by Kinsey to 1,200 women between 1947 and 1952 was analyzed and reported by Gagnon, who found that 28 percent of the respondents had childhood sexual experiences with someone at least five years older than they.³ A study by Landis of 1,800 students at the University of California at Berkeley in 1952 found that 35 percent of the respondents had a childhood sexual experience with an adult.⁴ The most recent study, by Finkelhor, surveyed 796 students at six New England colleges in 1975 and found that 19.2 percent of the women and 8.6 percent of the men had been sexually victimized by adults.⁵ Whichever finding is accepted, however, it does appear that a significant proportion of the population reports that it has experienced childhood sexual contacts with adults.

¹In this report, the terms abuse and victimization will be used interchangeably. It should be noted, however, that terms such as abuse, incest, sexual assault, and victimization are not universally defined. For the purpose of this study, an operational definition of child sexual abuse will be presented in Chapter III.

²A. Kinsey, *Sexual Behavior in the Human Female* (Philadelphia, PA: Saunders, 1953).

³J. Gagnon, op. cit.

⁴J. Landis, op. cit.

⁵D. Finkelhor, op. cit. See Chapter X in Finkelhor for an explanation of why the findings differ among these studies.

C. CONSEQUENCES OF CHILDHOOD SEXUAL EXPERIENCES

Although some researchers have reported that survey respondents did not report any lasting negative effects of their victimization experiences,¹ and some psychologists argue that incestuous experiences may function to educate children in sexual matters and reduce their inhibitions,² there is evidence that for many individuals child and adolescent sexual victimizations may cause serious problems for their emotional and behavioral development. Among the problems that have been linked to incest and/or other kinds of child sexual abuse are depression,³ anger, shame, guilt and low self-esteem,⁴ psychological adjustment problems during adulthood,⁵ difficulties relating to

¹J. Gagnon, op. cit.; J. Landis, op. cit.

²L. Constantine and J. M. Constantine, *Group Marriage* (New York, NY: MacMillan, 1973); E. Oremland and J. Oremland, *The Sexual and Gender Development of Young Children: The Role of Education* (Cambridge, MA: Ballinger, 1977); W. Pomeroy, "A New Look at Incest," *The Best of Forum*: 92-97, 1978.

³J. Henderson, "Incest: A Synthesis of Data," *Canadian Psychiatric Association Journal* 17:299-313, 1972; B. Molnar and P. Cameron, "Incest Syndromes: Observations in a General Hospital Psychiatric Unit," *Canadian Psychiatric Association Journal* 20:1-24, 1975; I. Kaufman, A. L. Peck and C. K. Tagiuri, "The Family Constellation and Overt Incestuous Relations Between Father and Daughter," *American Journal of Orthopsychiatry* 24:266-279, 1954; P. Sloane and F. Karpinsky, "Effects of Incest on Participants," *American Journal of Orthopsychiatry* 12:666-673, 1942.

⁴V. Jacobson, "Observations on the Long-Term Effects of Incest on the Woman," in N. Carlson and J. Riebel (eds.), *Family Sexual Abuse: A Resource Manual for Human Service Professionals* (Volume 1) (Minneapolis, MN: Program in Human Sexuality, University of Minnesota Medical School, 1978); Minnesota Program for the Victims of Sexual Assault, *Incest: Confronting the Silent Crime* (St. Paul, MN: Minnesota Department of Corrections, 1979), p. 10.

⁵C. Courtois, "The Incest Experience and Its Aftermath," *Victimology* 4:337-347, 1979; J. Herman and L. Hirschman, "Father-Daughter Incest," *Signs* 2:1-22, 1977.

men,¹ promiscuity and frigidity,² orgasmic dysfunction as adults,³ psychosomatic disorders,⁴ prostitution,⁵ chemical dependency,⁶ and running away from home.⁷

Even in cases where these behavioral and long-term psychological manifestations of incestuous and other sexually abusive experiences do not result, the fact still remains that the abuse, at the time it occurs, is often a traumatic and discomforting experience to victims.⁸ In some cases sexually abused children are also physically abused.⁹ Incestuous behavior also presents coping problems for mothers of victims and creates

¹M. J. Baisden, *The World of Rosaphrenia: The Sexual Psychology of the Female* (Sacramento, CA: Allied Research Society, 1971); C. Courtois, op. cit.; J. Herman and L. Hirschman, op. cit.; V. Jacobson, op. cit.

²N. Lukianowicz, "Incest," *British Journal of Psychiatry* 120:301-313, 1972.

³K. Meiselman, op. cit., p. 234.

⁴C. H. Kempe, "Sexual Abuse: Another Hidden Pediatric Problem," *Pediatrics* 62:382-389, 1978; H. Maisch, *Incest* (New York, NY: Stein and Day, 1972).

⁵H. James, *Little Victims* (New York, NY: David McKay, 1972); J. James and J. Meyerding, "Early Sexual Experiences as a Factor in Prostitution," *Archives of Sexual Behavior* 7:31-42, 1977.

⁶Minnesota Program for the Victims of Sexual Assault, op. cit., p. 10; E. Weber, "Sexual Abuse Begins at Home," *MS Magazine*, April 1977, pp. 64-67; J. Benward and J. Densen-Gerber, "Incest as a Causative Factor in Anti-Social Behavior: An Exploratory Study," paper presented at the American Academy of Forensic Sciences, February 1975.

⁷E. Weber, op. cit.; Institute of Scientific Analysis, *On the Road: The Runaway Newsletter* (Los Angeles, CA: Institute of Scientific Analysis, Summer 1975), p. 1.

⁸S. Butler, op. cit.; D. Finkelhor, op. cit.

⁹V. DeFrancis, op. cit.

a strain in the family unit.¹

Both the frequency of incidence of child sexual abuse and its consequences for the child, the family, and society suggest that it is an important issue which deserves public attention and concern.

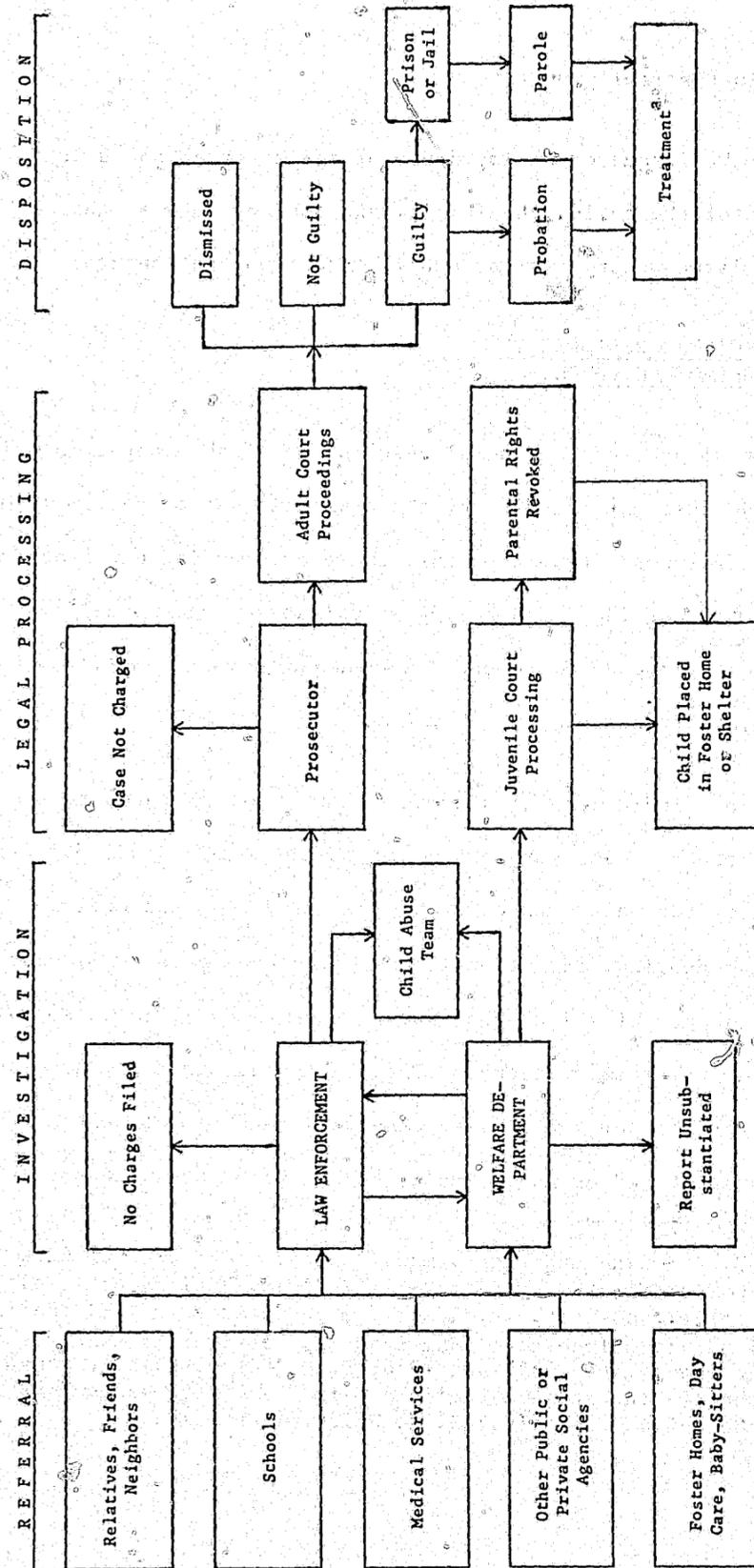
D. THE SOCIETAL RESPONSE TO SEXUAL ABUSE OF CHILDREN

Figure 1 presents a general description of the manner in which child abuse cases are handled by the criminal justice system in Minnesota. It is important to note that there are no distinct statutory methods for reporting and handling sexual abuse as opposed to physical abuse cases, although different laws and punishments apply to these two types of offenders.

Figure 1 indicates the sources of referrals of cases to the criminal justice or social service system. MINN. STAT. § 626.556 (1978), Reporting of the Maltreatment of Minors, mandates that medical, social service, counseling, educational, and child care personnel report suspected incidents of child abuse and neglect to their local social service or law enforcement agency. These agencies, in turn, are mandated to share their reports with each other. In addition to those mandated to report suspected or known incidents of child abuse, reports also are

¹D. H. Browning and B. Boatman, "Incest: Children at Risk," *American Journal of Psychiatry* 134:69-72, 1977; S. Butler, op. cit.; I. Kaufman, et al., op. cit.; N. Lustig, J. W. Dresser, S. W. Spellman, and T. B. Murray, "Incest: A Family Group Survival Pattern," *Archives of General Psychiatry* 14:31-40, 1966; P. Machotka, F. S. Pittman, and K. Flomenhaft, "Incest as a Family Affair," *Family Process* 6:98-116, 1966; K. Meiselman, op. cit.; D. R. Walters, op. cit.

FIGURE 1
THE PROCESSING OF SEXUAL ABUSE CASES



² Offenders may be referred to treatment programs without formal arrest, prosecution, or conviction.

received from victims and from friends, relatives, and neighbors of the abused child, and from other citizens.

Upon receiving reports, county welfare departments (either social service or child protection divisions) conduct investigations to determine whether the reports are substantiated and what action they should take. Police or sheriff departments may conduct investigations as well. These investigations may or may not be coordinated and do not always arrive at the same conclusion. In fact, there is evidence from studies conducted in other states that, depending upon which agency receives the initial report of child abuse, the manner in which the case is handled is likely to differ.¹ There is also evidence that social service professionals differ from law enforcement professionals in their perceptions of the problem of child abuse and their opinions on the best way to deal with it.²

Although law enforcement agencies in Minnesota are usually responsible for bringing a case to the county attorney for prosecution, they may be influenced by the recommendations of the child protection or social

¹C. Johnson, *Child Abuse in the Southeast: An Analysis of 1,172 Reported Cases* (Athens, GA: Southeast Regional Institute for Social Welfare Research, 1974); M. Maden, *The Disposition of Reported Child Abuse* (Saratoga, CA: Century Twenty One Publishing, 1980).

²S. Cohen, "Child Abuse Reporting: A Survey of Attitudes and Opinions," in S. Sussman and S. Cohen (eds.), *Reporting Child Abuse and Neglect* (Cambridge, MA: Ballinger, 1975), pp. 127-148; S. Nagi, *Child Maltreatment in the United States: A Cry for Help and Organizational Response* (Columbus, OH: The Mershon Center, 1976).

service caseworkers.¹ In some counties, a "child abuse team," composed of child protection, law enforcement, medical, education, and treatment personnel, meet to discuss the handling of individual cases and/or to set guidelines for policy. The extent of communication and cooperation between the law enforcement and child protection components of the system is an important factor in determining the outcome of cases, one which is examined in this research.²

Once a case has been investigated and substantiated, three general ways of dealing with offenders are possible.³ The first is to take no legal action, but perhaps work informally to remedy the situation. For example, the father may agree to leave the home or seek counseling, or the victim may be placed in the home of relatives. If these informal arrangements prove to be acceptable, there is no formal involvement of the victim or offender with the criminal justice system. The other methods of handling cases involve juvenile court proceedings and/or adult criminal court proceedings.

¹Smaller counties handle child abuse within their general social services divisions; more populous counties have a separate child protection division with its own staff. For the remainder of this report, the terms child protection and child protection workers will be used, since this study is primarily concerned with the child protection functions of social service departments.

²For a discussion of the use of child abuse teams and interagency cooperation in Hennepin County, see U.S. Department of Health, Education and Welfare, *Child Abuse and Neglect: The Problem and Its Management* (Washington, DC: United States Department of Health, Education and Welfare, National Center on Child Abuse and Neglect, 1975), Volume 2, Chapter 2. For a discussion of the relationships between the Division of Social Services and criminal justice agencies in 11 Minnesota counties, see Minnesota Department of Public Welfare, *Protective Services in Minnesota: An Assessment* (St. Paul, MN: Minnesota Department of Public Welfare, Division of Social Services, March, 1979).

³For a discussion of the legal options available for dealing with child abuse cases, see S. N. Katz, L. Ambricino, M. McGrath, and K. Sawitsky, "Legal Research on Child Abuse and Neglect: Past and Future," *Family Law Quarterly* 11:151-184, 1977.

The use of juvenile court proceedings is primarily aimed at protecting the child, rather than punishing or treating offenders. It is a civil proceeding and has the advantage of requiring a lesser burden of proof than that required by criminal courts. It can be used to temporarily remove the child from the parental home [MINN. STAT. § 260.165 (1978)], take other steps to provide care for and protect the child, and/or to revoke the parental rights of abusive parents [MINN. STAT. §§ 260.185, .191, .193, and .241 (1978)].¹

Criminal prosecution may be motivated by a concern for the victim's protection, by a desire to punish the offender, by a desire to compel the offender to seek treatment, or other reasons. Studies of child abuse suggest that criminal prosecution of parents who physically abuse children is rare² and is often not viewed by the public or by professionals as the most appropriate response.³ Similar studies have not been conducted specifically for sexual abuse, although a survey of 11 county attorneys in Minnesota did reveal that 9 of them would "always" or "usually" bring criminal charges against a parent who "sexually assaults" a child.⁴ On the other hand, one factor which influences the likelihood of criminal prosecution is the presence of physical evidence,⁵ which is often missing

¹For elaboration on this process, see Minnesota Program for the Victims of Sexual Assault, op. cit., pp. 61-65.

²D. Gil, *Violence Against Children: Physical Abuse in the United States* (Cambridge, MA: Harvard University Press, 1970); G. Goodpaster and K. Angel, "The Operation of California Child Abuse Laws," in S. Cohen and A. Sussman, op. cit., 1975, pp. 179-214; M. C. Paulson, "The Legal Framework for Child Protection," *Columbia Law Review* 66:679-717, 1966.

³D. Gil, op. cit.; S. Cohen, op. cit.

⁴Minnesota Department of Public Welfare (March, 1979), op. cit.

⁵See C. Johnson, op. cit.

in sexual abuse cases.¹

In Minnesota, criminal prosecution can be brought under the criminal sexual conduct laws [MINN. STAT. §§ 609.342-.345 (1978)] or the incest law [MINN. STAT. § 609.365 (1978)], although the latter is rarely used because it requires proof of actual sexual intercourse between blood relatives, carries a lesser penalty, and permits easier identification of victims.²

One of the questions answered by this research is the extent to which criminal prosecution of abusive parents is being done, and whether or not professionals who deal with the problem feel that the criminal justice system is being used effectively in cases of sexual abuse of children. Whether or not criminal prosecution of parents is initiated, an important question concerns the extent and nature of services which are offered to offenders and their families.

¹ See U.S. Department of Health, Education and Welfare, op. cit., Volume 1, p. 7.

² In fact, none of the offenders whose cases were analyzed in this study were convicted of incest. For further discussion of these laws, see *Minnesota Program for the Victims of Sexual Assault*, op. cit., pp. 55-58.

CHAPTER III RESEARCH METHODOLOGY

A. RESEARCH PROBLEMS AND DEFINITIONS

This research assesses the manner in which the social service and criminal justice systems respond to individuals who sexually abuse children. The focus of this research is on offenders who sexually abuse their children, stepchildren, relatives, or others under their care. Although this focus omits a large number of abuse cases, particularly those committed by strangers, it permits a more direct focus on family-related abuse. Besides, sexual abuse of children by strangers is less frequent than abuse by relatives¹ and tends to be of a less enduring nature (usually a single isolated occurrence) than sexual abuse within the family. The latter tends to be more enduring and more hidden from public view.²

Sexual abuse or sexual victimization is defined here to include any sexual contact by an adult with a child. Sexual contact includes sexual intercourse, oral and anal sexual contact, touching or fondling the body in sexual ways, or any other subjection of children to sexual experiences with an adult (such as having the victim touch or sexually stimulate the

¹ V. DeFrancis, op. cit.; D. Finkelhor, op. cit.; J. Peters, op. cit.; J. Weiss, E. Rogers, M. Darwin, and C. Dutton, "A Study of Girl Sex Victims," *Psychiatric Quarterly* 29:1-27, 1955.

² V. DeFrancis, op. cit.; D. Finkelhor, op. cit.

offender, having the victim pose for pornographic pictures, and so on). The assumption is made here that most, if not all, sexual abuse behavior is initiated by offenders and that in all cases, offenders bear responsibility for their actions.

Two general methods are employed in this study. These are: 1) in-depth interviews with personnel responsible for handling child abuse cases; and 2) an analysis of official records of child abuse cases. In addition, a short questionnaire was mailed to treatment providers to survey their opinions on the subject. These methodologies are described below.

B. SELECTION OF COUNTIES

A study of this magnitude could not be undertaken on a statewide basis in the time period and with the resources assigned to it. Accordingly, a sampling technique was used to limit the study to nine counties. Counties were selected on the basis of three criteria: 1) that they represent a mix of urban, suburban, and rural counties; 2) that they reflect different ideologies and practices in their handling of child sexual abuse cases; and 3) that the number of reported child abuse cases in these counties is a significant proportion of all the substantiated child abuse cases reported in Minnesota.¹

On the basis of these criteria, nine counties were selected. They were: Anoka, Beltrami, Carlton, Dakota, Hennepin, Mower, Ramsey, St. Louis, and Winona. These counties accounted for 67 percent of all

¹Sexual abuse cases are not broken down by county in the Department of Public Welfare report. See Minnesota Department of Public Welfare, op. cit., December 1979.

substantiated cases of child abuse in Minnesota in 1978¹ and appear to be a good mix of urban, suburban, and rural counties. According to information supplied by individuals in the Department of Public Welfare and confirmed by the actual analysis, the sample did contain counties oriented toward prosecution of child sexual abuse offenders and other counties oriented toward treatment without prosecution. Thus, the criteria outlined above were met by this sample of counties.

C. INTERVIEWS WITH CRIMINAL JUSTICE AND CHILD PROTECTION PERSONNEL

Interviews were conducted with criminal justice and child protection personnel who were responsible for dealing with child abuse. After extensive pretesting, an interview schedule was developed which focused on respondents' perceptions of: 1) the extent of the problem; 2) how offenders should be dealt with including the role of the criminal justice system in handling offenders; 3) relationships among agencies; and 4) the effectiveness of their county's handling of offenders who sexually abuse children. The interview schedule is attached in the appendix.

Because of the sensitivity and complexity of the issues involved, personal interviews were viewed as more appropriate for this research than a structured questionnaire. Each interview lasted from 30 to 60 minutes, depending upon the extensiveness of the responses. The personal interview permitted respondents to clarify points and misunderstandings about the intent of questions. Follow-up questions were asked to probe opinions of respondents and ensure that they were correctly interpreted. Personal contact facilitated open discussion of ideas which the respondent might

¹Ibid., pp. 3-5.

have been unwilling to discuss in an impersonal questionnaire. Respondents were assured that their responses would be kept confidential.

In smaller counties, all child protection workers and supervisors with sexual abuse cases on their caseloads were interviewed. In larger counties, random samples of respondents were selected from lists provided by supervisors or administrators. In St. Louis County, interviews were only conducted in the Duluth office.

Interviews were conducted with police officers and sheriffs who were responsible for investigating child abuse complaints. County attorneys and/or assistant county attorneys were also interviewed in each of the nine counties. Because of time limitations and scheduling difficulties, judges were administered telephone interviews instead of personal interviews. Since their role is limited to trials, plea acceptance and sentencing, judges were not asked questions dealing with interorganizational cooperation and prosecutorial discretion.¹ Because most offenders who are prosecuted are charged with felonies, only District Court judges were interviewed.

With the exception of two judges who said they were too busy to participate, no potential respondents refused to cooperate. One potential respondent was ill, another was on vacation, and one had to cancel an interview because of an emergency situation with a client. Time constraints did not permit those interviews to be rescheduled. In all, 74 professionals responsible for handling child sexual abuse were

¹Thus, only questions 1, 2, 4, 7d, and 10 were asked of judges (see appendix).

interviewed (31 child protection workers, 13 law enforcement officers, 16 county attorneys or assistant county attorneys, and 14 judges).

D. QUESTIONNAIRE TO TREATMENT PROVIDERS

A brief questionnaire was mailed to therapists and treatment providers who belong to the Minnesota Incest Consortium in order to measure their attitudes about the role criminal justice agencies should play in handling child sexual abuse offenders. Of central interest were their opinions concerning whether or not criminal prosecution is appropriate and how it affects the rehabilitation process. This survey provides opinions of treatment experts on how offenders should be handled in order to maximize their potential for rehabilitation.

Responses were received from 29 of the 38 individuals or organizations (76 percent) which were mailed the questionnaire. A copy of the questionnaire is included in the appendix.

E. ANALYSIS OF CASE RECORDS

Although the opinions of professionals are necessary to gain an understanding of the problems involved in dealing with offenders, victims, and their families, it is also useful to examine the actual handling of cases of sexual abuse against children. Accordingly, a sample of cases were followed through the social service and criminal justice systems. This provided valuable knowledge about the nature of child sexual abuse and the way it is currently handled. Specifically, this analysis made it possible to determine the percentage of child sexual abuse offenders who are being criminally prosecuted and some of the factors which influence the likelihood of prosecution.

1. Sampling

Cases selected for analysis were reported in 1978 and 1979. This provided sufficient time for cases to progress through the social service and criminal justice systems. Lists provided by county social service departments were used to select samples of cases.¹ All cases were analyzed from Beltrami, Carlton, Mower, and Winona counties. All 1979 Anoka County cases were analyzed.² Fifty cases each from Hennepin and Ramsey counties, forty cases from St. Louis County (Duluth and Virginia offices), and thirty cases from Dakota County were randomly selected for analysis. In all counties, cases were eliminated from the analysis if the offender was a stranger to the victim, the case did not involve a substantiated sexual abuse,³ no file could be located, or the information in the file was so minimal as to make analysis impossible.

As a result of this sampling and elimination process, 183 cases of substantiated child sexual abuse were selected for analysis. Not all cases had complete information in the files, but all had sufficient information to identify the victim and offender, describe their relationship, and describe the nature of the sexual abuse. The number of cases analyzed in each county is: Anoka--24; Beltrami--9; Carlton--9; Dakota--24; Hennepin--40; Mower--6; Ramsey--41; St. Louis--22; and Winona--8. Seventy-one (38.8 percent) of the cases were reported in 1978 and 112 (61.2 percent) were reported in 1979.

¹ An exception was Dakota County, where the sheriff's department maintained the only comprehensive list of child abuse cases.

² No master list of 1978 cases could be located for Anoka County.

³ A case was substantiated if a determination was made by child protection workers that sexual abuse did, in fact, occur.

With the exception that sexual abuse committed by strangers was eliminated from the analysis, no systematic bias in the sampling procedure was noted. It is likely, therefore, that the kinds of abuse analyzed in this study and the system of handling cases illustrates the way cases are handled throughout the state of Minnesota.

2. Data Collection

Information was collected on the characteristics (age, sex, ethnic background) of victims and offenders, characteristics of victims' families,¹ the relationship between victims and offenders, and the nature of the abuse. Information was collected on the placement of the victim (e.g., whether the victim was removed from the home) and any court action taken regarding the victim, such as a dependency adjudication by the juvenile court.

Because child protection workers are concerned primarily with the welfare of children, their case files do not always contain comprehensive information on offenders. This is especially true regarding criminal action. Frequently, a file would state that the case was referred to the county attorney's office for possible prosecution, but no final disposition was mentioned. Therefore, it was necessary to seek follow-up information from county attorney files.

3. Follow-Up Information: Police and County Attorney Records

Originally, it was hoped that police and sheriff department files could be reviewed to follow-up cases and to see if any cases which were

¹ Family information was available if the child protection file contained a National Study on Child Abuse and Neglect Reporting form. Some family information could be gathered from case narratives for those files which did not contain the reporting form.

not contained in child protection records could be found in law enforcement records. This analysis, however, was not feasible. There were too many police departments in the nine counties for this information to have been collected in the available time period. Many police departments did not have a computerized record keeping system, so a search would have been required of all crimes which occurred in 1978 and 1979. Finally, some police departments which were contacted in this regard indicated reluctance or refusal to open their records to inspection.

Several police officers stated that their files contained no information which could not be found in child protection and county attorney files. To partially test this assertion, files pertaining to offenders in Minneapolis and St. Paul were analyzed from the police department records of those two cities. This analysis did confirm that no additional information was found in police files that could not be ascertained from child protection and county attorney files. Thus, it was determined that analysis of child protection and county attorney files was the most efficient way to acquire the necessary information.

County attorney files were generally available only for cases which resulted in formal prosecution, although some county attorneys had information on cases that were turned down for prosecution. County attorney files were used to acquire information on the charges filed, defendants' pleas, trial results, the charges on which convictions were obtained, and sentences which were imposed (including requirements that defendants seek treatment).

Three counties interpreted the Minnesota Government Data Practices Act¹

¹ MINN. STAT. §§ 15.162-.169 (1978), as amended.

to forbid representatives of outside agencies to view their files. In two of those counties, the information on prosecutions and convictions was obtained from district court files. In the third, an assistant county attorney read the information to a researcher. In this manner, complete information on criminal prosecutions was obtained.

4. Reliability

Data were collected by three student interns on the Crime Control Planning Board staff. To ensure reliability in coding, 10 percent of the cases in child protection files were coded independently by two different interns. There was over 80 percent agreement in the coding of each of the data items except the offender's abusive history and the offender's version of the offense. (The former was clouded by many unsubstantiated allegations of prior sexual abuse. The latter was difficult to code consistently because offenders' versions often changed during the course of investigations.) Overall, 85.3 percent of the coded items were in agreement, an acceptable level of reliability.

All coded items were reviewed to clear up inconsistencies and check for errors. A comparison of data received from the two sources of information (child protection and county attorney files) revealed substantial agreement and provided an additional method to clear up data inconsistencies.

F. LIMITATIONS OF THE ANALYSIS

Several limitations are apparent in the methodology employed in this study. First, the nine counties studied cannot be considered representative of all 87 Minnesota counties. They do, however, represent a mix of different kinds of counties in terms of their populations, characteristics

and approaches to the problem of child sexual abuse. Therefore, the problems they encounter and needs they perceive are likely to be experienced by other counties as well.

A second limitation of this analysis is that it deals only with reported cases of sexual abuse. No one knows how many and what kinds of cases are not reported and what happens to those victims and offenders.

Because interviews were conducted in 1980, there was no direct comparability between interview responses and actual case outcomes. Interview respondents were not asked to comment on individual cases. Indeed, many caseworkers and assistant county attorneys who handled cases in 1978 and 1979 were no longer employed in those capacities in 1980. Furthermore, counties are continually attempting to improve their method of handling cases. Thus, responses in 1980 may reflect changes from the policy and practices which were in effect in 1978 and 1979. Therefore, direct comparison between the interview responses and case analysis was not possible. Despite this apparent shortcoming, the analysis in Chapters IV and V suggests a high degree of congruence between respondents' perceptions of the way they handle cases and actual case outcomes.

Finally, this research does not do many things. It does not deal with physical abuse and neglect of children, problems which may be more prevalent than sexual abuse and hidden from public view. This study does not measure the effectiveness of county efforts to deal with sexual abuse or the effectiveness of offender treatment programs. These are important shortcomings. Before a definitive strategy for dealing with sexual abuse offenders and victims can be adopted, it is imperative that more be known about the effectiveness of current strategies which deal with the problem.

Despite these limitations, this research is a starting point for understanding and dealing with the problem of sexual abuse of children in Minnesota. It documents the current manner in which cases are handled and the perceptions of professionals concerning their efforts to deal with the problem. This research suggests some immediate measures to alleviate some of the difficulties encountered in efforts to deal with the problem. It also suggests some directions for future policy and research.

CHAPTER IV
PERCEPTIONS AND OPINIONS OF PROFESSIONALS
WHO DEAL WITH SEXUAL ABUSE OF CHILDREN

A. OVERVIEW

In this chapter, the interview responses will be analyzed. Because respondents were promised anonymity, individual counties will not be identified in this chapter. However, general trends and themes concerning the approach of counties to the problem and interorganizational relationships among county agencies will be discussed. Following this, the quantifiable interview responses will be analyzed and discussed. This will be followed by an analysis of the views and suggestions of treatment providers.

B. PHILOSOPHICAL APPROACHES AND INTERORGANIZATIONAL RELATIONSHIPS IN THE NINE COUNTIES

Although opinions were not always uniform among the personnel within a agency, they were generally similar in their basic philosophical approaches to the problem. On the whole, child protection workers and supervisors in six of the nine counties favored prosecution of all or most child sexual abuse offenders. In the other three counties, child protection workers tried to deal with offenders without involving the criminal justice system. In all nine counties, on the other hand, law enforcement personnel and county attorneys¹ favored criminal prosecution

¹The term county attorneys, as used here and in subsequent chapters, includes assistant county attorneys who were interviewed.

of offenders. This created some friction in two of the three counties where child protection workers were oriented toward treatment without prosecution.

Only one of the three nonprosecution oriented child protection departments had a well-developed treatment program. This was done in corroboration with the county's mental health center and was geared toward involving the whole family in the treatment process. A second nonprosecution oriented child protection department had recently undergone reorganization and was trying to develop a comprehensive treatment approach. The third nonprosecution oriented county relied heavily on a well-developed child abuse team to determine the needs of victims and attempt to meet those needs. This county appeared to have the most interagency cooperation of the three and the fewest philosophical differences among child protection, law enforcement, and county attorney personnel. In the other two counties with nonprosecution oriented child protection departments, police officers¹ who were interviewed expressed dissatisfaction with the child protection departments' approach. The police officers also suspected that, contrary to the child abuse reporting law,² many cases referred to child protection workers were not being reported to the police.

The county attorneys in these three counties expressed personal desires to see more offenders prosecuted. In two of these counties, county attorneys did not wish to interfere with the programs of their child protection workers and were willing to have cases handled informally. The

¹The term police officers, as used here and in subsequent chapters, includes sheriff department deputies and investigators.

²Reporting of the Maltreatment of Minors, MINN. STAT. § 626.556 Subd. 3 (1978).

county attorney in the third county blamed the lack of evidence in these cases for the failure to prosecute more offenders.

Among the six counties with prosecution oriented child protection departments, four reported generally good cooperation and relationships among the agencies. In the other two, child protection workers felt that not enough cases were being prosecuted and that the reasons for not prosecuting more offenders were not being explained by county attorneys. Child protection workers in one county reported that one of the police departments in its jurisdiction tried to do all the investigating itself and did not cooperate with the child protection department. Other child protection departments thought that they received good cooperation from most police officers, although some child protection workers thought there could be more cooperation in investigating cases. On the other hand, some police officers felt that child protection workers were not trained in criminal investigations. In several counties, joint investigations were conducted and respondents were quite satisfied with them.

Most police and county attorneys reported good cooperation with each other. All parties agreed that county attorneys had the ultimate authority concerning whether or not to prosecute an offender.

On the whole, respondents reported good relationships with members of other agencies. The responses also indicated, however, that in some counties, these relationships were strained because of different philosophical orientations and poor communication.

Respondents were asked to discuss the role of child abuse teams in aiding interagency cooperation and communication. Only four of the nine counties had functioning child abuse teams. One of those was viewed as

accomplishing little more than helping to publicize the problem and educate the community. Four counties reported that their child abuse team was not functioning or had not met for several months. Staff turnover and the lack of leadership were blamed by some respondents for the inactivity of the child abuse teams. One county had no child abuse team. Despite the problems with the formal organization of the child abuse teams, respondents reported that they were able to consult with other community personnel (e.g., medical, mental health, school, etc.) when the need arose. On the whole, however, it appears that the potential of child abuse teams as a community resource to facilitate cooperation and communication among the agencies which deal with sexual abuse of children was not being met in a majority of the counties.

One other aspect of organizational relationships bears mentioning. Respondents in four of the nine counties reported problems in their relationships with schools. Some schools were viewed as not reporting cases promptly. The major complaint, however, involved the refusal of some schools to cooperate with investigations. School personnel were described as fearful of lawsuits and confused about their obligations under the Minnesota Government Data Practices Act.¹ As a result, they often refused to allow police officers or child protection workers to interview children unless their parents were present. Police officers and child protection workers viewed this as hampering their investigation. How could a child be expected to discuss the details of a reported sexual abuse incident when the alleged perpetrator was present at the interview?

¹MINN. STAT. §§ 15.162-.169 (1978), as amended.

The issue of data privacy also intruded upon other aspects of inter-agency cooperation. Child protection workers sometimes had difficulty getting information about victims from hospitals and drug treatment centers. One county's child abuse team was reported to have had restrictions placed by the county attorney on the information about clients that could be shared among the agencies.

Despite these problems, most respondents reported favorably on their relationships with other agency personnel. It is clear, however, that better coordination and communication processes would improve the services offered to child victims and produce a more integrated approach to dealing with sexual abuse offenders.

C. RESPONSES TO PARTICULAR ISSUES

In this section, responses are grouped together to enable the presentation of data on the collective opinions of professionals about several aspects of the system's response to sexual abuse of children. Where differences exist, responses are grouped by the profession of the respondent.

1. Extensiveness of the Problem and the Effectiveness of Efforts to Deal with It.

Although most respondents were not able to put an exact figure on the number of child sexual abuse victims (because most victimizations are believed to be unreported), there was near unanimous agreement that the problem was a significant one. Opinions on the extensiveness of child sexual abuse are summarized in Table 1. Inspection of Table 1 reveals that respondents expressed their belief that the problem is significant in various ways. Only 9.5 percent of the respondents, however, did not

believe that the problem is extensive. The belief that child sexual abuse is extensive was shared by a majority of respondents from all professional groups.

EXTENSIVENESS OF ABUSE	NUMBER OF RESPONDENTS	PERCENT OF RESPONDENTS
Very serious; extensive	31	41.9%
More extensive than people think	17	23.0
An increasingly serious problem	14	18.9
Not very extensive	7	9.5
Don't know	5	6.8
TOTAL	74	100.0%

Respondents were asked whether or not they believed that they were dealing effectively with child sexual abuse offenders. Their responses are reported in Table 2. Although responses depended, in part, on the respondent's beliefs about how the problem should be handled, the general response pattern indicated divided opinions on this issue.

A major reason why some respondents believed that their efforts to deal with offenders have not been successful was the belief that there are inadequate resources to deal with the problem. The following responses illustrate this belief:¹

There are limited resources, limited workers who are really talented in dealing with sexual abuse. . . . We only have two or three good agencies we can use, and they're overburdened. . . . Therapists are overburdened, expected to do too much. (#26, child protection worker)

No. We don't have adequate treatment for offenders. We don't have a good coordinated system

¹ Respondents' identification numbers and professions are in parenthesis. Some minor grammatical changes and deletion of proper names have been made.

EFFECTIVENESS OF EFFORTS	TYPE OF PROFESSION									
	CHILD PROTECTION		LAW ENFORCEMENT		COUNTY ATTORNEY		JUDGE		ALL RESPONDENTS	
	Number of Respondents	Percent of Respondents								
Effective	13	41.9%	9	56.3%	6	46.2%	8	57.1%	36	48.6%
Not effective	17	54.8	6	37.5	5	38.5	5	35.7	33	44.6
Don't know	1	3.2	1	6.3	2	15.4	1	7.1	5	6.8
TOTAL	31	100.0%	16	100.0%	13	100.0%	14	100.0%	74	100.0%

Chi-square = 3.98 with 6 degrees of freedom; p = .68.

with the courts, county attorney and police. We need a good program for treatment of sexual offenders, and victims as well. Our only programs are in the metropolitan area. (#7, child protection worker)

Other respondents perceived a lack of cooperation and coordination among agencies which hampered efforts to deal effectively with the problem. The following responses are examples of this viewpoint:

I don't think that a lot of police are trained to deal with this. Many don't want to investigate cases. On the other hand, they're concerned that we'll ruin their investigation. Some police will go out together with us; others want to do it all themselves. There still needs to be a lot of work to coordinate police and child protection. (#28, child protection worker)

No. All the various agencies involved are not together in a consistent philosophy of how to deal with the problem. (#44, child protection supervisor)

No. There's a lack of communication, cooperation and understanding between the agencies involved. I don't think we know about most of the cases. I think the Department of Social Services is too turf conscious. It's welfare's bag. . . . I don't see the system working too well. I do not think that perpetrators, in most cases, are being effectively treated. (#53, police officer)

Those respondents who believed that efforts to handle sexual abuse offenders are effective, recognized the complexity of the problem and the difficulty in dealing with it. They stressed the great strides that have been made in recent years to recognize and deal with the problem. The following responses are examples:

I think we're dealing effectively with it. We're still learning about it. It's a relatively new area. We're certainly dealing with it. It's not getting swept away like it used to be. We've had some training. There's a lot more awareness. (#42, child protection worker)

In the last 15 years, there's been a dramatic

improvement in awareness and sensitivity by police officers, social workers and community program personnel. I see a lot of improvement in the facilities and treatment programs available. Overall, I'm optimistic. (#73, judge)

A few respondents did not know how effective their county has been in dealing with child sexual abuse offenders. The following response is an example:

I can't answer that. Who knows how to deal with a sex offender? (#69, judge)

Overall, respondents believed that the problem was complex. Many believed that the problem was being effectively handled despite the difficulties that they faced. They cited improvement in their recognition and response to the problem. Others, however, felt that the system has still been inadequately dealing with the problem. They felt that treatment resources have been inadequate and that agencies have not been effectively coordinated in their efforts.

2. Opinions on How the Problem Should Be Handled

Respondents were asked whether they think that the primary emphasis in dealing with child sexual abuse offenders should be on treatment or punishment or whether both treatment and punishment should be given equal consideration. Their responses appear in Table 3.

None of the 60 respondents¹ placed primary emphasis on punishment. Forty percent chose treatment, 48.3 percent said punishment and treatment should be given equal consideration, and 11.7 percent said each case has to be handled on an individual basis. Child protection workers

¹ Judges were not asked this question.

were more likely to favor a treatment emphasis, whereas police and county attorneys tended to favor equal emphasis on punishment and treatment. This difference among professions was statistically significant.¹

Those respondents who favored treatment as the primary emphasis believed that most offenders who sexually abuse children are sick and need help. They felt that a punitive attitude does nothing to help the offender. The following response is an example of this viewpoint:

Our emphasis is clearly on treatment. I have no desire to punish because I think the system of justice which attempts to punish only perpetuates the incest. All I want to do is stop the incest. (#50, child protection worker)

The following response is illustrative of the viewpoints which favored equal consideration. In principle, these respondents favored treatment, but they believed that there are some offenders who will not benefit from treatment.

I see punishment as not accomplishing a whole lot unless you have a treatment program connected with it. There may be cases, however, where I feel punishment is justified. There are some dangerous psychopaths that need to be locked up. (#7, child protection worker)

There was also a feeling that punishment has a symbolic role of affirming society's intolerance of sexual abuse:

If you don't go with punishment, you are telling society there is an open season on kids. (#13, police officer)

¹A p-value of less than .05 is generally considered to be statistically significant. The p-value is presented at the bottom of the table.

TABLE 3
PUNISHMENT VERSUS TREATMENT ORIENTATIONS
BY PROFESSION OF RESPONDENT

PUNISHMENT VERSUS TREATMENT ORIENTATION	TYPE OF PROFESSION					
	CHILD PROTECTION	LAW ENFORCEMENT	COUNTY ATTORNEY	ALL RESPONDENTS	Number of Respondents	Percent of Respondents
Primary emphasis on punishment	--	0.0%	--	0.0%	--	0.0%
Primary emphasis on treatment	20	66.5%	3	18.8	1	7.7
Equal consideration of both punishment and treatment	8	25.8	12	75.0	9	69.2
Emphasis depends on the individual offender	3	9.7	1	6.3	3	23.1
TOTAL	31	100.0%	16	100.0%	13	100.0%
					7	11.7
					60	100.0%

Chi-square = 18.60 with 4 degrees of freedom; p = .0009.

Despite the fact that no respondents felt that the primary emphasis should be placed on punishment, most respondents believed that individuals who sexually abuse their children should be criminally prosecuted. Tables 4 and 5 document this finding.

Over three-fourths of the respondents felt that individuals who sexually abuse their children should be criminally prosecuted. This opinion is held by a majority of all professional groups, although some child protection workers (16.1 percent) oppose criminal prosecution of offenders (see Table 4). Child protection workers were also slightly more likely to feel that each case has to be considered on an individual basis. Differences among professional groups on this question were not statistically significant.

Table 5 depicts the responses of metropolitan and nonmetropolitan professionals to this question. Metropolitan respondents were more likely than nonmetropolitan respondents to favor criminal prosecution of offenders. This difference was statistically significant. Combining the results from Tables 4 and 5 enables one to conclude that most respondents favored criminal prosecution of sexual abuse offenders, but that this opinion was least pronounced among nonmetropolitan child protection workers.

TABLE 4
OPINIONS ON PROSECUTING SEXUAL ABUSE OFFENDERS
BY PROFESSION OF RESPONDENT

SHOULD OFFENDERS BE PROSECUTED?	TYPE OF PROFESSION							
	CHILD PROTECTION	LAW ENFORCEMENT	COUNTY ATTORNEY	JUDGE	ALL RESPONDENTS			
	Number of Respondents	Percent of Respondents	Number of Respondents	Percent of Respondents	Number of Respondents	Percent of Respondents		
Yes	19	61.3%	15	93.8%	11	84.6%	56	75.7%
No	5	16.1	1	6.3	—	0.0	7	9.5
It depends on the case	7	22.6	—	0.0	2	15.4	11	14.9
TOTAL	31	100.0%	16	100.0%	13	100.0%	74	100.0%

Chi square = 8.76 with 6 degrees of freedom; $p = .22$.

TABLE 5
OPINIONS ON PROSECUTING SEXUAL ABUSE OFFENDERS
BY GEOGRAPHIC LOCATION OF RESPONDENT

SHOULD OFFENDERS BE PROSECUTED?	L O C A T I O N					
	METROPOLITAN ^a	NONMETROPOLITAN ^b	ALL RESPONDENTS			
	Number of Respondents	Percent of Respondents	Number of Respondents	Percent of Respondents		
Yes	41	83.7%	15	60.0%	56	75.7%
No	1	2.0	6	24.0	7	9.5
It depends on the case	7	14.3	4	16.0	11	14.9
TOTAL	49	100.0%	25	100.0%	74	100.0%

Chi-square = 9.70 with 2 degrees of freedom; $p = .008$.

^a Includes Anoka, Dakota, Hennepin, Ramsey and St. Louis (Duluth office only) counties.

^b Includes Beltrami, Carlton, Mower, and Winona counties.

The most frequently mentioned reason for favoring criminal prosecution of sexual abuse offenders was that prosecution is necessary to obtain the cooperation of offenders in seeking and following through with treatment. The following responses illustrate this viewpoint:

If we don't have a hold on them, it's real hard to get them to complete treatment. (#21, child protection worker)

In most cases, prosecution is necessary to break through the denial. (#22, child protection worker)

Prosecution gives us a good long hold on them. I think that's important because the treatment period is generally so long that you have to have a hold on them. (#46, assistant county attorney)

I do believe you have to have a lever on him to force him to get the treatment he needs. (#9, police officer)

Another reason which was stated, particularly among judges, was the opinion that child sexual abuse offenders should be prosecuted because the act they committed is against the law. The following responses are examples of this viewpoint:

It's a crime. Whether you're a parent or a neighbor, you're not immune from criminal sanctions. (#72, judge)

[They should be prosecuted] because they're committing a crime. Being a parent shouldn't put them in a special category. (#73, judge)

A final reason given for prosecuting offenders was the belief that failure to do so will have negative consequences for the victim, as the following response suggests:

If perpetrators aren't punished, victims see themselves as the ones who must have been wrong. (#25, child protection worker)

The primary argument against criminal prosecution was the belief that prosecution disrupts the family and makes family reintegration difficult. Prosecution of offenders was viewed by these respondents as likely to inhibit victim cooperation with efforts to treat the offender, especially if the offender is the victim's father. Sending daddy to jail, according to this viewpoint, creates financial strains for the family and is emotionally difficult for the victim. The following response typifies this viewpoint:

We try to look at the whole family. It's difficult to deal with the whole family if the guy is in jail. . . . We can deal with problems more effectively if law enforcement isn't involved. (#48, child protection worker)

Despite their emphasis on criminal prosecution, most respondents did not believe that the majority of offenders belong in prison. Prison was not seen as an environment which is likely to be conducive to treatment success. Prison was viewed as a back-up to prosecution. The fear of imprisonment was believed to be a sufficient force to motivate offenders to follow through with treatment.

In this light, respondents were also asked whether criminal prosecution increases or decreases the likelihood that offenders will receive treatment. The results, presented in Table 6, indicate that over three-fifths of the respondents believed that criminal prosecution increases the likelihood that the offender will be successfully treated. This opinion was shared by respondents in all professions, although child protection workers were more likely to say that it depends on the individual case or that they did not know.

TABLE 6
OPINIONS ON THE EFFECTS OF CRIMINAL PROSECUTION
ON THE TREATMENT OF SEXUAL ABUSE OFFENDERS
BY PROFESSION OF RESPONDENT

EFFECT OF PROSECUTION	TYPE OF PROFESSION							
	CHILD PROTECTION	LAW ENFORCEMENT	COUNTY ATTORNEY	ALL RESPONDENTS				
	Number of Respondents	Percent of Respondents	Number of Respondents	Percent of Respondents	Number of Respondents	Percent of Respondents		
Will increase likelihood of successful treatment	13	41.9%	15	93.8%	9	69.2%	37	61.7%
Will decrease likelihood of successful treatment	3	9.7	--	0.0	--	0.0	3	5.0
Will not affect likelihood of treatment success	2	6.5	--	0.0	2	15.4	4	6.7
It depends on the individual case	7	22.6	--	0.0	--	0.0	7	11.7
Don't know	6	19.4	1	6.3	2	15.4	9	15.0
TOTAL	31	100.0%	16	100.0%	13	100.0%	60	100.0%

Chi-square = 17.86 with 8 degrees of freedom p = .02.

The major reason for believing that prosecution increases the likelihood of successful treatment was that respondents felt that prosecution forces offenders to seek treatment. The following responses illustrate this viewpoint:

It increases the likelihood of treatment because it's coercive. They do it or else. (#17, assistant county attorney)

I think it increases the likelihood that they will be effectively treated. Prosecution gives you a hammer over their head. When they have the option between prison or counseling, they usually seek counseling. (#18, police officer)

In my opinion, it increases the likelihood. It's human nature to respond to authority. (#23, child protection worker)

Some respondents stated that prosecution has no effect on the likelihood of successful treatment or that they could not answer the question because the effectiveness of treatment programs is unknown.

Respondents also reported a preference for criminally prosecuting offenders rather than taking the case to juvenile court to protect the victim, although some respondents said they would do both. The basic reason for the preference for using criminal rather than juvenile court proceedings was the belief that the juvenile court lacked authority over offenders. While the juvenile court can remove children from the home and terminate parental rights, it cannot force offenders into treatment or apply meaningful consequences for failing to follow through with treatment.

3. Concerns over the Effect of Sentencing Guidelines

The preceding discussion has indicated that professionals in the nine counties favored the use of criminal prosecution of offenders who

sexually abuse children. They did not believe, however, that most offenders belong in prison. Because of this, some respondents were concerned about the effects of sentencing guidelines. Sentencing guidelines call for a presumed 41-45 month prison term for offenders convicted of first degree criminal sexual conduct.¹ First degree criminal sexual conduct includes cases of sexual penetration where the victim is under 13 years old and the offender is more than three years older than the victim.² It also includes cases of sexual penetration where the victim is between 13 and 16 years old and the offender is more than four years older than the victim and in a position of authority over the victim.³ Sexual penetration includes sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion in the victim's genital or anal openings of any object or any part of the offender's body.⁴ Many child sexual abuse cases are subsumed by this definition. Therefore, the presumption is that many convicted offenders face prison terms. To explore this concern, county attorneys and judges were asked whether they think that sentencing guidelines are likely to help or hinder efforts to treat offenders. Their responses are summarized in Table 7.

¹ Presumed sentences may be reduced by up to one-third for good behavior. See Minnesota Sentencing Guidelines Commission, *Report to the Legislature* (St. Paul, MN: Minnesota Sentencing Guidelines Commission, 1980), p. 38.

² MINN. STAT. § 609.342(a) (1978).

³ MINN. STAT. § 609.342(b) (1978).

⁴ MINN. STAT. § 609.341, Subd. 12. (1978).

TABLE 7
OPINIONS OF COUNTY ATTORNEYS AND JUDGES CONCERNING
THE LIKELY EFFECT OF SENTENCING GUIDELINES
ON EFFORTS TO TREAT SEXUAL ABUSE OFFENDERS

EFFECT OF SENTENCING GUIDELINES	TYPE OF PROFESSION		
	COUNTY ATTORNEY	JUDGE	ALL RESPONDENTS
	Number of Respondents	Number of Respondents	Number of Respondents
	Percent of Respondents	Percent of Respondents	Percent of Respondents
Will help treatment efforts	1	---	1
	7.7%	0.0%	3.7%
Will hinder treatment efforts	7	5	12
	53.8	35.7	44.4
Will not affect treatment efforts	3	5	8
	23.1	35.7	29.6
Don't know	2	4	6
	15.4	28.6	22.2
TOTAL	13	14	27
	100.0%	100.0%	100.0%

Chi-square = 6.70 with 7 degrees of freedom; p = .55.

The most frequent response was that sentencing guidelines would probably hinder treatment efforts because treatment is unlikely to occur in prison. The following responses illustrate this concern:

To the extent that cases require imprisonment, that does no good to any theory of rehabilitation. It also presents tremendous pressures on the child that she's sending dad to prison. (#57, assistant county attorney)

We had been saying "try treatment first" for sex offenders. Now sentencing guidelines is saying "put them in prison." (#40, assistant county attorney)

When you incarcerate, you're not treating. Guidelines require incarceration, so they will interfere with any viable treatment programs. (#62, judge)

Some respondents were opposed in general to sentencing guidelines as the following responses indicate:

Each case is unique and shouldn't be handled by patterns. (#63, judge)

I think, in general, that the guidelines are too light. It's a light sentence for someone who has botched up a kid for life. (#60, assistant county attorney)

There are many different kinds of acts that fall under criminal sexual conduct in the first degree. While there may be a desire to mete out equal treatment, it puts a burden on prosecutors to bargain cases. Sentencing guidelines will probably lead to more trials. . . . My feeling is that it is a restrictive hurdle that has to be overcome. (#56, assistant county attorney)

Respondents who did not think that sentencing guidelines would hinder treatment efforts pointed out that presumptive sentences are not binding and that judges could deviate from them if they so desired. Furthermore, prosecutors could use the presumed prison sentence as an inducement to offenders to plead guilty to a lesser charge. The following

responses reflect this viewpoint:

There could be a problem but so be it. If the crime has been committed, the person has to live with the consequences. There are possibilities for negotiation in charging. Also, the judge can cite special circumstances, such as the effect of imprisonment on the child, to alter the sentence suggested by the guidelines. (#49, assistant county attorney)

Many of the cases are first degree criminal sexual conduct and are charged that way. It may be a tool to get people to plead guilty to a second degree charge. It may help. (#5, assistant county attorney)

It appears, then, that many respondents are concerned about the effects of sentencing guidelines on their efforts to provide treatment for child sexual abuse offenders. It must be stressed, however, that sentencing guidelines have only recently gone into effect. It is too soon for a determination of their impact on sentencing patterns to be made.

4. Factors Considered in Determining whether to Prosecute an Offender

Although most respondents believed that most child sexual abuse offenders should be prosecuted, they realized that it is not always feasible or desirable to do so in every instance of child sexual abuse. Accordingly, respondents were asked to discuss the factors they consider in deciding how to handle a particular offender. Their responses are reported in Table 8.

Over half of the respondents cited the extent and nature of the abuse as an important factor. Included in their assessments of abuse severity were the number of victims, the number of abuse incidents, the amount of force, whether or not sexual penetration occurred, and other aspects of the abuse.

TABLE 8
FACTORS CONSIDERED IN DETERMINING HOW TO HANDLE CASES
BY PROFESSION OF RESPONDENT

FACTORS CONSIDERED	CHILD PROTECTION (n = 31)		LAW ENFORCEMENT (n = 16)		COUNTY ATTORNEY (n = 13)		ALL RESPONDENTS (n = 60)	
	Number of Respondents	Percent of Respondents ^a	Number of Respondents	Percent of Respondents ^a	Number of Respondents	Percent of Respondents	Number of Respondents	Percent of Respondents ^a
Extent, nature of abuse	17	54.8%	8	50.0%	6	46.2%	31	51.7%
Attitude of offender and family towards treatment	14	45.2%	4	25.0%	4	30.8%	22	36.7%
Offender's characteristics and abusive history	11	35.5%	1	6.3%	1	7.8%	13	21.7%
Nature and extent of evidence ^b	3	9.7%	9	56.3%	8	61.5%	20	33.3%
Age of victim	8	25.8%	2	12.5%	2	15.4%	12	20.0%
Presence of other children in the home	--	0.0%	3	18.8%	1	7.8%	4	6.7%
All cases are prosecuted	1	3.2%	2	12.5%	1	7.8%	4	6.7%
Other factors ^c	7	22.6%	3	18.8%	1	7.8%	11	18.3%

^a Percentages sum to greater than 100% due to multiple factors cited by respondents.

^b Includes credibility of witness, presence of corroborating witnesses or evidence.

^c Includes the victims' wishes, the presence of chemical dependency in the home, the family situation, and whether or not there was also physical abuse.

Many respondents contended that prosecution could sometimes be avoided if the offender was cooperative and willing to seek treatment. It is apparent, however, from the responses reported in earlier sections of this chapter, that respondents believed that most offenders would not follow through with treatment plans unless they were threatened with imprisonment.

Many child protection workers felt that offenders' backgrounds and characteristics should be taken into consideration in deciding how to deal with them. Some offenders were viewed as emotionally troubled people expressing needs for companionship and affection in inappropriate ways. These offenders were seen as understanding the wrongfulness of their actions and were viewed as willing to seek treatment in order to change. Other offenders were viewed as sociopathic, expressing needs for dominance and aggression. Their prospects for successful treatment were not viewed as promising and a harsher disposition was seen as necessary to protect their current and potential victims.

The age of the victim and the number of other children in the home were relevant factors in the minds of some respondents. Younger victims were viewed as more defenseless and in need of protection. Younger siblings in the home were also viewed as needing protection, which necessitated more controls on the offender. Victimized younger children was also viewed as more hideous by some of the respondents.

Police officers and county attorneys believed that the nature and extent of the evidence was the most important factor they considered in deciding whether or not to prosecute (or recommend prosecution of) an offender. They looked for corroborating witnesses (such as a spouse or

siblings), physical evidence, and a victim who is a reliable witness. In this regard, they said they looked for precise statements of victims as to what happened, precise times and dates, and behavioral characteristics and lifestyles that were not impeachable. For example, a teenager with a history of rebellion was not viewed as a good witness. Very young witnesses were said to be unable to give precise descriptions of what happened.

Respondents were asked if they would prosecute (or recommend prosecution of) an offender if the only evidence was the victim's testimony. Over three-fifths of the county attorneys (61.5 percent) said they would, but qualified their answer to say that it would have to be an exceptional witness or that there would have to be some other indirect evidence, such as character witnesses or testimony from child abuse experts, to supplement the victim's testimony. Some illustrative responses are:

Yes. It works. You can use expert testimony that other elements of sexual abuse characteristics are present, that children do not ordinarily know about things, and so on. (#16, assistant county attorney)

Sometimes. It depends on the victim's age and her ability to express herself. You have to look at all cases like they're going to trial. Usually, you can find some corroboration. (#46, assistant county attorney)

Respondents were also asked to estimate the percentage of sexual abuse allegations in which victims lie. The overwhelming response was that victims never or rarely lie. However, 10.1 percent of the respondents estimated that more than 5 percent of the reports of sexual abuse they have received were lies. Despite their beliefs that victims seldom lie about sexual abuse, county attorneys said they did not want to take cases to trial unless they thought they could win the case. Thus, even

though they personally believed victims, they did not feel comfortable prosecuting an offender unless they felt they had sufficient evidence to convince a jury.

5. Differences in the Handling of Physical and Sexual Abuse Cases

Although time and resources did not permit thorough examination of the system's response to *physical* abuse of children, interview respondents were asked to comment on the differences between physical and sexual abuse cases. Their responses appear in Table 9.

Half of the respondents replied that physical abuse offenders are less likely to be prosecuted than sexual abuse offenders. In general, respondents felt that parents who physically abuse children are psychologically healthier than are sexual abuse offenders. Problems involving frustration and the use of inappropriate disciplinary methods are said to underlie many physical abuse incidents. Accordingly, education in parenting and counseling programs were viewed as effective methods for dealing with physical abusers without criminally prosecuting them.

Occasionally, physical abuse is so severe as to endanger the health and well-being of the child. In these cases, respondents felt that removal of the child from the home and prosecution of the offender might be warranted. In general, however, sexual abuse was viewed as more serious than physical abuse because of its potential long-term effects on victims and because of a belief that sexual abusers are more pathological than physical abusers and less likely to change.¹ Thus,

¹There is little evidence that the long-term effects of physical abuse are less harmful than sexual abuse to the psychological development of children. Furthermore, there is no evidence that physical abusers are less pathological than sexual abusers. Nevertheless, these beliefs were shared by many respondents and influenced their views on the handling of cases.

TABLE 9
OPINIONS ON THE DIFFERENCES BETWEEN PHYSICAL AND SEXUAL ABUSE CASES BY PROFESSION OF RESPONDENT^a

DIFFERENCES BETWEEN PHYSICAL AND SEXUAL ABUSE CASES	CHILD PROTECTION (n = 31)		LAW ENFORCEMENT (n = 16)		COUNTY ATTORNEY (n = 13)		ALL RESPONDENTS (n = 60)	
	Number of Respondents	Percent of Respondents	Number of Respondents	Percent of Respondents	Number of Respondents	Percent of Respondents	Number of Respondents	Percent of Respondents
Physical abuse less pathological	3	9.7%	1	6.3%	---	0.0%	4	6.7%
Physical abuse less likely to be prosecuted	17	54.8%	9	56.3%	4	30.8%	30	50.0%
Physical abuse more likely to be prosecuted	---	0.0%	---	0.0%	3	23.1%	3	5.0%
More evidence in physical abuse cases	1	3.2%	1	6.3%	3	23.1%	5	8.3%
Sexual abuse more complex, more difficult to treat	2	6.5%	1	6.3%	---	0.0%	3	5.0%
They are different problems with different dynamics	6	19.4%	3	18.8%	---	0.0%	9	15.0%
No differences	5	16.1%	5	31.3%	3	23.1%	13	21.7%

^aPercentages sum to greater than 100% because of multiple responses.

criminal prosecution was viewed as necessary in dealing with sexual abuse offenders. Less formal intervention, such as counseling or educational programs, was viewed as an appropriate method for dealing with physical abusers. The following response illustrates this theme:

I would be less inclined to use prosecution in physical abuse cases. Just about everyone gets physically abused to some extent. It's a matter of degree. . . . Now, if parents start breaking bones and such, then we threaten court involvement. We try to work with parents on discipline methods and dealing with frustration. But once in a while, their kids will get abused and I can live with it. But I can't live with their being sexually abused once in a while. Physically abused people can get over it eventually. It's not as psychologically damaging. Again, we're talking about degrees. (#27, child protection worker)

6. Suggestions for Improving the System

Respondents were asked if they could offer any suggestions for improving the system of handling child sexual abuse. Up to five responses were recorded from each respondent. These responses are presented in Table 10.

The most frequently perceived need was for the development of more treatment programs for offenders. This was suggested by 43.2 percent of the respondents. Programs for victims and family members (spouses) of offenders were suggested by 12.2 percent and 20.3 percent of the respondents, respectively. Many nonmetropolitan respondents were particularly troubled by the absence of local treatment programs. They felt that it was difficult to send offenders to programs in the Twin Cities because of the distance family members would have to travel to participate in the treatment and the economic hardships this would entail. There was also a belief that many local mental health center social workers and counselors have been asked to provide many different kinds

TABLE 10
SUGGESTIONS FOR IMPROVING THE SYSTEM OF HANDLING
SEXUAL ABUSE OF CHILDREN

SUGGESTION	NUMBER OF RESPONDENTS	PERCENT OF RESPONDENTS ^a
More, better treatment programs for offenders	32	43.2%
Training ^b	26	35.1%
Community education	17	23.0%
More programs for offenders' families	15	20.3%
More, better coordination among agencies	9	12.2%
More programs for victims	9	12.2%
Changing the law ^c	6	8.1%
Firmer handling of offenders ^d	6	8.1%
Changing the data privacy law	2	2.7%
Research treatment effectiveness	2	2.7%
Financial support to enable more offenders and their families to receive treatment	2	2.7%
Other ^e	3	4.1%

^aPercentages sum to over 100% since many respondents made multiple suggestions. (n = 74)

^bIncludes training for caseworkers, treatment providers, law enforcement officers, county attorneys, judges, teachers, and foster parents.

^cIncludes separating child sexual abuse from the criminal sexual conduct statute and removing the statute of limitations.

^dIncludes suggestions for more prosecutions and convictions, mandatory jail time for offenders, and speeding up the judicial process.

^eIncludes one suggestion for each of the following: prevention programs, courtroom procedures which are less intimidating to victims, and a special sex abuse unit in the county attorney's office.

of services and, consequently, have not had time to develop sufficient expertise in dealing with sexual abuse offenders. Accordingly, the development of specialized treatment programs with specially trained staff to handle sexual abuse cases was viewed as an important need. This need becomes even more crucial when it is recalled that the major reason professionals preferred prosecution of offenders was to ensure that offenders receive treatment.

Many respondents (35.1 percent) suggested that more training be provided for professionals involved in handling sexual abuse cases. It was felt that social service, mental health, and treatment agency personnel could benefit from specialized training in child sexual abuse. Whereas child prosecution workers could receive training in investigation methods, law enforcement personnel could receive training in dealing with sexual abuse victims. The problem is complex, and it is difficult for professionals who spend only a fraction of their time dealing with sexual abuse to be experts in all facets of the problem. Training sessions could make personnel sensitive to the needs and perspectives of other agency professionals and more aware of the special problems of sexual abuse offenders, victims, and their families. Training sessions could also inform social workers, probation officers, and judges about the treatment programs and other resources which are available for dealing with the problem.

The need for training points up a need for improved coordination among agencies, a suggestion made by 12.2 percent of the respondents. Although most respondents did report that they had good working relationships with other agencies, some training sessions could focus on methods

to improve problems in interagency communication and coordination when they do arise.

Another suggestion made by some respondents (23.0 percent) was for more community education programs. It was believed that if more victims were aware of the programs and agencies available to help them, they would come forward. Many victims, in fact, are unaware that what is happening to them is abnormal, much less illegal. Hence, education in the schools to encourage victims to report their victimization experiences was viewed as important. Education was also viewed as useful in encouraging professionals in schools, hospitals, and social agencies, as well as other citizens, to report suspected abuse. Community education might also inform abusers that what they are doing is illegal and that they face legal sanctions if they are caught.

Other suggestions called for firmer handling of offenders, changing the law to make child abuse a separate crime, removing data privacy regulations which impede interagency cooperation, researching the effects of treatment programs, and providing financial support to allow more offenders and their families to obtain treatment.

In Chapter VI, these suggestions will be incorporated into a set of recommendations to improve the system's response to child sexual abuse.

D. OPINIONS OF TREATMENT PROVIDERS

1. Opinions on How the Problem Should Be Handled

As was the case with child protection workers, police, and county attorneys, no treatment providers believed that the major emphasis in dealing with sexual abuse offenders should be punishment. The responses,

summarized in Table 11, indicate that about the same percentages of respondents believed the emphasis should be on treatment (41.4 percent) or that treatment and punishment should be given equal consideration (37.9 percent). Treatment providers believed that, in most cases, sexually abusive behavior can be changed. On the other hand, many respondents believed that punitive elements are necessary in dealing with offenders in order to communicate to them the gravity of their offenses. These viewpoints are illustrated by the following responses:

I believe that treatment should have primary consideration because parents who abuse their children are usually suffering from an emotional problem. (#89, treatment provider)

I feel that in cases of family sexual abuse, the major emphasis needs to be on offering effective and comprehensive treatment for the parents and the children. This view stems from the tendency for families to want to remain together as well as the consideration of prevention and the cyclical nature of child abuse. (#102, treatment provider)

Both treatment and consequences. The offender and the whole family needs help and a treatment approach rather than a punitive one is most likely to provide that help. At the same time, we as a society need to take a very strong position that abuse of children is not okay and that regardless of cause, there are consequences for such behavior. (#77, treatment provider)

I believe both treatment and punishment should get consideration. Certainly we want to salvage a family if it is possible and give the child a chance to grow in its own nurturing family. But we also need to make a strong statement to the offender and especially to the child how wrong and illegal the abuse was. (#93, treatment provider)

TABLE 11
OPINIONS OF TREATMENT PROVIDERS ON WHETHER
TO EMPHASIZE TREATMENT OR PUNISHMENT
IN DEALING WITH SEXUAL ABUSE OFFENDERS

TREATMENT VERSUS PUNISHMENT EMPHASIS	NUMBER OF RESPONDENTS	PERCENT OF RESPONDENTS
Primary emphasis on punishment	--	0.0%
Primary emphasis on treatment	12	41.4
Equal consideration of both punishment and treatment	11	37.9
Emphasis depends on the individual offender	3	10.3
No response	3	10.3
TOTAL	29	100.0%

As was the case with interview respondents, treatment providers believed that criminal prosecution of offenders increases their likelihood of receiving successful treatment. Inspection of Table 12 reveals that almost three-fourths of the treatment providers (72.4 percent) believed that the likelihood of rehabilitation increases when offenders are prosecuted. Only one respondent (3.4 percent) felt that prosecution decreases the likelihood of rehabilitation. The remainder felt that the effect of prosecution on rehabilitation depends upon the individual offender.

TABLE 12
OPINIONS OF TREATMENT PROVIDERS ON THE EFFECT
OF CRIMINAL PROSECUTION ON THE REHABILITATION
OF SEXUAL ABUSE OFFENDERS

EFFECT OF PROSECUTION ON REHABILITATION	NUMBER OF RESPONDENTS	PERCENT OF RESPONDENTS
Will increase the likelihood of rehabilitation	21	72.4%
Will decrease the likelihood of rehabilitation	1	3.4
It depends on the individual offender	6	20.7
No response	1	3.4
TOTAL	29	100.0%

Reasons for believing that criminal prosecution increases the likelihood that offenders will be rehabilitated paralleled those given by interview respondents. Treatment providers reported that experience has taught them that offenders need an incentive to follow through with treatment. Treatment providers also believed that many offenders admit to perpetrating the abuse but minimize its importance and their own culpability. Accordingly, criminal prosecution was viewed as having therapeutic value in that it breaks down the defenses and rationalizations of offenders so that they can deal with their problems. The following responses illustrate these opinions:

Our experience is that volunteers in treatment don't stay. Once they have to face the reality of their behavior and the effect on the family, it takes a court hold of some kind to keep them in treatment. Criminal prosecution also helps the victim know it wasn't her fault and that it was a criminal offense. (#83, treatment provider)

Parents give lip service to following through on treatment. But once the heat is off, legally, and they are being challenged in therapy, they drop off unless the legal hold is secure. (#101, treatment provider)

In most cases, criminal prosecution is beneficial (in fact, crucial) as a leverage to keep the family in treatment and to combat the denial system which is always present. (#75, treatment provider)

I believe that prosecution increases the probability of treatment success. So often, clients who are not prosecuted leave treatment early. Prosecution with treatment is the best alternative. (#82, treatment provider)

2. Suggestions for Improving the Handling of Sexual Abuse Offenders

Table 13 lists the suggestions made by treatment providers for improving the handling of sexual abuse offenders. Many different suggestions were offered and it is not possible to determine whether a majority

of respondents would have agreed with any specific suggestion. Concern with improving interagency coordination and increasing the resources devoted to treatment echoed suggestions made by interview respondents. Suggestions for more prosecution and greater consistency in dealing with offenders paralleled treatment providers' views on the need for prosecution in order to ensure that offenders receive treatment.

TABLE 13
TREATMENT PROVIDERS' SUGGESTIONS FOR IMPROVING
THE HANDLING OF SEXUAL ABUSE OFFENDERS

SUGGESTION	NUMBER OF RESPONDENTS	PERCENT OF RESPONDENTS ^a
More, better coordination among agencies	8	27.6%
More staff, resources for treatment	6	20.7%
More prosecution of offenders	5	17.2%
Mandatory treatment of offenders ^b	4	13.8%
More involvement of victims and families in treatment programs	4	13.8%
More consistency in handling cases	2	6.9%
Work release programs for offenders	2	6.9%
Better diagnostic procedures to determine treatment needs	2	6.9%
Training for police in interviewing techniques	2	6.9%
Other ^d	7	24.1%

^aPercentages sum to over 100% because some respondents listed more than one suggestion. (n = 29)

^bThese respondents feel that no one should be incarcerated without a treatment option, but that offenders who refuse treatment should be incarcerated.

^cThese respondents suggested that offenders should spend nights in jail but be released to go to work and to attend therapy sessions.

^dThe following suggestions were each offered by one respondent: training for social workers, revising the law, providing more community education, eliminating bureaucratic red tape to provide immediate treatment, finding a way to prosecute cases even if the victim is young, removing the offender rather than the victim from the home, and destroying the myth that alcoholism treatment will stop sexual abuse.

E. SUMMARY OF OPINIONS OF AGENCY PROFESSIONALS AND TREATMENT PROVIDERS

Most agency professionals in the nine counties agreed with treatment providers that child sexual abuse offenders typically have emotional problems and can be treated. Most professionals and treatment providers favored criminal prosecution of offenders. Prosecution was viewed as the only method to ensure that offenders will follow through with treatment. Some offenders were viewed as not amenable to treatment and in these cases incarceration or some other means of protecting children is in order.

Despite the general agreement that prosecution of sexual abuse offenders is desirable, agency professionals realized that all cases are not alike. Child protection workers felt that the extent of abuse and offenders' attitudes and abusive histories should be taken into consideration when determining how to deal with offenders. Police officers and county attorneys stressed the nature and extent of the evidence as a major factor in the decisions they make about how to deal with offenders. This finding is important in explaining the outcome of actual cases, which is discussed in Chapter V.

Because the goal which is desired by most professionals is the treatment of offenders and the reintegration of families, professionals felt that more resources need to be allocated to treatment programs. They saw a need for more programs, especially in rural areas, more staff for these programs, and training for staff in existing programs and agencies.

Professionals also expressed a need for better interagency

cooperation and communication, so that a common approach can be developed within a county to deal with the problem. This would ensure that agencies work together toward accomplishing the goals upon which there is basic agreement--protecting children and treating offenders.

CHAPTER V
ANALYSIS OF CHILD SEXUAL ABUSE CASES

In this chapter, 183 substantiated cases of sexual abuse of children involving 223 victims which were reported to social service or law enforcement agencies are examined. As stated earlier, offenses committed by strangers were not included in this analysis because the focus of this project was on family sexual abuse. However, offenses committed by baby-sitters, teachers, foster parents and other persons in positions of authority over children were included in this analysis.

The nature of the offenses committed, the characteristics of victims and their families, and the relationships of victims to/offenders are discussed first. The characteristics of offenders are then discussed. The chapter concludes with a discussion of case dispositions of victims and offenders and the stated reasons why cases were handled as they were.

A. TYPES OF SEXUAL VICTIMIZATION EXPERIENCES

Table 14 describes the kinds of offenses which were perpetrated against the 223 victims in the sample. Some definitions of terms are required in order to interpret the numbers and percentages in the table. The types of offenses listed in the table are based on the categories of sexual abuse contained in the Department of Public Welfare's child abuse report.¹ Unfortunately, the categories of sexual abuse are not defined

¹Minnesota Department of Public Welfare, December 1979, op. cit., p. 13.

in that report or on the National Study on Child Neglect and Abuse Reporting forms upon which the Department of Public Welfare report is based. Accordingly, definitions were developed for use in this study.

Rape and incest were both defined as acts involving sexual intercourse. Rape was defined as an act or acts of sexual intercourse involving physical force or threat of force, whereas incest involved psychological coercion or the use of one's position of authority (e.g., parent) over victims to secure their participation. An example of a rape would be a father who comes home drunk one evening, breaks into his daughter's room and forces her to engage in sexual intercourse with him. An example of incest would be a father who, when his daughter is young, begins to enter her bedroom and lie in bed with her. Over the years, touching progresses to more extensive sexual contacts and eventually to sexual intercourse. A child in this situation may be uncomfortable with the sexual relationship but may not realize that it is uncommon and illegal or that she has any alternatives. She also may be bribed with presents and privileges, rebuffed by her mother when she seeks help, and instilled with the fear that telling anyone will destroy the family. Rape, as defined in this study, is often a one-time occurrence. Incest is usually a long-term involvement.

Deviant acts include oral and anal intercourse and insertion of fingers or other objects into a victim's vagina or anus. Fondling includes all other kinds of sexual contact, such as touching the victim's breasts or genital area. Unspecified sexual abuse experiences include cases where the report is vague about what actually happened and merely says that a victim was sexually abused or assaulted.

It is important to note that these definitions do not conform to legal definitions of sexual abuse. Thus, criminal sexual conduct in the first and third degrees¹ include acts that are defined here as rape, incest and deviant acts. Second and fourth degree criminal sexual conduct² are included here in the "fondling" category. Also, although the legal definition of incest is restricted to blood relatives,³ long-term sexual relationships between stepparents and children which include sexual intercourse are included in the definition of incest used here.

TABLE 14
TYPES OF SEXUAL ABUSE EXPERIENCES

TYPE OF ABUSE ^a	NUMBER OF VICTIMS	PERCENT OF VICTIMS
Rape	17	7.6%
Fondling	92	41.3
Deviant acts	48	21.5
Incest	57	25.6
Unspecified	9	4.0
TOTAL	223	100.0%

^aSee pp. 66-67 for definitions of these terms.

With these qualifications in mind, inspection of Table 14 reveals that the most frequent kind of abuse is fondling, experienced by 41.3 percent of the victims. The following descriptions from child protection files are examples of fondling:

Stepfather touched 7-year old daughter on the vagina outside of her clothes. He also lay on top of her and moved up and down. Both were fully clothed.

¹MINN. STAT. §§ 609.342, .344 (1978).

²MINN. STAT. §§ 609.343, .345 (1978).

³MINN. STAT. § 609.365 (1978).

Father would hold his 2-year old daughter on his lap and rub her vaginal area against his penis.

Victim states that her father has fondled her breasts and vaginal area. No sexual penetration has occurred.

Stepfather would get into bed with 17-year old daughter, both nude, and fondle her breasts and genital area. Offender attempted to engage in sexual intercourse but victim refused.

Music teacher touched penis and testicles of 12-year old pupil during a lesson.

Mother would fondle her 8-year old daughter's genital area.

Eleven-year old victim lives with her grandparents. She states that she is fondled often on the breasts and vagina by her grandfather.

About one-fourth (25.6 percent) of the abuse experiences were categorized as incest. The following are examples:

The victim, age 15, has been having sexual intercourse with her 16-year old brother for an unspecified period of time.

The father has had sexual intercourse, anal penetration and oral sex with 13- and 14-year old daughters. Group sex was practiced by the three.

Stepfather had sexual thoughts about his 14-year old daughter since she was ten. Approximately two years ago, he became strongly attracted to her. At first, he began lying in her bed. Eventually, this evolved to sexual intercourse two or three times a week.

Usually, incestual relationships begin when the victim is too young to understand the meaning of sexual advances. Usually, it progresses from touching and fondling to masturbation and oral sex and eventually, to sexual intercourse. Rape, on the other hand, involves force and is not usually preceded by a period of sexual contacts which lead up to intercourse. Rape was perpetrated against 7.6 percent of the victims.

The following are examples of rape:

Father would periodically come home drunk and rape his 12-year old daughter. Physical violence would also occur.

Stepfather came home drunk and forced his 15-year old daughter to have sexual intercourse with him.

Over a period of several years, stepfather would force his daughter (now 16 years old) to disrobe. He would grab her breasts and beat her with a whip. He would force her to have intercourse with him. He would also force her to have oral sex with her mother while he watched.

About one-fifth (21.6 percent) of the sexual abuse experiences were characterized as deviant acts. These experiences were similar to incest or rape cases, but they had not progressed to sexual intercourse. The following are examples:

Over a period of four years, the victim (now 8 years old) would sleep with her father. The father would have the victim fellate him. Ejaculation would occur.

Sixteen-year old brother forced his 11-year old sister to disrobe. He fondled her breasts and genital area and inserted his finger into her vagina. This was repeated four more times after the initial incident.

Uncle engaged in oral sex with his 8-year old nephew. He also had his 6-year old niece take her clothes off and lie on top of him.

Sexual abuse was coded as unspecified in 4.0 percent of the incidents. These were cases in which the victim refused or was unable to describe in detail what happened or where the description of the abuse in the child protection file was vague and incomplete. Examples of unspecified abuse

are:

Seventeen-year old victim alleges sexual abuse perpetrated by her father. A statement in the file says it occurred at least three times in the past. No other details are given.

Ongoing sexual abuse between 9-year old victim and her 16-year old brother. No other details are given.

Victim told the school counselor that her father "got sexual" with her. There are no other details.

These examples and the percentages reported in Table 14 indicate a broad range of sexual abuse experiences. Abuse experiences range from a one-time fondling incident to experiences of repeated sexual intercourse and other deviant acts over a period of years, sometimes involving physical violence as well.¹ The examples also indicate a wide range of victim ages and relationships to offenders. These variables will now be examined in greater detail.

B. VICTIM CHARACTERISTICS AND RELATIONSHIPS TO OFFENDERS

Victim characteristics are summarized in Table 15. Victims ranged in age from 5 months to 22 years old. (The three victims over 18 years old reported incidents which occurred before their eighteenth birthday.) The median age of victims was 12.9 years old, with the largest percentage falling within the 14- through 15-year old range. Victims were overwhelmingly female (91.9 percent) and white (90.4 percent).

¹ Specific statements that physical abuse also occurred were found in 9.3 percent of the cases.

TABLE 15
CHARACTERISTICS OF VICTIMS
OF CHILD SEXUAL ABUSE

CHARACTERISTICS	NUMBER OF VICTIMS	PERCENT OF VICTIMS
<u>Victim's Age:^a</u>		
0-5 years old	26	11.8%
6-7 years old	25	11.3
8-9 years old	23	10.4
10-11 years old	21	9.5
12-13 years old	30	13.6
14-15 years old	56	25.3
16-17 years old	37	16.7
18 years old and over	3	1.4
TOTAL	221	100.0%
<u>Victim's Sex:</u>		
Male	18	8.1%
Female	205	91.9
TOTAL	223	100.0%
<u>Victim's Ethnic Background:^b</u>		
White	178	90.4%
Black	7	3.6
Spanish surname	4	2.0
American Indian	7	3.6
Asian	1	0.5
TOTAL	197	100.0%

^a Age was recorded at the time the report was received. Three persons over 18 years old reported past sexual abuse which occurred before their eighteenth birthday. Ages of two victims were missing. Mean age = 12.1 years; median age = 12.9 years.

^b Race was not recorded for 26 victims.

Most victims were abused by natural or stepparents. Inspection of Table 16 reveals that 41.3 percent of victims were abused by natural parents and 28.3 percent were abused by stepparents (including live-in boyfriends of mothers). It should be recalled that abuses by strangers were not included in the analysis. With this qualification in mind, the

characteristics of victims reported here are consistent with other studies of child sexual abuse.¹

TABLE 16
RELATIONSHIPS OF OFFENDERS
TO THEIR VICTIMS

RELATIONSHIP	NUMBER OF VICTIMS	PERCENT OF VICTIMS
Natural parent	92	41.3%
Stepparent ^a	63	28.3
Foster parent	3	1.3
Grandparent	5	2.2
Sibling	23	10.3
Other relative	14	6.3
Baby-sitter ^b	13	5.8
Teacher ^c	10	4.5
TOTAL	223	100.0%

^aIncludes mothers' boyfriends.
^bIncludes day care staff.
^cIncludes counselors and staff in institutional settings.

It should also be pointed out that the relationship of the offender to the victim did not predict the type of abuse. Thus, about the same proportion of victimizations involved incest whether the offender was a natural parent, stepparent or other relative of the victim. The same is true for the other types of abuse.

C. CHARACTERISTICS OF VICTIMS' FAMILIES

Characteristics of families of sexual abuse victims are reported in Table 17. Since most offenders are members of victims' families, these data can be applied to offenders as well. Data on family income,

¹V. DeFrancis, op. cit.; D. Finkelhor, op. cit.; J. Kroth, *Child Sexual Abuse: Analysis of a Family Therapy Approach* (Springfield, IL: Charles G. Thomas, 1979); J. Landis, op. cit.

occupation and educational attainment were often missing from the files, but the information which was available permits some generalizations to be made. Most sexual abuse families belong to working and middle classes. In most families, the father was a high school graduate. About half of the fathers for whom data are available (51.9 percent) had skilled, business or professional occupations. Almost half (45.3 percent) had unskilled jobs or were unemployed. Family income was reported to be slightly below the state average.¹ On the whole, then, families of reported victims of sexual abuse were slightly below average in terms of their socioeconomic status.² Sexual abuse, however, occurred in families of all social statuses.

¹The State Demographer's office reports that the median income for a family of four in Minnesota in 1977 was \$16,864.

²It is possible that victimizations are more likely to be reported in lower and working class families because these groups tend to come into contact more frequently with social service agencies. A greater percentage of middle and upper class abuse may be unreported. On the other hand, Finkelhor's victimization survey (D. Finkelhor, op. cit., chapter 8) also reported that sexual abuse was more likely to occur in lower and working class families.

TABLE 17
FAMILY CHARACTERISTICS OF SEXUAL ABUSE VICTIMS

CHARACTERISTICS	NUMBER OF FAMILIES	PERCENT OF FAMILIES
Family Income:^a		
0-\$ 4,999	6	7.1
\$ 5,000-\$10,999	22	26.2
\$11,000-\$15,999	24	28.6
\$16,000-\$24,999	26	31.0
\$25,000-\$39,999	6	7.1
TOTAL	84	100.0%
Father's Occupational Level:^b		
Unemployed	18	17.0%
Unskilled	30	28.3
Skilled	36	34.0
Business/Professional	19	17.9
Other	3	2.8
TOTAL	106	100.0%
Father's Educational Attainment:^c		
Grades 0-8	8	9.9%
Some high school	22	27.2
High school graduate	44	54.3
Some college or vocational training	5	6.2
College degree	2	2.5
TOTAL	81	100.0%

^aData are missing for 99 cases.
^bData are missing for 77 cases.
^cData are missing for 102 cases.

Sexual abuse families tended to have other problems as well. Of those cases in which family information was available, 36.9 percent were receiving financial assistance from the state. Family discord was reported in 39.3 percent of the families and fighting was present in 22.4 percent of the families. The family was described as "broken" in 27.3 percent of the cases and alcohol abuse was reported to be present in 35.0 percent of the cases. Thus many, but certainly not all, of these families had other problems in addition to sexual abuse.

D. CHARACTERISTICS OF OFFENDERS

Table 18 presents the age, sex and ethnic background of offenders. Most offenders were male (95.6 percent) and between 25 and 49 years old (63.8 percent). As was the case with victims, most offenders (91.0 percent) were white.

TABLE 18
CHARACTERISTICS OF SEXUAL ABUSE OFFENDERS

CHARACTERISTICS	NUMBER OF OFFENDERS	PERCENT OF OFFENDERS
Offender's Age:^a		
Under 18 years old	23	14.4%
18-24 years old	18	11.3
25-34 years old	30	18.8
35-49 years old	72	45.0
50 years old and over	17	10.6
TOTAL	160	100.0%
Offender's Sex:		
Male	175	95.6%
Female	8	4.4
TOTAL	183	100.0%
Offender's Ethnic Background:^b		
White	141	91.0%
Black	7	4.5
Spanish surname	4	2.6
American Indian	3	1.9
TOTAL	155	100.0%

^aMean age = 34.2 years old; median age = 35.6 years old. Data are missing for 23 offenders.
^bData are missing for 28 offenders.

About three-fifths of the offenders were married (61.5 percent) and about one-fifth (19.0 percent) were single. About one-seventh of the offenders (14.3 percent) were divorced or separated and 5.2 percent were living in a consensual union. About 4 out of 5 offenders (80.9 percent) committed abuse against only one victim. About one-sixth of the offenders

(16.4 percent) abused two victims and 2.7 percent of the offenders abused three or more victims.

In 138 of the 183 abuse cases, a statement attributed to offenders could be located in the files. From these statements, some conclusions can be drawn about how offenders viewed the accusation that they sexually abused a child. It must be noted, however, that offenders often changed their versions of what happened. Thus, this information has low reliability. In summarizing information on this variable, the attempt was made to use the final version of the abuse offered by the offender. These data indicated that 39.1 percent of the offenders denied the allegation completely. Many of these offenders accused the victims of being rebellious and out to make trouble. About one-third of the offenders (34.1 percent) admitted the abuse and accepted responsibility for it. Many of these admitted to having guilt feelings about what they had done and were glad it had finally come out in the open. These offenders were the ones most likely to express a desire to receive treatment.

The remainder of the offenders (26.8 percent) accepted partial responsibility for the abuse. Some of these said they were drunk and could not recall the incident. Others said the sexual abuse was unintentional (e.g., "We were wrestling and maybe I touched her breast."). Some offenders admitted to part of the allegations (e.g., "I put my penis between her legs but we didn't have intercourse.") and some offenders admitted that the event occurred but denied that it was abusive (e.g., "I was just teaching her the facts of life. It's better that she learn them from me than from people who won't respect her;" or, "She asked for it. She enjoyed it.").

An attempt was made to examine the prior criminal record of offenders. Most files did not contain this information, indicating either that offenders usually did not have a prior record or that these records were unknown to child protection workers and county attorneys. Only two offenders were noted as having prior records for violent crimes, one for rape and one for assault. Eight offenders had prior convictions for property crimes, one for selling narcotics and one for window peeping. Therefore, although these data are incomplete, there is reason to believe that most child sexual abuse offenders do not lead criminal lifestyles. It appears that aside from their sexually abusive behavior, these offenders are, for the most part, law-abiding citizens.

This is not to say that the abuse is necessarily a temporary behavior pattern that is likely to stop. In 37 cases (20.2 percent), there were allegations of prior sexually abusive behaviors committed by the offender. It is unknown how many other offenders committed undetected and unreported abuses against other children.

The general picture which is presented by these data is that offenders who sexually abuse children do not differ from other citizens in terms of outward characteristics and behavior patterns. Most are married, employed and law-abiding in other aspects of their lives. Some completely denied that they sexually abused a child; others denied it in part by rationalizing their actions and minimizing their own culpability; some admitted their guilt and expressed a desire for treatment. Although this information was not directly measured, it appears that most of these offenders did not view themselves as criminals and were surprised

and anxious when they faced the reality of possible criminal prosecution.¹

E. DISPOSITIONS OF CHILD SEXUAL ABUSE CASES

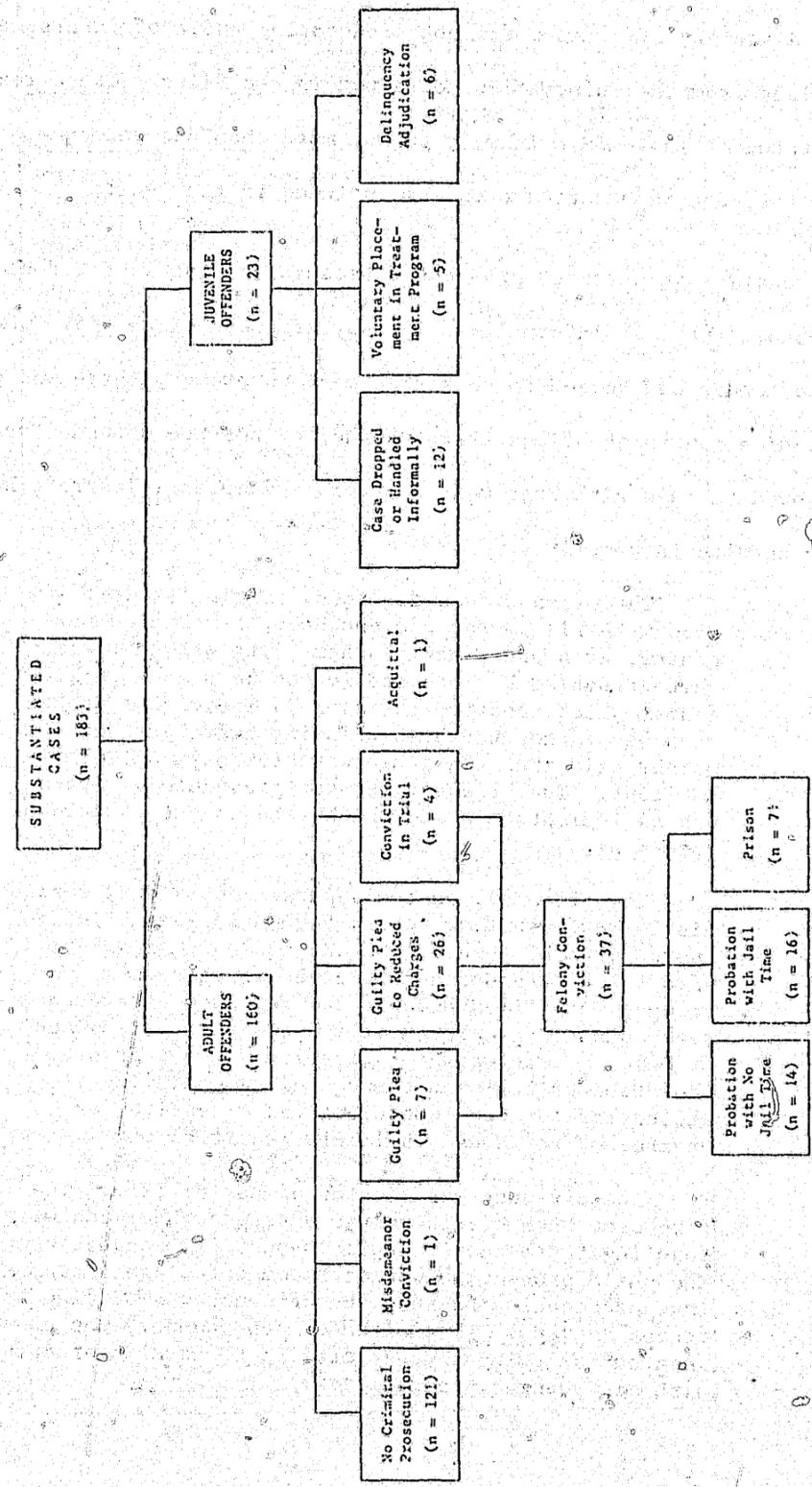
1. Criminal Prosecution of Offenders

Despite the predominant opinion among professionals and treatment providers that sexual abuse offenders should be prosecuted, the data gathered on the outcome of actual cases indicate that most offenders are not convicted in criminal court.² Figure 2 depicts the dispositions of child sexual abuse cases. Only 37 of the 183 offenders (20.2 percent) were convicted of criminal sexual conduct, and none of them were convicted of incest.²

¹This contention receives support from other studies. See S. Butler, op. cit., and J. Kroth, op. cit.

²The total of 183 offenders included 23 juveniles who are not ordinarily subjected to criminal court sanctions. One adult offender was convicted of a misdemeanor. Taking these factors into consideration, 38 of 160 adult offenders (23.8 percent) were convicted in criminal court.

FIGURE 2
DISPOSITIONS OF SEXUAL ABUSE CASES



A variety of reasons for not prosecuting adult offenders have been surmised from the information contained in the files. These reasons are presented in Table 19. In many cases, more than one reason was given. Only the most important reason was included in the table.

Many cases were not prosecuted because an agreement had been made to handle the case informally. In many of these cases (16.5 percent), the offender had agreed to seek treatment. However, there was usually no indication in the files as to whether or not the offender actually followed through with treatment. Several examples illustrate how cases were handled informally:

The offender was divorced. During a visitation with his 8-year old daughter, he touched her genital area under her clothes. The offender was quite troubled by this and sought help at a crisis center which reported the abuse. The victim stated that her father had been drinking heavily. Her mother said that the abuse was probably an isolated incident. The offender was not prosecuted. There was no indication as to whether he sought additional treatment.

The offender, on two separate occasions, forced his 14-year old daughter to engage in sexual intercourse with him--once in a car and once in a farmyard. The offender admitted the allegations. No charges were filed because the offender agreed to seek counseling. The victim and offender remained at home. There was no indication whether or not the offender followed through with counseling, whether or not the counseling was effective, or whether or not abuse incidents recurred.

The offender was accused of having sexual intercourse with his 13-year old stepdaughter and with fondling the breasts of his 15-year old stepdaughter. The child protection worker recommended against criminal prosecution because the offender was willing to accept therapy. (The offender subsequently was prosecuted following another attempt to have intercourse with his younger stepdaughter.)

TABLE 19
PRIMARY REASON GIVEN FOR NOT
PROSECUTING ADULT OFFENDERS

REASON	NUMBER OF CASES	PERCENT OF CASES
Offender agreed to voluntarily seek treatment ^a	20	16.5%
Lack of evidence	18	14.9
Family (spouse) refused to press charges	14	11.6
Victim refused to cooperate with prosecution ^a	14	11.6
Victim was not viewed as a reliable witness ^b	8	6.6
Prosecutor could not prove criminal intent ^c	7	5.8
Case occurred more than one year prior to disclosure ^d	5	4.1
Victim was viewed as too young to testify	4	3.3
Offender left home and/or jurisdiction ^e	4	3.3
Offense considered too minor to prosecute	2	1.7
Offender committed to mental institution	2	1.7
Event occurred in another jurisdiction	2	1.7
Offender convicted of unrelated felony ^e	1	0.8
Family separated	1	0.8
Reason unknown ^f	19	15.7
TOTAL	121	100.0%

^aIncludes cases where the victim retracted charges or ran away.

^bIncludes cases where the victim was described as sexually active, incorrigible, emotionally unstable, chemically dependent, delinquent, and/or generally unreliable.

^cIncludes cases of retarded or mentally ill offenders and cases where the prosecution could not prove that the touching was sexual.

^dThe statute of limitations is three years, but cases which occurred over one year prior to disclosure were not prosecuted.

^eOffender was convicted of a sex offense involving a different, unrelated victim.

^fThese are cases where the child protection file contained no information on whether or not the offender was prosecuted and where no prosecution records existed in the county attorney's office.

In some cases (11.6 percent), the victim's family refused to press charges. This was generally the case when the offense was committed by a baby-sitter or by a relative not living in the immediate household. In one case, for example, a young girl was fondled by her grandfather during a visit to his home. The girl's mother, the child protection worker and the police officer were satisfied with an informal solution whereby the girl would no longer visit her grandfather without her mother being present. None of the parties wanted the grandfather, who was in his late sixties, to be criminally prosecuted.

In some cases (11.6 percent), the victim refused to cooperate with the prosecution, even to the extent of running away from home to avoid having to testify. The following case is an example of a victim who would not cooperate with efforts to prosecute her father:

The father would come into his daughter's bedroom about twice a week and fondle her breasts. She was 15 years old when she reported the abuse which had been going on for two years. When the case was investigated, the victim told the police officer that nothing happened. No criminal charges were filed. Later, the victim confided to the child protection worker that she did not want to get her father in trouble. She just wanted to get away from him. She agreed to be voluntarily placed in a foster home.

It appears, then, that many offenders were not prosecuted because victims, family members and child protection workers did not wish to prosecute offenders but preferred to work out informal solutions to the problems. In many other cases, however, there was no resistance on the part of victims, family members and child protection workers to prosecute offenders but county attorneys determined that there was not sufficient evidence to prosecute offenders. General lack of evidence was cited in 18 cases (14.9

percent of those not prosecuted). Other specific reasons relating to insufficient evidence were beliefs that the witness was not reliable, (cited in 6.6 percent of the nonprosecuted cases), that criminal intent could not be proved (5.8 percent), that the victim was too young to testify (3.3 percent), that the case occurred over one year prior to being reported (4.1 percent), that the offender left home or left the jurisdiction (3.3 percent), that the offense was considered too minor to prosecute (1.7 percent), and that the offense occurred in another jurisdiction (1.7 percent). Added together, reasons centering on the lack of sufficient evidence were given in 41.4 percent of the cases involving adult offenders which were not prosecuted.

It is difficult to determine whether or not county attorneys were too cautious and too demanding in the evidence they required before taking a case to court. Some child protection workers believed this to be the case. The county attorneys who were interviewed expressed an ethical duty not to take a case to court unless there is sufficient evidence. Some expressed fears that judges will dismiss cases and juries will acquit offenders if the evidence is not sufficient. The problem comes in determining what constitutes sufficient evidence. A second problem is that evidence is generally scarce in sexual abuse cases.

County attorneys would like to have eyewitnesses and physical evidence. In most sexual abuse cases, the only eyewitness is the victim. Often the victim's mother is believed to have knowledge of the abuse but she refuses to testify. If the victim is very young, she usually cannot describe the details of the abuse in specific terms. There is also concern by county attorneys that the victim's testimony will not be allowed

because she is too young to understand the significance of what happened and too young to distinguish between truth and falsehood. Young victims are usually imprecise about specific dates and times. County attorneys need to charge offenders with a specific incident of abuse, but victims often cannot be more specific than "at night" or "a while ago."

Older victims have problems with credibility. Many offenders (often with support from their spouses) will state that the victims's allegations of sexual abuse were a form of adolescent rebellion. If the victim has been sexually active with other boys or has used drugs (which, according to the research studies cited in Chapter II, are not unusual consequences of incest), she is considered by county attorneys to be impeachable. These kinds of cases are not taken to court. In addition, victims often change their story several times during the course of an investigation. This vacillation is a common phenomenon among incest victims because of their feelings of guilt and shame and their fears (sometimes based on actual threats) about what will happen to them.¹ This vacillation, however, is often viewed by county attorneys as ammunition to be used by defense attorneys in attacking the victim's credibility.

Physical evidence is more common in cases of young children if there has been penetration or attempted penetration. With older victims, it can be substantiated that a victim has been sexually active but it cannot be proven that the offender was involved. In cases of fondling, there is no physical evidence--no scars or bruises--to support the victim's claim.

¹Presentation by Dr. Roland Summit, School of Medicine, University of California at Los Angeles at the conference, Incest: Minnesota Responds, in Brooklyn Park, Minnesota on May 19, 1980.

Cases were not prosecuted if they occurred over one year prior to the report. This happens in some child sexual abuse cases. Sometimes, it is only after victims have been removed from the situation for a period of time that they develop the understanding that the sexual behavior was abusive and develop the strength to challenge the abuser. County attorneys, however, see this delay as detracting from the credibility of the witness.¹ The following case illustrates this:

The victim, age 16, stated that her stepfather began sexually abusing her when she was 11 or 12 years old. The abuse continued, progressing to intercourse. The victim stated that the offender threatened to "knock her teeth down her throat" if she told anyone about the abuse. She also reported that the offender often beat her. The sexual abuse stopped at age 15 when the victim became pregnant. Despite the fact that the victim's older sister was willing to testify that she too had been sexually abused before she left home, the county attorney refused to prosecute because 18 months had elapsed between the last incident of abuse and the police report. The victim and her baby daughter (who was declared dependent) went to live with the victim's natural father.

There were 19 cases (15.7 percent of those not prosecuted) for which no explanation was given as to what happened to the offender or why the offender was not prosecuted. In these cases, the child protection files said nothing about the handling of offenders. A search of county attorney files failed to note any criminal action against these offenders.

Figure 2 indicates that many offenders were juveniles. No juveniles were criminally prosecuted. This study did not have access to juvenile court records, but child protection files sometimes contained references to

¹Responses to interview questions indicated that county attorneys did not actually believe that victims are likely to lie about abuse. Their fears were that judges and juries will draw that conclusion.

delinquency adjudications of offenders. Six juvenile offenders (26.1 percent) were adjudicated delinquent. In addition, five juveniles (21.7 percent) were admitted to voluntary treatment programs. (Four of those were residential programs.) Twelve juveniles (52.2 percent) were handled informally without adjudication.

Despite the reasons given for not prosecuting offenders, there were several cases which appeared to have adequate evidence but were not prosecuted. The following case is an example:

The offender coerced his 16-year old stepdaughter to engage in sexual intercourse with him 12 times over a four month period. The mother supported her daughter's story and reported seeing her daughter and the offender in bed together fully clothed. The offender denied having intercourse with the victim but admitted to some "grab-assing." He claimed his wife and stepdaughter were plotting against him. Medical evidence showed that the victim was not a virgin. The stepfather was not prosecuted. The victim was adjudicated dependent and temporarily placed in a foster home while she and her mother received counseling in a program for sexual abuse victims.

Although county attorneys contended that cases will be dismissed or offenders acquitted if the evidence is insufficient, there is nothing in the data collected in this study to support their estimations of the extent and nature of evidence required to sustain a conviction. Figure 2 indicates that five of the 183 offenders in this study actually went to trial. Three were found guilty of all charges,¹ one was found guilty of one charge and acquitted on another, and one was acquitted. Thirty-three defendants pled guilty. (Twenty-six of these guilty pleas (78.8 percent) involved plea bargains.) It is difficult to interpret this

¹Offenders were often charged with one count for each alleged abuse incident.

high success rate. It could mean that county attorneys are using good judgment in only charging cases with sufficient evidence to convict. Or, it could mean that many defendants would plead guilty if charged even if the prosecution's case is not airtight.

Examination of the cases which resulted in convictions enables some conclusions to be drawn about who is likely to be convicted. Offenders were more likely to be convicted if they victimized more than one child.¹ In the majority of convictions, the victim testified or was willing to testify (63.6 percent) and the victim's mother supported the victim (52.9 percent). There was corroborating or expert testimony in 71.4 percent and physical evidence in 42.4 percent of the convictions.

No females were convicted. Other than the fact that juveniles were not convicted in adult court, the offender's age was not related to the likelihood of conviction. Most convictions (94.6 percent) were in metropolitan counties and a slightly higher percentage of 1978 cases (25.4 percent) resulted in convictions than did 1979 cases (17.0 percent). In the majority of cases which resulted in convictions (81.1 percent) the victims were natural children or stepchildren of the offenders. Only 10.8 percent of offenses categorized as fondling and 8.1 percent of the rapes resulted in convictions, whereas 37.8 percent of the cases categorized as deviant acts and 43.2 percent of those categorized as incest resulted in convictions. Offenders who admitted the abuse were more likely to be convicted (34.0 percent) than those who partially admitted it (26.5 percent) or those who totally denied it (16.7 percent).

¹Specifically, 16.2 percent of the offenders who victimized one child, 33.3 percent of the offenders who victimized two children, and 60.0 percent of the offenders who victimized three or more children were convicted.

The most common sentence for those convicted was probation (received by 81.1 percent of those convicted) although 16 offenders (43.2 percent of those convicted) had to serve between three months and one year in jail as a condition of their probation. Seven offenders (18.9 percent of those convicted) received prison sentences ranging from two to twenty years.

In a few cases, action by the juvenile court was undertaken to protect children against offenders. Parental rights were revoked in ten cases (5.5 percent of all incidents) and the offender was ordered out of the home in 22 cases (12.0 percent).

On the whole, when the problems involved in prosecuting offenders are taken into account, the fact that only 20.2 percent of offenders were convicted is not surprising. However, when viewed in conjunction with the responses of professionals and treatment providers, it is clear that the rate of conviction was below the expectations and hopes of most professionals and treatment providers.

2. Treatment for Offenders

Many of the cases handled informally were done so with the expectation that the offender would seek and receive treatment. Similarly, many convicted offenders were ordered to enroll in a treatment program as a condition of probation. Table 20 summarizes the types of treatment ordered for offenders in those cases in which treatment information was available. No information on treatment was available in 78 cases. It is possible that many or most of these offenders were not given treatment.

TABLE 20
TYPES OF TREATMENT ORDERED FOR OFFENDERS

TYPE OF TREATMENT ^a	NUMBER OF OFFENDERS	PERCENT OF OFFENDERS
None	24	22.9%
Individual therapy	27	25.7
Group therapy	3	2.9
Residential treatment program	14	13.3
Family counseling	32	30.5
Other	5	4.8
TOTAL	105	100.0%

^aNo information on treatment was available for 78 offenders.

For those cases in which offender treatment information was available, inspection of Table 20 reveals a variety of treatments. Counseling, in terms of individual or group therapy or in terms of family counseling, was the treatment recommended most frequently. Although there were often consequences threatened for failure to follow through with treatment recommendations (such as criminal prosecution or revocation of probation), information was not available on the extent to which offenders followed through with treatment and whether any consequences were actually applied to those who did not.

3. Disposition and Placement of Victims

Child protection workers face a difficult challenge in determining how to deal with sexually abused children. If the offender remains in the home, there is sometimes no alternative to removing the child from the home. Even if the offender is convicted and/or does leave the home, victims may face harassment and rejection from siblings and mothers who blame victims for causing the problem, getting daddy in trouble, and disgracing the family. After all, despite all of his faults, daddy is the breadwinner in many of these families, and the prospect of surviving

without him is often threatening.

Removing the child from the home is, to some extent, punishing the child. In their responses to the interview questions, several child protection workers contended that offenders, not victims, should be removed from the home. These respondents were particularly concerned about juvenile court proceedings which, although necessary to ensure the protection of children, often have a stigmatizing effect on them. It is not known, for example, whether juveniles fully understand the difference between dependency and neglect proceedings and delinquency proceedings.¹ Nor is it clear that the placements of these victims by the juvenile court is different from placements of runaways and other juvenile status offenders. More detailed follow-up information would have to be gathered before these issues can be answered.

Information on juvenile court action was available for 167 of the 223 victims. Of those 167 victims, 59 (35.3 percent) were adjudicated dependent and/or neglected by the juvenile court. If only children victimized by natural parents or stepparents are considered (since these are the cases where the problem of remaining in the home is paramount), 53 of 126 such victims (42.1 percent) were adjudicated dependent and/or neglected.

Table 21 summarizes the placement of child sexual abuse victims. About three-fifths (60.6 percent) of the victims remained in the parental home. One-fourth (25.6 percent) were placed in foster homes and lesser percentages were placed with relatives (6.9 percent), in group homes (2.0 percent) and in residential treatment centers (3.9 percent). (Of those children

¹One 16-year old victim actually was adjudicated delinquent and placed in a group home for being "incorrigible."

victimized by natural parents or stepparents, 53.8 percent remained in the home and 32.4 percent were placed in foster homes.)

TABLE 21
PLACEMENT OF SEXUAL ABUSE VICTIMS

PLACEMENT OF VICTIM ^a	NUMBER OF VICTIMS	PERCENT OF VICTIMS
Parental home	123	60.6%
Home of relative	14	6.9
Foster home	52	25.6
Group home	4	2.0
Residential treatment center	8	3.9
Other	2	1.0
TOTAL	203	100.0%

^aPlacement information was missing for 20 victims.

It appears, then, that although most victims remain in their parental homes, a sizable proportion are removed and placed in foster homes or other facilities. Although these placements may, under the circumstances, be in the best interests of victims, providing protection and, hopefully, a healthier emotional climate, they do entail upheaval and adjustment problems for victims who have already undergone considerable stress. Perhaps, then, the recommendations of some professionals that more services be provided for victims takes on added significance in light of the stresses and upheaval which victims experience as a consequence of reporting the abuse.

F. SUMMARY OF CASE ANALYSIS

In this chapter, 183 cases of child sexual abuse involving 223 victims were analyzed. About two-fifths of these cases involved fondling, about one-fourth involved incest, and about one-fifth were categorized as deviant sexual acts. The average age of victims who reported abuse was 12.9 years.

Most victims were white females. The socioeconomic status of victims' families was slightly below average.

About 70 percent of the victims were abused by fathers or step-fathers. Most offenders were white males with no official record of prior criminal activities.

Only about 1 in 5 sexual abuse offenders were convicted in criminal court. Reasons given for not prosecuting more offenders centered on the desire by some victims and their families and some child protection workers to handle cases informally and the difficulty in obtaining sufficient evidence in many cases where criminal prosecution was recommended. Treatment was ordered or recommended for many offenders, but information in case files ~~did not~~ specify whether the offender actually received treatment or whether consequences were applied to offenders who did not follow through with treatment. Most victims remained in the home, although some were adjudicated dependent and/or neglected and were placed in foster homes or other facilities.

The results presented here suggest that the concerns of most professionals are justified. Contrary to the wishes of professionals and treatment providers, most child sexual abuse offenders in the nine counties studied were *not* prosecuted in criminal court. There is an indication, although the evidence is not conclusive, that many or most offenders did not receive treatment.

In the final chapter, the results of the interviews and case analysis will be compared. Recommendations for improving the system of responding to child sexual abuse which incorporate the suggestions of interview

respondents and treatment providers and which draw upon evidence from the analysis of cases will then be offered.

CHAPTER VI
SUMMARY AND RECOMMENDATIONS

In this chapter, the major findings of this study are reviewed and several recommendations for changes in policy and law are suggested.

A. SUMMARY OF MAJOR FINDINGS

1. Dealing with Offenders

Several conclusions can be drawn from the interview responses of professionals. The first is that most respondents did not believe that the major philosophy in determining how to deal with sexual abuse offenders should be to punish them. Treatment of sexual abuse offenders was the principal concern of child protection workers, whereas law enforcement officers and county attorneys thought that treatment and punishment should both be considered. Most professionals, including treatment providers, believed that most offenders should be criminally prosecuted. Respondents gave two major reasons for this belief. First, sexual abuse is a crime and offenders should not be excused from their responsibility to abide by the law just because the victim is their child or a member of their family. Second, most respondents believed that criminal prosecution is the most effective way to guarantee that offenders will follow through with treatment. The results from the case analysis indicate that child sexual abuse offenders are not typically criminal in other respects. Because of this, they are likely to rationalize their behavior and minimize the harm that was done to their victims. Prosecution is

believed to break through their denial systems.

Despite this desire to prosecute offenders, the results from the analysis of cases show that in the nine counties analyzed in 1978 and 1979, only about 1 in 5 offenders was criminally prosecuted. In fact, it is ironic that the number of victims who were formally adjudicated dependent and/or neglected was greater than the number of offenders convicted of a crime.

Reasons given for not prosecuting more offenders centered on two themes. First, many victims and their families did not want to prosecute offenders. In this regard, some professionals were willing to forego prosecution if the offender agreed to seek treatment. Second, county attorneys had difficulty obtaining evidence which they felt was conclusive. County attorneys tended not to prosecute offenders unless they felt they had a reasonable chance of winning the case. Because many victims were young, confused, ambivalent about prosecuting their fathers, and unable to recount details to the extent required by county attorneys, the level of proof which county attorneys thought was necessary to win cases was not usually met. So most offenders were not prosecuted. If the offender remained in the home, it was the victim who was either forced to leave or risk enduring further abuse.

2. The Need for Treatment

A second major theme of the interview and questionnaire responses is the perceived need for more treatment programs. This includes more training of experts in treating sexual abuse. It also includes the development and expansion of programs for family oriented treatment which includes victims and spouses of offenders. The need for treatment

programs is particularly crucial for counties away from the Twin Cities Metropolitan Area, where specialized programs for child sexual abuse offenders do not exist. Counties are often forced to rely on mental health centers, individual therapists, and family counseling programs which may not have expertise in dealing with the specific problem of child sexual abuse.

The need for treatment programs takes on added significance because professionals who advocated the use of criminal prosecution said that prosecution is necessary to ensure that offenders receive and complete treatment. If there are no treatment programs, prosecution cannot accomplish this goal.

The analysis of case records did not permit firm conclusions as to the percentage of offenders who received treatment. The data indicated, however, that many offenders did not receive treatment and that those who did receive treatment did not always receive treatment specifically directed toward dealing with sexually abusive behavior. In addition, many placements in counseling or therapy programs were voluntary. Thus, there was no guarantee that offenders would follow through with their treatment. (Interview responses indicated that professionals believed that offenders usually did not follow through with voluntary treatment.)

3. Interagency Communication and Cooperation

Although most respondents reported good working relationships with personnel in other agencies, many of them were not satisfied with the degree of communication and cooperation among agencies. Almost half of the interview respondents did not feel that their county was adequately dealing with child sexual abuse offenders. The two major reasons given

for negative evaluations for their county's handling of offenders were the lack of adequate treatment resources and the inadequate level of cooperation among agencies. The latter concern was expressed in several ways. In two counties, police officers felt that child protection workers were circumventing the police officer's role in handling cases. In one county, child protection workers felt that the police were trying to handle everything themselves. In yet another county, the child protection workers felt that the county attorney was not prosecuting enough cases and was not communicating the reasons for decisions.

In some counties, child protection workers and police officers were not receiving cooperation with their investigations from the schools. In several counties, child abuse teams were not functioning effectively as a mechanism to facilitate interagency cooperation and communication or to determine the most effective way to handle a case. Finally, several interview respondents commented on the need for clarifying agency roles and delineating agency responsibilities. Taken as a whole, therefore, the results of this study indicate a need for improved communication and cooperation among agencies which deal with child sexual abuse offenders.

B. RECOMMENDATIONS

Based on the major findings of this research, including but not limited to the suggestions offered by interview respondents and treatment providers, several recommendations for changes in policy and law are suggested. These recommendations address the themes discussed in the first part of this chapter. Their goal is to improve the system of providing services to offenders, victims, and their families so that child sexual

abuse can be dealt with justly and effectively. Ultimately, the intent of these suggestions is to reduce the incidence of child sexual abuse in Minnesota.

1. Increasing Treatment Resources

Professionals who deal with sexual abuse offenders stated that treatment should be considered in deciding how to handle cases. Furthermore, many interview respondents felt that they were not dealing effectively with sexual abuse offenders because insufficient treatment resources were available. Finally, the recommendation most frequently suggested by interview respondents was the development of more and better treatment programs for offenders.

This need was particularly experienced by outstate interview respondents. It is possible that the absence of treatment programs related to the lower percentage of offenders being criminally prosecuted in outstate areas. It also appears, although information was not complete, that many offenders received no treatment and that the treatment that was provided often did not involve therapists or counselors extensively trained in sexual abuse therapy.

Many respondents maintained that victims, spouses, and other family members need to be involved in the treatment process. Although programs which treat sexual abuse offenders have not been extensively evaluated, the research which has been conducted supports the contention that family oriented programs have the potential for success.¹

¹H. Giarretto, "Humanistic Treatment of Father-Daughter Incest" in R. E. Helfer and C. H. Kempe (eds.), *Child Abuse and Neglect: The Family and the Community* (Cambridge, MA: Ballinger Publishing, 1976), pp. 143-158; J. A. Kroth, op. cit.

Therefore, based on the results of this study, the following recommendation is suggested:

Recommendation 1: State and county governments should devote resources toward: 1) the provision of treatment for child sexual abuse offenders, victims, and their families; and 2) the training of child protection workers, mental health workers, and therapists in sexual abuse therapy.

Resources should be directed toward developing treatment programs (which serve either one or several counties depending on the number of offenders in each county), utilizing mental health center programs to include sexual abuse therapy, or entering into purchase of service agreements with existing treatment programs. The treatment modality employed should be determined by several factors, such as the average number of offenders in a county or region each year, the size and distribution of the population, the location and availability of existing treatment programs, and other needs as determined by local child protection, criminal justice, and treatment professionals.

2. Changes in the Criminal Sexual Conduct Statutes

Interview respondents expressed a desire to see child sexual abuse offenders prosecuted under the criminal law. However, many respondents stressed that most offenders should not be incarcerated in institutions if they cooperate with treatment efforts. They anticipated that incarcerating offenders would result in psychological and economic hardships to families of victims, such as loss of income and disruption of family units. Therefore, the preferred method of handling many child sexual abuse offenders is prosecution resulting in treatment without incarceration.

Interview respondents indicated that some offenders should be

incarcerated because they are not amenable to treatment or because of the nature of the acts they commit and the threat they pose. Consequently, the preferred disposition for some offenders would involve a combination of incarceration and treatment. It must be pointed out, however, that treatment can be provided only for those incarcerated offenders who choose to participate.

Overall, the belief is that offenders should be prosecuted but that there should be a range of dispositions available depending upon factors relating to individual cases. Sentencing guidelines presume that individuals convicted of criminal sexual conduct in the first degree will be incarcerated for a period of 41 to 45 months (less one-third for good behavior).¹ Thus, under the present law, many offenders who commit acts categorized in this study as rape, incest, and deviant sexual acts are guilty of criminal sexual conduct in the first degree,² and their presumed sentence is incarceration. It must be emphasized that judges can deviate from sentencing guidelines, although there is no way to predict the extent to which this will happen. It is also possible that county attorneys will accept pleas to reduced charges that do not presume imprisonment. This would mean, however, that judges and county attorneys would have to deviate from or avoid presumed sentences in order to achieve the desired dispositions in many cases.

One method of surmounting this problem would be for the legislature to request or instruct the Sentencing Guidelines Commission to change

¹ Minnesota Sentencing Guidelines Commission, *Report to the Legislature* (St. Paul, MN: Minnesota Sentencing Guidelines Commission, 1980), pp. 38-39.

² See MINN. STAT. § 609.342(a), (b) (1978); and MINN. STAT. § 609.341 Subd. 12 (1978).

the presumed sentence to probation for some child sexual abuse offenders. This could be accomplished by moving the sections of criminal sexual conduct in the first degree which involve sexual penetration of children [MINN. STAT. § 609.342(a), (b) (1978)] from offense severity VIII to offense severity VI. This would make probation the presumed sentence for sexual abuse of children which does not involve force or coercion, does not injure the victim, or does not cause the victim to fear injury as a result of the assault. (Respondents felt that most offenses of this type should not result in incarceration of the offender.) Sexual penetration which does involve force, injury, or fear of injury would still entail a presumed prison sentence under the other sections of the statute [MINN. STAT. § 609.342(c), (d), (e) (1978)]. Judges could still deviate from the presumed sentence if other aggravating factors were present. They could also impose a jail sentence as a condition of probation when they believe it is appropriate to do so.

There are several problems with this solution. There is no guarantee that treatment would be made a condition of probation or that treatment services would be provided to offenders who receive probation. Nor is it clear that probation officers would try to revoke probation of offenders who fail to follow through with treatment plans. Furthermore, although respondents firmly believed that treatment efforts should be undertaken, there is no objective evidence that existing treatment programs in Minnesota are effective or that they are more effective than incarceration or that changing the law in the manner suggested here would, in fact, achieve the desired goal of increasing the extent to which offenders are prosecuted and receive treatment. Clearly, this would not occur without an increase in resources (programs and training of personnel) devoted to treatment.

Another proposed solution to dealing with the problem of finding appropriate sentences which maximizes the likelihood that treatment will be offered is to revise the incest statute [MINN. STAT. § 609.365 (1978)] to include acts of sexual abuse other than sexual intercourse and to broaden the law to apply to nonblood relatives (such as stepparents). Since incest is not currently included in Sentencing Guidelines, judges would be able to consider relevant factors in determining sentences. Or, a separate law covering child sexual abuse and addressing the concerns of the recommendation which follows could be enacted. Such a law could specify some of the factors which should determine whether offenders receive probation or incarceration. Finally, whether or not laws are enacted or changed, judges could be encouraged to stay imposition or execution of sentences pending the completion by offenders of treatment programs.

The research discussed here does not present the knowledge and expertise necessary to determine the most effective course of action. What is clear, however, is that professionals believe that offenders who desire to be treated should receive treatment and that treatment should be incorporated into case dispositions. Accordingly, the following recommendation is offered:

Recommendation 2: Sexual abuse therapy should be made available to all convicted offenders. Therapy can be in lieu of or in conjunction with incarceration, depending upon the circumstances of the individual case.

Another necessary legislative change involves the age of consent. The current criminal sexual conduct statutes [MINN. STAT. §§ 609.342-.345 (1978)] say that sexual penetration and sexual contact with victims up to 16 years of age is illegal even if force, coercion, injury, and fear of bodily harm are not present. Fathers and other relatives,

however, often abuse children beyond their sixteenth birthday. Of the 223 abuse victims in this research, 40 (18.1 percent) were sixteen years old or older when the abuse was reported. Even in cases in which sexual abuse has been occurring for many years, victims often do not possess the awareness and courage to report it prior to their sixteenth birthday. By the time they do report it, the current offenses no longer constitute criminal sexual conduct and county attorneys are reluctant to prosecute past offenses because of the amount of time which has transpired. Accordingly, the following recommendation is suggested:

Recommendation 3: The Criminal Sexual Conduct statutes [MINN. STAT. §§ 609.342-.345 (1978)] should be amended to include all sexual penetration and contact with 16- and 17-year old victims committed by parents, family members, and persons in positions of authority over victims.

This recommendation could be implemented by amending the criminal sexual conduct statutes or by including appropriate provisions in a new child sexual abuse law.

3. Prosecution of Offenders

An overwhelming majority of interview respondents and treatment providers believed that offenders who sexually abuse children should be prosecuted under the criminal law. The major reasons given were that prosecution is necessary to ensure that offenders seek treatment and that sexual abuse of children is against the law and, as such, should be prosecuted regardless of the relationship between the victim and the offender. To this end, the following recommendation is offered:

Recommendation 4: Counties should adopt a policy of prosecuting offenders whenever possible. To facilitate implementation of this policy, child protection workers, law enforcement officers, and county attorneys should receive training on ways to enhance criminal cases, such as interviewing

victims and using expert witnesses. Training in the dynamics of child sexual abuse should be made available to judges, county attorneys, and probation officers so they can learn why incidents are not immediately reported, why victims may be reluctant to testify, the risks to children that are involved, and so on.

One method of implementing this training would be for the state of Minnesota to organize workshops where experts from counties within the state and around the country which have instituted an aggressive prosecution policy can explain their methods and results.¹

One of the reasons why more child sexual abuse offenders are not prosecuted is that victims are often considered too young to testify. Minnesota laws currently exclude from testifying "children under ten years of age who appear incapable of receiving just impressions of the facts respecting which they are examined or of relating them truly . . ."² Children under ten years of age who are victims of sexual assault do not always understand what has happened to them. Thus, children may not be capable of "receiving just impressions of the facts." They would, however, depending upon their language development, be able to describe the events which took place even though they may not understand their significance. Accordingly, the following recommendation is suggested:

Recommendation 5: In order to encourage the use of

¹ A recently completed Crime Control Planning Board survey of social service and criminal justice professionals throughout Minnesota revealed that only 40 percent of court and prosecution personnel and 36 percent of law enforcement personnel had received specialized training in incest and that only 30 percent of law enforcement personnel, 32 percent of courts and prosecution personnel, and 33 percent of social service professionals felt they were adequately trained to handle cases of incest. See M. Lennon and S. Blanchard, *Attitudes and Perceptions of Family Violence Professionals: Survey Results* (St. Paul, MN: Minnesota Crime Control Planning Board, 1980).

² MINN. STAT. § 595.02(6) (1978).

testimony of victims, the language in MINN. STAT. § 595.02(6) (1978) which excludes certain individuals from testifying in court should be amended to read ". . . children under ten years of age, who are not able to describe or relate the events or facts respecting which they are examined in language which is appropriate from a child of that age . . ."

Adoption of this recommendation would allow testimony in court by children who might not *understand* what they witnessed or experienced as victims, but who could *describe* what happened. Then, a judge and/or jury would have an opportunity to evaluate the testimony.

4. Communication and Cooperation among Agencies

One of the major problems which exists in some counties is the lack of sufficient coordination and communication among agencies. In some counties, for instance, law enforcement officers and child protection workers had different philosophies pertaining to the handling of offenders. These differences created friction. In some counties, agencies were not always informed about each others' actions. This created confusion and feelings of frustration. Accordingly, the following recommendation is suggested:

Recommendation 6: County and state governments should adopt a policy of facilitating communication and cooperation among agencies in order to coordinate efforts to deal with child sexual abuse. Funding for training of agency personnel should be a part of this effort.

A logical means to implement this recommendation is to use the existing child abuse teams to provide the organization and resources to ensure interagency communication, establish policies for dealing with sexual abuse victims, offenders, and their families, and develop procedures to

ensure that agencies abide by the established policy.¹ This would include a mechanism for continual review and revision of policies as required. This team could also be used to review cases and make referrals to treatment programs and other services. This is currently being done in some counties. Child abuse teams could also be responsible for developing ongoing training programs for new personnel, for educating the community about child sexual abuse, and for assessing the effectiveness of its policies and actions.

In order for child abuse teams to be effective as resources for promoting communication and cooperation, they would need an expanded mandate from counties. Child abuse teams would have to be given authority by counties to carry out this expanded role.

An area of legal confusion which, in some counties, has impaired interagency communication and cooperation concerns the extent to which agencies who are attempting to fulfill their legal mandate to protect children and prosecute offenders can share private data on individuals. Evidence from this study suggests that the liabilities of agencies which divulge private data are not clearly understood. This was particularly the case with schools in some of the counties studied.

The specific method of addressing this problem requires legal expertise beyond the resources of this study. Nevertheless, the following recommendation is offered to address this problem:

Recommendation 7: The Minnesota Government Data

¹ It is not maintained that all personnel have to agree with established policy. They should be encouraged to dissent and express their concerns. Nevertheless, once policies are adopted, agency personnel should be expected to work within the framework of those policies.

Practices Act [MINN. STAT. §§ 15.162-.169 (1978), as amended] should be reviewed and revised to clarify the restrictions upon and responsibilities of government agencies to provide other government agencies with access to private data on individuals. Agencies should be provided with such access when it represents a legitimate exercise of their legislated functions.

5. Community Education

Perhaps the most effective way to decrease the incidence of child sexual abuse is by increasing public awareness of the problem. By informing adults and children about the problem, more people will be encouraged to report incidents when they themselves or people they know are victimized. It is quite possible, for example, that the marked increase in the reporting of cases of sexual abuse of children in recent years is the result of increased community education programs. Community education also informs offenders and potential offenders that their behavior is illegal and that they can be prosecuted. Finally, victims, offenders, their families, and the community at large can be informed about the nature of child sexual abuse and the availability of treatment programs and services. Accordingly, the following recommendation is offered:

Recommendation 8: School boards and county and state governments should provide financial support for community education programs, particularly in schools, to inform children and adults that the problem exists, that sexual abuse is illegal, and that services exist to help victims, offenders, and their families.

6. Research

It has been stated that few efforts have been made to assess the effectiveness of treatment programs, although the research which has been done suggests promising results. It is imperative, however, that more is known about the effects of treatment. For example, does criminal

prosecution of offenders really increase the likelihood that they will be rehabilitated, as so many interview respondents suggested? Are existing treatment programs (and those which are developed in the future) successful in terms of reducing recidivism, reintegrating families, and alleviating the suffering of victims? Are particular treatment techniques more successful with some types of offenders than with others? The answers to these questions need to be systematically researched. Research can serve as a tool for revising programs so that the best services can be provided to all concerned. Therefore, the following recommendation is offered:

Recommendation 9: The effectiveness of treatment programs should be evaluated to determine circumstances under which the goals of child protection, family reintegration and offender rehabilitation are best achieved.

It must be stressed that these recommendations should be considered as a package. It is not sufficient, for example, to promote a policy of criminal prosecution of offenders in order to increase the likelihood that they will receive treatment, and then fail to provide the resources to create treatment programs and train staff. Similarly, problems will be created if increased community education results in an increased volume of cases, but community resources are inadequate and unintegrated and personnel are not trained in the handling of these cases.

The recommendations offered here each address particular aspects of the problem. Together, their implementation will improve the system's response to sexual abuse of children.

C. CONCLUDING COMMENT

This research has analyzed the response of the social service and criminal justice systems to sexual abuse of children. Some of the

results reported here suggest that there are aspects of the problem which could be handled more effectively. It must be stressed that the agencies examined are extending a concerted effort to deal with the problem. Their efforts will be aided, however, with more resources and better organization at their disposal. It is toward this end that this research and the recommendations which it has produced have been directed.

APPENDIX

The System's Response to Sexual Abuse
of Children: Interview Schedule
Questionnaire to Treatment Providers

THE SYSTEM'S RESPONSE TO SEXUAL ABUSE
OF CHILDREN: INTERVIEW SCHEDULE

1. How extensive do you feel the problem of sexual abuse of children is in your county or jurisdiction? (Sexual abuse defined as any sexual contact between parents, relatives, or other caretakers and a child.)
2. Do you feel that you are currently dealing effectively with sexual abuse offenders? Why or why not?
3. In terms of dealing with parents who sexually abuse their children, do you feel that the major emphasis should be placed on treatment, or punishment or do you think both treatment and punishment should be given equal consideration? Explain.
4. Do you feel that parents who sexually abuse their children should be prosecuted under the criminal statutes? Explain.
5. Can you suggest any alternative strategies other than or in addition to criminal prosecution for dealing with the problem?
6. To what extent do you work with other agencies in handling cases of sexual abuse of children?

Probe a: Do you meet on a regular or a case by case basis?

Probe b: Do you have a good or poor working relationship?

Probe c: Do you work together in deciding how to handle cases?

Probe d: Do you follow each other's recommendation?

Probe e: How much cooperation do you get from schools?

Probe f: Are there other agencies you work with?

7. What factors do you consider when you make decisions about how to deal with parents who sexually abuse their children?

Probe a: In what percentage of sexual abuse allegations would you say the victim is lying?

Probe b: Would you recommend prosecution if the only evidence is the victim's testimony?

Probe c: It is more effective to file criminal charges against perpetrators or to take the case to juvenile court on a dependency petition?

Probe d: (For county attorneys and judges only): If you are familiar with sentencing guidelines, please comment on whether you think they will help or hinder your efforts to deal with sexual abuse offenders.

8. Does criminal prosecution of parents who sexually abuse their children increase or decrease the likelihood that their parents will be effectively treated?
9. Are there any differences between the way you deal with sexual abuse cases from the way you deal with physical abuse cases?
10. Can you offer any suggestions in terms of improving the way your county/jurisdiction deals with parents who sexually abuse their children?
11. Do you have any other comments or suggestions?
12. Respondent's characteristics:
 - a. Sex
 - b. Position
 - c. Years working with child abuse cases
 - d. County

STATE OF MINNESOTA



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TELEPHONE 612/296-3133

To whom it may concern:

The Crime Control Planning Board is conducting a study of the criminal justice system's role in dealing with offenders who sexually abuse their children or children under their care. As part of this study, we are soliciting the opinions of treatment providers concerning how the criminal justice system should or should not be used to maximize the likelihood of rehabilitating offenders.

Could you please take the time to complete this brief questionnaire. You need not identify yourself and all individual responses will be kept confidential. Return it in the preaddressed envelope.

Thank you so much for your cooperation.

1. In terms of dealing with parents who sexually abuse their children, do you feel that the major emphasis should be placed on treatment or punishment or do you think both treatment and punishment should be given equal consideration? Explain. (NOTE: Abuse includes any sexual contact between parent and child.)

Questionnaire to Treatment Providers
Page 2

2. In general, do you think that criminal prosecution of parents who sexually abuse their children increases or decreases the likelihood that the parents will be effectively treated? Please explain your answer.

3. Can you offer any suggestions in terms of improving the way your county deals with parents who sexually abuse their children?

4. Which of the following do you treat? (Check all that apply.)

Offenders _____
Victims _____
Families of _____
victims _____

5. How many years have you been working in the field of family sexual abuse?

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