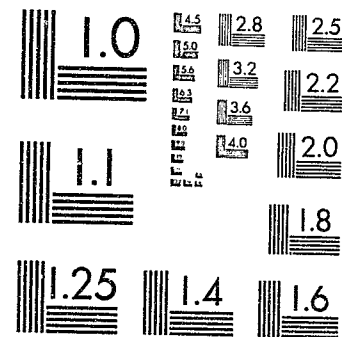


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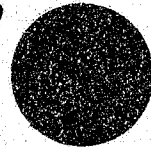
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Sheriff Edward Elrod  
President  
Chicago, Illinois  
L. Cary Bittick  
Executive Director  
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94537



# NATIONAL SHERIFFS' ASSOCIATION

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NCJRS

JUN 25 1984

## ACQUISITIONS

### STATEMENT

OF

H. JEROME MIRON  
NATIONAL SHERIFFS' ASSOCIATION

BEFORE

THE SELECT COMMITTEE ON CHILDREN,  
YOUTH, AND FAMILIES  
U. S. HOUSE OF REPRESENTATIVES

CONCERNING

H.R. 1904: THE CHILD ABUSE AMENDMENTS OF 1984

ON

JUNE 14, 1984

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## THE NATIONAL SHERIFFS' ASSOCIATION

The National Sheriffs' Association (NSA) is a non-profit professional association representing the nation's sheriffs, deputy sheriffs, law enforcement officials, corrections professionals and court officers in the United States. The mission of the 45,000 member association is to promote and support the Office of Sheriff and the fair, effective and efficient administration of justice. This mission is carried out in conjunction with forty-six (46) active State Sheriffs' Associations.

There are approximately 3,200 sheriffs' departments in the United States which provide law enforcement, court-related, or corrections services. Approximately 85% of these departments provide all of these services in most of the urban, suburban, and rural counties in all regions of the country.

As local elected constitutional officers, the sheriffs are particularly suited to performing a victim-services role in the local justice system because they are the visible and official link between citizens and law enforcement, the courts, court officials, corrections, or probation departments at the state and county level.

The current President of NSA is the Honorable Richard Elrod, Sheriff, Cook County, Illinois; the NSA Executive Director is Mr. L. Cary Bittick, Washington, D.C.

U.S. Department of Justice  
National Institute of Justice

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Mr. Chairman and Members of the Committee:

The National Sheriffs' Association appreciates the opportunity to appear here today, at your request, to discuss our views on the "Child Abuse Amendments of 1984" (H.R. 1904).

I am H. Jerome Miron, the Director of the National Sheriffs' Association's Victim Witness Program; as such, I have been requested by you and delegated by our Association to present our Association's comments on this particular set of amendments.

The National Sheriffs' Association is a professional criminal justice association of 45,000 members, including 46 State Sheriffs' Associations, whose mission is to promote and support the Office of the Sheriff and to foster the fair, effective and efficient administration of justice. There are approximately 3,200 sheriffs' departments in the United States which provide law enforcement, court-related, or corrections services in most of the urban, suburban, and rural counties in all regions of the United States. As elected, constitutional officers Sheriffs perform a cross-cutting and pivotal role in the administration of justice and the delivery of services since their duties relate to practically all aspects of a local justice system--law enforcement, courts, and corrections. Moreover, as elected officials, they serve and are routinely accountable to the citizens of their communities. In this latter capacity, they act as a key point of access to the justice system for these citizens, and, on their behalf, attempt to foster a more humane and efficient administration of justice.

The National Sheriffs' Association strongly supports this bill.

We do so because this proposed legislation provides expanded Federal leadership and modest, though necessary, support for training, technical assistance and the development of coordination mechanisms among programs that focus on two of the most intractable problems to confront law enforcement and the justice system: child abuse and family violence. It is these two issues and the manner in which this bill relates these issues to the needs of the law enforcement community and the justice system that we would address today.

Other witnesses will, I am sure, comment on specific features of this bill that relate to the stated policies of this bill concerning infants at risk, adoption, and the role of the States and sub-state entities in the performance of their responsibilities regarding the prevention and treatment of the multiple needs of children and families that suffer from abuse and neglect.

#### CHILD ABUSE

The bill defines the terms "child abuse and neglect" as the physical or mental injury, sexual abuse, or exploitation, negligent treatment, or maltreatment of a child under the age of eighteen, or the age specified by the child protection law of the State in question.

The bill further describes these terms by specifying that those who commit such acts includes persons who are responsible for a child's welfare including employees of a child residential facility or persons who provide out of home care for children.

These definitions, of course, parallel the intent of most State statutes that define crimes of personal violence, i.e., one person injuring another in a manner that involves potential criminal

liability. Most of the actions associated with these crimes are actions done in a world or environment of private violence. Unlike robbery or muggings, they are not visible and are, therefore, not as suppressible or preventable by routine visible actions of law enforcement's presence. Often, there are few, if any, witnesses other than the offender and the victim. Since the victim is a child, there are multiple problems associated with either the willingness or the ability of this victim to come forward and seek assistance from those representatives of the local justice system --or any other helping organization--whose mission and goal to lessen or prevent the occurrence of violence to children.

Since 1974 and the passage of the original Child Abuse Prevention and Treatment Acts, as amended, (P.L. 93-247 and P.L. 95-266) significant changes have been made in State laws to mandate reporting of such actions by appropriate and knowledgeable child-serving sources: day care workers, hospital staff, physicians, teachers, etc. The benefit of such changes has been to increase the level of knowledge about the extent of this problem and to foster an awareness among professional child serving and child protection agencies about this problem of private violence to children. Such reporting, originally, seemed to focus on personal acts of violence to infants and pre-teen children: the battered child. However, with the expansion of knowledge has come new dimensions to the meaning of child abuse.

Child abuse includes a litany of horrors that range from infancy to the late-teen years. It includes such categories of abuse as:

- (1) missing children--those who are runaways, the victims of parental abduction or pediophilia abduction;
- (2) sexually abused children--those who are the victims of incest, molestation, and child rape;
- (3) sexually exploited children--those who are involved in child prostitution,

pornography, or adult-directed sex rings. And, within these categories, there are multiple sub-sets of types of victimizations. (cf. Appendix: Fact Sheet: Sexual Victimization of Children Program For Police--Behaviorial Science Unit: FBI Academy, no date).

It is, of course, impossible to obtain exact statistics about this latter aspect of child abuse--sexual abuse and exploitation--because such victimizations (unlike the battered child victim) are not as amenable to the same type of mandated reporting as prescribed in this bill since 1974. Moreover, many of these types of crimes against children are intra-familial, may be undetected for long period of time, may be discovered by accident, or the suspect may never be apprehended. Even if detected, there may be insufficient evidence to go to court; or the offender is not convicted; or even if the offender is convicted, the offense may fall under a number of different state statutes which are not age-specific. For example, in Massachusetts (cf, Groth, et. al, 1982: Appendix), the sexual victimization of children can be encompassed under 25 different statutes. Therefore, it is impossible to retrieve the number of identified sexual offenses committed specifically against children.

Nevertheless, within the past decade, criminal justice professionals and human service providers are encountering ever increasing numbers of reported incidents of sexual abuse and exploitation of children. But as noted by Goldstein in a recent article (cf, Goldstein, 1984, Appendix) "...Studies of the number of victims and people involved in the sexual exploitation of children in America provide confusing and misleading information..." For example, Goldstein notes that one study suggested that as many as 25 million women will have been molested before they reach age 13; another study suggests that 19.2% of all girls and 8.6% of all boys are victimized as children; another suggests that

not yet fully developed or implemented in many agencies. Even when present in a given jurisdiction such specialized investigative units and victim witness programs require constant training and upgrading of skills, constant interaction with other child service agencies, and constant interaction with community resources. For example, one investigator expressed his growing frustration with the present short-falls in community resources by noting that ...

"When I do ask children to trust me and come forward to help me by telling about what happened...I am aware that, sooner or later, I will need to advise them that, for their own protection and care, they may have to be taken from their home and placed in care of the State...Yet, there are no adequate places in this community to which I can place them so that they can get the type of treatment and support they need...

Several features of this bill will be of great assistance to law enforcement and to the victims that such agencies must serve:

- The amendments that prescribe the study and investigation of the national incidence of child abuse (Section 101, 2(b), 6) is critical and a long overdue requirement. We trust that, by regulation at least, the process of collecting such data and the process of disseminating such findings will involve members of the law enforcement community at the Federal, State, and local levels. We need to understand the exact dimensions of this problem if law enforcement and others are to collaborate on the means to prevent or control the increase in this type of criminal violence;
- Those amendments that require new efforts to collaborate among agencies and organizations (Section 101, 2(b) 7) that have responsibilities for programs and activities related to child abuse and neglect are, also, long overdue. Again, we trust that by regulation, at least, these new efforts will involve members of the Federal, State and local law enforcement agencies. It is also clear that State, substate, county and city collaborations are essential for our national efforts to prevent and control abuse. Too often, usually by misadventure or oversight, law enforcement officials are the last to be advised or consulted about a community-wide effort to collaborate on community problems. This must cease if our approaches to the crimes against children and the private violence to these victims

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is to be mitigated in some careful and appropriate fashion;

- Section 8 of the above cited sections are also important and essential for law enforcement: our colleagues need access to and understanding of any resources that may be available. The amendment offers the prospect, soon, that information about community resources and information on how to develop such resources in a given area can be used by the law enforcement community.

One amendment [Section 104, 5(b)(1)] that is of particular interest to the law enforcement community is the authorization and appropriation of modest sums to support training that is designed to prevent, identify and treat sexual abuse of children. While the sums suggested are miniscule when compared with the dimensions of the problem and the ever increasing needs and demands of law enforcement agencies and personnel for such specialized training, nonetheless the intent of the legislation is a beginning and a good start. We do not ask that such sums be targeted exclusively to law enforcement; indeed, the actual targets of such training are not specified in the bill. What we do ask is that by regulation States or other training providers who are the recipients of such sums notify and publicize the availability of such future training for law enforcement officials. Moreover, we hope that the focus of the training will be multi-disciplinary; that it will involve a team approach to the problem; and, that in such training environments, law enforcement agencies will be able to join with other service providers in order to develop, expand, and implement, at the local level, those needed multi-disciplinary, coordinated, and interagency tactics that, alone, may be able to address this growing problem of private violence to children.

## FAMILY VIOLENCE

We welcome and strongly support the inclusion into this bill of Title III: Family Violence Prevention and Services. The dual intent of this amendment is, of course, a policy that every law enforcement official and justice system representative would applaud and support if for no other reason than that it provides to all of us an added resource in our combined efforts to reduce violence and to serve innocent victims of violence. As is true of our comments on child abuse, "family violence", as described by this Title III, is an act that fits within the broad description of a criminal act. It is private. Usually underreported or not reported. And, it is an act between those who are publically, at least, bound by ties of relationship. Like child abuse, its national, regional, or local incidence can only be estimated. That it does occur and that it is reported to law enforcement agencies in ever increasing numbers is a fact. That it is as equally a problem to law enforcement as is child abuse is also an acknowledged fact. Family violence, also produces different types of victims: the spouse who is battered and abused; the children who are witnesses or secondary victims of such spouse abuse; other relatives and close friends. The etiology of such violence is, of course, multiple. Treatment for all of the primary and secondary victims is complex, difficult and requires multi-disciplinary approaches. For the law enforcement agency and the justice system, one of the principle objectives is to stop the violence and to collaborate with other resources so that such violence does not recur. Interventions by law enforcement agencies will vary on the circumstances, the community culture, the policies of the agencies and the policies of the justice

system in the subsequent prosecution of reported and investigated cases. There is little empirical evidence, to date, that provides policy guidance to either law enforcement or the justice system on how to address, in all instances, reports of family violence. The recent study by the Police Foundation in one city offers some limited guidance as to the effectiveness on spouse abusers of arrest as a deterrence to future acts compared to the use of other interventions. We await the replication of this study in other agencies to determine more carefully how well one intervention works compared with others.

This Title III, however, provides support, directly and indirectly, to law enforcement's efforts to be responsive to the victims of family violence.

The Title III amendment encourages and supports the enhancement and expansion of shelters for victims of family violence who require such care. Within the past decade, relationships between law enforcement agencies and family violence shelters have progressed so that each sees the importance and need of their mutual work and mission. With the growing incidence in reporting of family violence to law enforcement and the mutual collaboration between law enforcement and shelters, the need for expanding such shelters in areas where there are none or few existing facilities has been acknowledged and sought after by law enforcement officials. The shelter represents one option or intervention available to law enforcement and its efforts to stop the violence. Moreover, the type of related assistance that may be provided in a well organized and managed shelter is a continuing intervention that may discontinue completely the cycle of violence usually associated with family violence and therefore

reduce the number of repeated calls for assistance to a law enforcement agency.

Given the emerging growth and development of victim service units within law enforcement agencies, linkages between shelter families, shelter counsellors and law enforcement officials may be forged so that better understanding of the characteristics of family violence can be developed. Such characteristics may be used by law enforcement officials in order to diagnose trends and determine patterns of family violence that, may, over time be able to be used to identify "families at risk". Appropriate interventions can be made, early on, to prevent or lessen the development of the cycle of family violence.

It has been suggested by some that shelters could also be used to house abusers as an alternative to moving spouses and children from the familiar environment of home, community, friends and school. Coupled with work-release programs, intensive probation, and work-furlough, these types of shelters--a form of half-way houses--could become centers for individual and family therapy for such families. We favor this idea since one of the more personally wrenching tasks of law enforcement or the justice system is to oversee the move of spouses and children--who are, in fact, victims--from a familiar environment. Though this bill does not specify this alternative, Section 305 (b) (2) seems to us to provide authority sufficient to research and study this option.

Several features of Title III will be of assistance and value to law enforcement:

- Section 305(b)(3)(A) and (B) provides for the collection, analysis and dissemination of information and statistics relative to the incidence of family violence. We trust that Federal, State and local law enforcement agencies will be part of the process of developing such information and part of the process for the receipt of such data. Our comments earlier regarding data collection and analysis of child abuse information is equally pertinent to family violence data and information;
- Section 305(c) authorizes grants for the provision of technical assistance, training and outreach services to local public agencies and others. We trust that, by regulation at least, notification about the availability of such training and assistance will be made to Federal, State and local law enforcement agencies.

Two special features of this bill deserve some comment.

Section 310 discusses the establishment of and appropriate duties of a National Center on Elder Abuse. Law enforcement officials have noted the development of this new type of crime and the special problems such an event poses to agencies. Quite frankly, it is such a recent phenomenon that little guidance is available to local agencies. That it may increase, given the bulge in the demographics of older sets of the population in the next fifteen years, seems to be a reasonable forecast. We welcome this initiative and we would hope that coordination between the Center's work and Federal, State and local law enforcement agencies would be part of the planned efforts of the Center.

Section 311 is, indeed, a most welcome initiative: The Law Enforcement Training and Technical Assistance Grants. The intent of this section is to provide training and technical assistance for local and State law enforcement agencies concerning development of means to respond to family violence incidents.

One of the major advantages of this section is that it will provide a needed forum and environment in which representatives from agencies can meet, confer and learn from one another about what works and how to implement tactics and programs to stop the violence in families. Too often we forget that written publications about program ideas or models do not provide the type of information and ideas about workable programs that practitioners need to discuss and analyze. Training and technical assistance programs and services provide such information and free exchange of ideas. Different agencies and different jurisdictions have different problems and different alternative solutions to such problems associated with family violence. Often workable programs must be tailor-made to conform to the presence or absence of local community resources. As was the case in our earlier comments on training and assistance for law enforcement agencies in child abuse interventions, so too in this section we wish to repeat our earlier suggestions: We hope that the focus of the training will be multi-disciplinary; that it will involve a team approach to the problem of family violence; and that it will involve efforts by law enforcement and other family service providers to develop coordinated, interagency approaches.

#### CONCLUSION

Victims of child abuse and family violence are victims of crimes committed against them and their future growth as persons. Abused children can and often do become juvenile and adult abusers themselves. This cycle of violence--whether intra-familial, cross generational,



or adult to child--can be broken. Interventions can be made that can provide the type and form of treatment that can restore such victims to a position of self-worth and competency in coping with the initial and subsequent effects of their victimization.

In many instances, law enforcement agencies are--like hospital emergency rooms--the only available, 24-hour, emergency or crisis response agency contacted or informed about such victimizations.

The use of police powers--the powers to arrest, restrict freedom and exercise legitimate force--are powerful tools granted to a law enforcement agency. Often such power must be used with discretion and with appropriate judgements usually made on-scene and in minutes.

Invoking these powers should not be done indiscriminately; restricting the use of these powers also should not also be done indiscriminately.

Implicit in the use of such powers is the corresponding need for law enforcement agencies to have access to other resources and skills that can help them make appropriate decisions about the types of interventions needed to deal with these special forms of private, often familial, crimes of violence. One major development that is taking place in the law enforcement community is the focus on the victims of such crimes. Most law enforcement officials are comfortable with their ability to respond to and deal with offenders--particularly violent offenders. What is missing, to date, is an equal ability to see to it that the needs of victims are met. Most of these needs cannot be met directly by local law enforcement agencies. Community resources, skilled intervenors and service providers and coordination of efforts are seen as essential requirements to provide the types of multiple interventions needed to restore victims to a position of

worth and competency. By such a process, the victim is more able to provide the type of cooperation that is needed to carry forward the types of investigations, examinations, and inquiries needed as part of the canons of the justice system.

Arrest, prosecution, and justice imposed punishments or sanctions on offenders of children and spouses are, of course, suitable interventions. Often they are the only type of intervention that may fit the characteristics of the violent act.

This bill, if properly administered, may provide to law enforcement agencies the beginnings of support and collaboration with others in local communities who seek to stop the violence against those who are most vulnerable in our society.

In NSA's work to date with victim/witness assistance programs in various law enforcement agencies and among the Sheriffs of this country, we have found that an optimum local model of service and treatment to these victims is one in which...

- there is a full awareness of all local resources--both professional and volunteer--on the part of child and family service providers and enforcement officials;
- there is constant training, interactions across agency lines, and multidisciplinary approaches in treatment and services;
- there is a professional willingness to ignore artificial boundaries of "turf" in favor of a mature willingness, seriously, to work together on a common, community problem that affects all;
- and, there is a respect for the limits of what can be done by governmental agencies.

We are still far from seeing visible and realistic manifestations of this optimum model. The "Child Abuse Amendments of 1984", from the perspective of law enforcement officials and the law enforcement community represents a stated effort to begin to build such community-wide models. For this reason and others, NSA supports this bill.

## APPENDIX

1. Fact Sheet: Sexual Victimization of Children Program For Police: Behavioral Science Unit, FBI Academy (no date): Attached
2. Groth, A. Nicholas, et al "The Child Molestor: Clinical Observations" in Social Work and Child Abuse, 1982, Haworth Press
3. Goldstein, Seth L. "Investigating Child Sexual Exploitation: Law Enforcement's Role" p.22-30, FBI Law Enforcement Bulletin, January, 1984. [Note: This issue of the LEB was a special issue devoted exclusively to child sexual abuse and pedophilia]

## SEXUAL VICTIMIZATION OF CHILDREN PROGRAM FOR POLICE

### I. Missing Children

#### A. Runaways

1. From Sexual abuse
2. To sexual exploitation
3. Thrown away/lured away

#### B. Parental Abduction

1. Incest
2. Deception

#### C. Abduction

1. Psychotic
2. Profit
3. Ransom
4. Sexual
  - (a) Keep
  - (b) Return
  - (c) Discard
  - (d) Kill
5. Child Killer
  - (a) Organized
  - (b) Disorganized

### III. Sexually Exploited Children

#### A. Prostitution

1. Runaways
2. Sex and Age
3. Limited Life Span

#### B. Pornography

1. Commercial/Non-Commercial
2. Effect on Victim
3. Uses
  - (a) Sexual Gratification
  - (b) Lower Inhibition
  - (c) Blackmail
  - (d) Medium of Exchange

#### C. Sex Rings

1. Ongoing access
2. Offender-Victim Bond
3. Types
  - (a) Solo
  - (b) Transition
  - (c) Syndicated

### II. Sexually Abused Children

#### A. Incest

1. Continued Access
2. Betrayal of Trust
3. Psychological Impact
  - (a) Females
  - (b) Males

#### B. Child Molestation

1. Pedophile/Non-Pedophile
2. Acquaintance/Stranger
3. Adolescent Offender

#### C. Child Rape

1. Violence prior to, during or after sexual acts
2. Types
  - (a) Sadism
  - (b) Inadvertant
  - (c) Avoid Detection
  - (d) Indiscriminant



**END**