

Sexual Abuse in the Family: Minnesota's Response

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Minnesota Criminal Justice
Program

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

96230

SEXUAL ABUSE IN THE FAMILY:
MINNESOTA'S RESPONSE

Revised January 1984

Prepared By

The Minnesota Criminal Justice Program
(Formerly The Crime Control Planning Board)

For More Information Contact:

The Minnesota Criminal Justice Program
State Planning Agency
550 Cedar Street
St. Paul, MN 55101
(612) 296-7819

EXECUTIVE SUMMARY

This report is about sexual abuse in the family and about what happens to the offenders and victims when the sexual abuse comes to light. We used two methods to study the problem. First, we interviewed professionals who deal with child abuse cases; these professionals included child protection workers, law enforcement officers, county attorneys, judges, and treatment providers. In all, over 100 people were interviewed. Next, we examined official files on child sexual abuse cases to see what was happening. To get a representative sample of the child abuse problem in Minnesota we looked at records in nine counties for the years 1978 and 1979. A total of 183 reports involving 223 victims were analyzed.

The major findings of this investigation are:

- Most family sexual abuse offenders are white males between the ages of 25 and 49; most are fathers or stepfathers of the victims.
- Victims are mainly white females ranging in age from 5 months to 17 years.
- Fondling was the most frequent kind of sexual offense reported (41% of all incidents). Rape and incest made up about one-third of the incidents. Deviant sex acts accounted for 25% of incidents.
- In the sample of cases, only 37 of 183 offenders (20%) were convicted of felonies in criminal court, and of these convictions most (95%) were in metropolitan counties. Reasons cited by professionals for the failure to prosecute more offenders included the difficulty of obtaining reliable evidence, the

failure of some victims and their families to cooperate with prosecutors, and the preference in some counties for child protection workers to handle cases informally.

- Most professionals (76%) stated that child sexual abuse offenders ought to be criminally prosecuted because they have violated the law. Professionals also believe that criminal prosecution is necessary to ensure that offenders are treated.
- Professionals expressed a need for greater cooperation among government agencies in dealing with child abuse cases.
- There is a need for more treatment programs for those who sexually abuse children in the family.

CONTENTS

	<u>PAGE</u>
SUMMARY	i
INTRODUCTION	1
THE LEGAL PROCESS	2
TYPICAL CASES	4
CASE OUTCOMES	6
WHAT PROFESSIONALS RECOMMEND	10
CONCLUSION	12

NGJES
DEC 14 1988
ACQUISITIONS

INTRODUCTION

This study is about people who sexually abuse their children, step-children, relatives, or others under their care.

We define sexual abuse to include any sexual contact by an adult with a child. This can involve sexual intercourse, oral and anal contact, touching or fondling in sexual ways, or the subjection of a child to sexual experience with an adult. We make the assumption that in all such cases the adult bears the responsibility for what happens.

To keep this study manageable we limited it to selected cases from nine counties. The counties were chosen on three criteria: (1) that they are a mix of urban, suburban, and rural counties; (2) that they represent different practices in the handling of sexual abuse cases; and (3) that the number of reported child abuse cases in the sample of counties is a significant proportion of all such cases in Minnesota.

On these criteria we decided to examine case records in Anoka, Beltrami, Carlton, Dakota, Hennepin, Mower, Ramsey, St. Louis, and Winona Counties. These counties accounted for 67% of all substantiated child abuse cases in 1978. For our analysis we looked at a sub-sample of sexual abuse cases for the years 1978 and 1979.

We also conducted interviews with child protection and criminal justice professionals in these counties. Through the interviews we closely examined the perceptions of professionals as to: (1) the extent of the problem; (2) how offenders ought to be dealt with; (3) relationships among the responsible government agencies; and (4) the effectiveness of their county's handling of persons who sexually abuse children in the family. In all, 74 professionals were interviewed. Additional information was also gained from a survey of therapists and other treatment providers who belong to the Minnesota Incest

Consortium; 29 of 38 (76%) of the individuals surveyed in this group responded.

THE LEGAL PROCESS

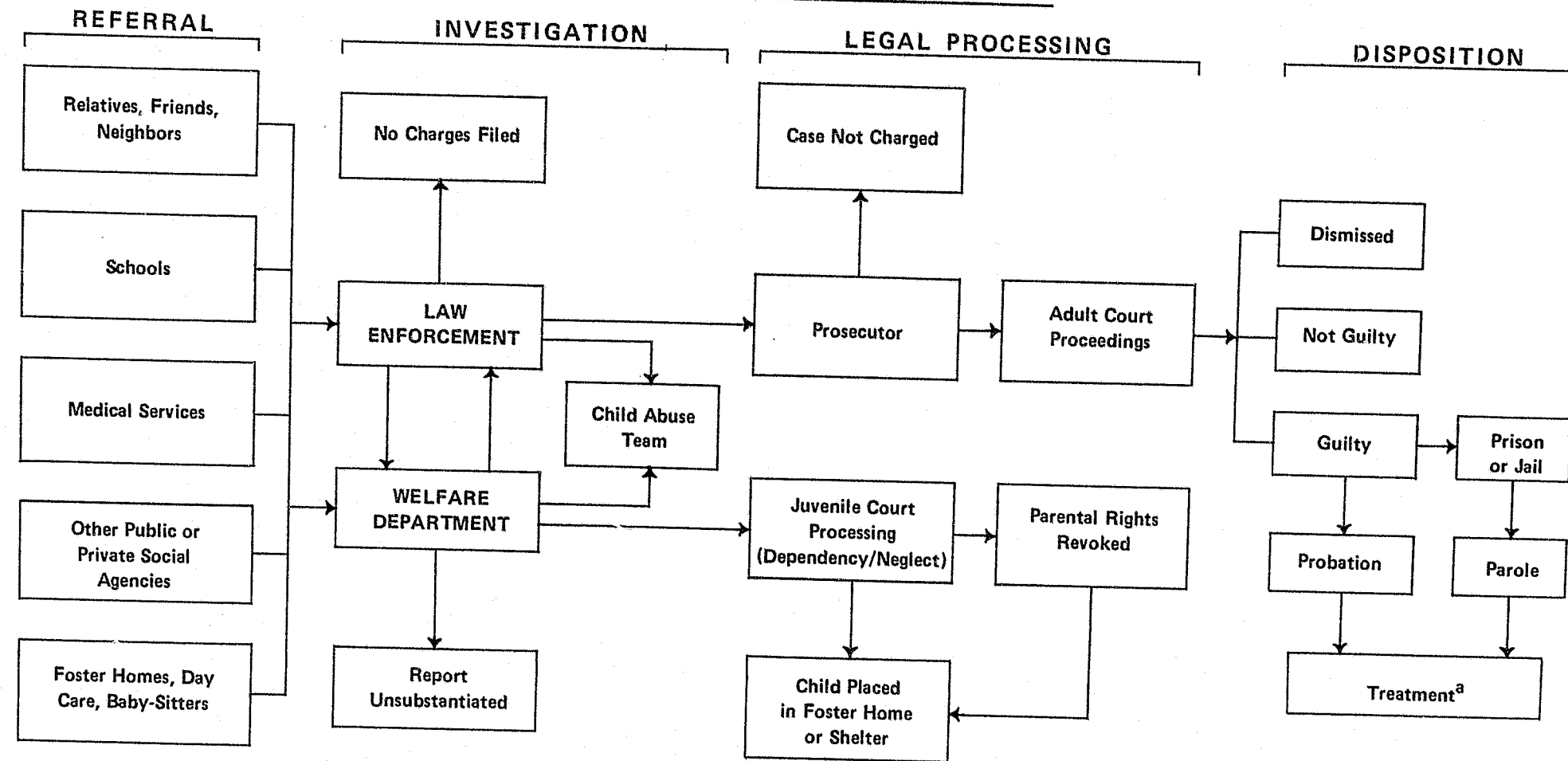
The procedures for handling family sexual abuse cases fall under the more general legal process by which abused children are protected and offenders prosecuted. That is, no special legal process exists for family sexual abuse cases as opposed to other child abuse cases. The flow chart on the next page presents a schematic view of how child abuse cases are handled by criminal justice and welfare systems.

Under Minnesota Law (MS 626.566), those who work in medical, social service, counseling, education, and child care must 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 the reports of abuse with each other. Some incidents of child abuse will, of course, be brought forward by concerned friends and relatives of victims.

Upon receiving a report of child abuse, a county welfare department conducts an investigation to determine whether the report is true and, if so, what action they ought to take. Law enforcement may also conduct an investigation. The dual investigations of law enforcement and welfare are not necessarily coordinated with one another, and they may reach different conclusions.

Although law enforcement agencies 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 service caseworker. In some counties a "child abuse team" representing the various agencies will

THE PROCESSING OF SEXUAL ABUSE CASES



^aOffenders may be referred to treatment programs without formal arrest, prosecution, or conviction.

meet to discuss the case. The extent of communication and cooperation between law enforcement and welfare is an important element in case outcome.

Once a case has been investigated and substantiated, three general ways of dealing with the problem are available to authorities. The first is to take no legal action but perhaps work informally to remedy the situation. The second is to bring the case to juvenile court to seek protection of the victim. The third alternative is for the county attorney to bring the offender to criminal court.

The juvenile court option is a civil procedure and requires a lesser burden of proof than a criminal trial. The result of the juvenile court procedure might be the removal of the abused child from the family.

An adult can be prosecuted in district court for family sexual abuse under either the criminal sexual conduct statutes or the incest statutes. It is the criminal sexual conduct statutes that are most frequently used. (Indeed a review of court statistics for the period July, 1980, to June, 1981, revealed only 14 cases where incest was charged.)

TYPICAL CASES

We next examined the characteristics of those family sexual abuse cases that come to the attention of public agencies. The table below shows the types of abuse found in a sample of 223 victims. The most common form of abuse is sexual fondling, which affected 41% of the victims.

TYPES OF SEXUAL ABUSE EXPERIENCES

<u>TYPES OF ABUSE-</u>	<u>NUMBER OF VICTIMS</u>	<u>PERCENT OF VICTIMS</u>
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%

The next table describes the relationship between offender and victim. The most likely offender is a parent (41%), and the next most likely is a stepparent (28%). Further investigation of the cases failed to show any particular relationship between the type of abuse and relationship between victim and perpetrator. We also observed that in 80% of the cases there was a single victim; that is, not all children in a family will necessarily be victims of the abuse.

RELATIONSHIPS OF OFFENDERS TO THEIR VICTIMS

<u>RELATIONSHIP</u>	<u>NUMBER OF VICTIMS</u>	<u>PERCENT OF VICTIMS</u>
Natural parent	92	41.3%
Stepparent ^a	63	28.3
Foster parent	3	1.3
Grantparent	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.

The offenders were generally married, male, and in the 35 to 49 age range (45%). In our samples of cases 91% of the offenders were white. There was no strong pattern of criminality among the offenders with the exception of child abuse. On the whole, most offenders appear to be law abiding citizens.

Many of the offenders denied or rationalized their abusive behavior. Many offenders did not think that they had done anything criminal, and they were often surprised at the possibility of facing criminal prosecution.

We also analyzed characteristics of the families where abuse took place. Half (52%) of the families were in the working or middle classes. The father was usually a high-school graduate and commonly had a business or professional occupation (18%). But many of the fathers had unskilled jobs (28%) or were unemployed (17%). Thus the families where abuse occurred tended to be slightly below average in their economic standing, although abuse was found in families at all levels of social status.

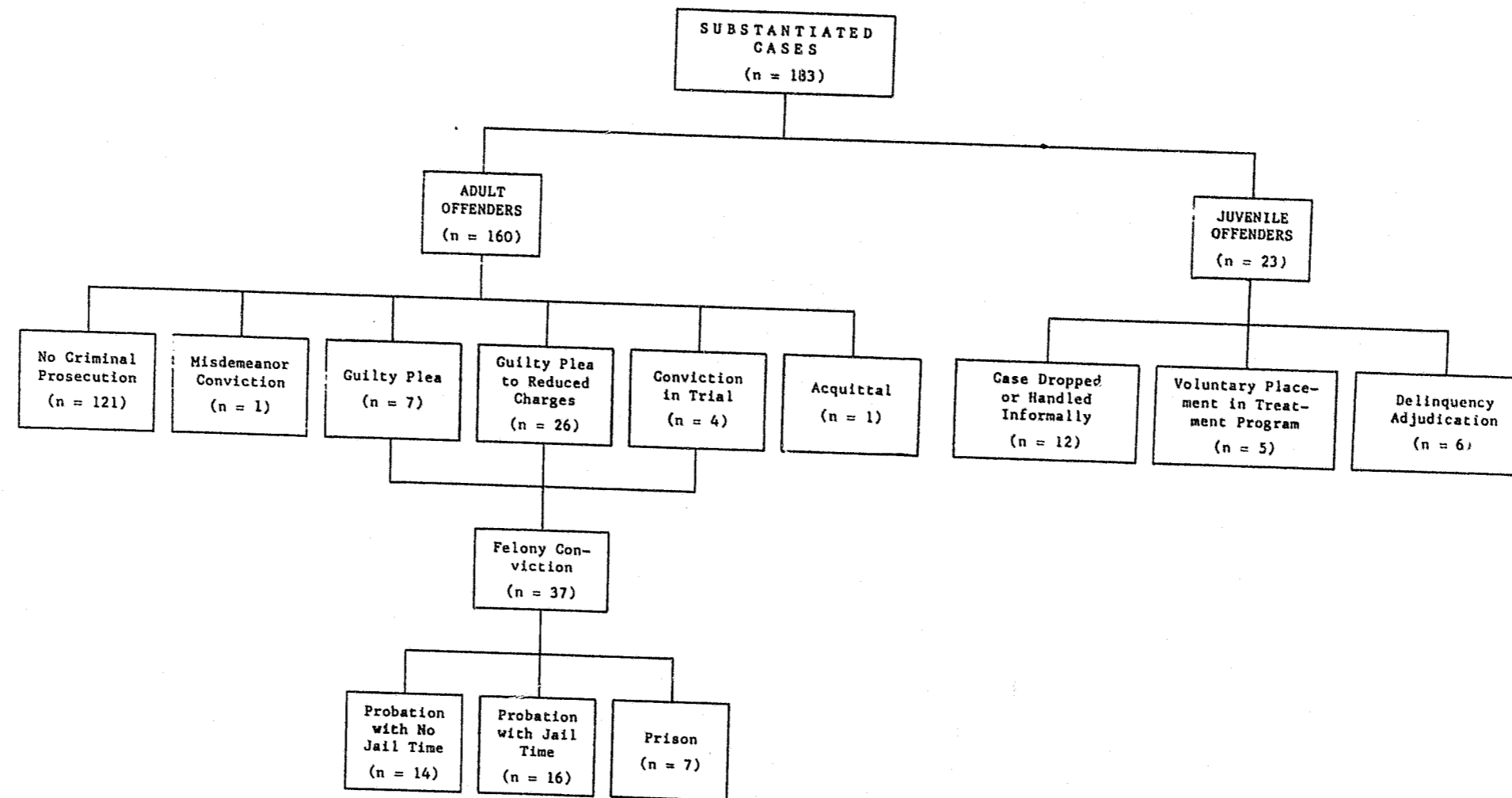
The economic difficulties of many of the families are reflected in the fact that 37% were receiving financial assistance from the government. Other problems were also prevalent. Family discord was reported in 39% of the families; fighting in 22%. Alcohol abuse was present in 35% of the cases.

CASE OUTCOMES

The chart on the next page describes the dispositions of the 183 family sexual abuse cases we studied. Of 160 substantiated adult offenders (the others were juveniles), only 39 (24%) were prosecuted. Of those prosecuted, one was acquitted and 23 received sentences requiring incarceration.

Information was not always in the files as to whether treatment was ordered or, if so, what type of treatment. But we do have this data for 105 cases, and this is presented on page 10. For this set of cases 23% were recorded as having no treatment for the offender, while in 30% of the cases there was family counseling, and 20% of the offenders had individual or group therapy. Residential treatment for the offender was ordered in 13% of the cases. No information was available on whether the treatment programs were completed or successful.

DISPOSITIONS OF SEXUAL ABUSE CASES



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.

Of the offenders, 23 were juveniles. Six of them were found delinquent in juvenile court. The others voluntarily accepted treatment or their cases were handled informally.

A variety of reasons are given by professionals to explain the relatively small proportion of adult offenders who are prosecuted. These reasons are presented in the following table. No single reason predominates, but the most common were that the offender voluntarily sought treatment (16%), lack of evidence (15%), spouse refused to press charges (12%), and victim refused to cooperate (12%).

PRIMARY REASON GIVEN FOR NOT PROSECUTING ADULT OFFENDERS

REASON	NUMBER OF CASES	PERCENT OF CASES
Offender agreed to voluntarily seek treatment	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	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.

Child protection workers face a difficult challenge in deciding how to help sexually abused children. If the offender remains in the home there is sometimes no alternative but to remove the child. Even if the offender is removed, victims may face harassment or rejection from siblings and a mother who blame the victim for getting father in trouble and possibly bringing financial hardship to the family.

So we find that about 40% of the victims are removed from their home (table below) and most of these children are placed in foster homes.

PLACEMENT OF SEXUAL ABUSE VICTIMS

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

^aPlacement information was missing for 20 victims.

In only a few of the cases was there mention of victims receiving treatment. This may signify that more attention ought to be given to helping the abused child.

WHAT PROFESSIONALS RECOMMEND

The practice of not prosecuting most offenders contrasts sharply with what professionals recommend. By a large majority, professionals urged that adult offenders be prosecuted, (presented in the following table).

OPINIONS ON PROSECUTING SEXUAL ABUSE OFFENDERS

<u>SHOULD OFFENDERS BE PROSECUTED</u>	<u>NUMBER OF RESPONDENTS</u>	<u>PERCENTAGE OF RESPONDENTS</u>
Yes	56	76%
No	7	9%
"It Depends on The Case"	11	15%
TOTAL	74	100%

The reason why professionals deem prosecution so important is that they see it as a necessary step to successful treatment (next table). Without prosecution offenders tend to deny the criminality of their acts and avoid treatment.

OPINIONS ON THE EFFECT OF CRIMINAL PROSECUTION OF SEXUAL ABUSE OFFENDERS

<u>EFFECT OF PROSECUTION</u>	<u>NUMBER OF RESPONDENTS</u>	<u>PERCENTAGE OF RESPONDENTS</u>
Will Increase Likelihood of Successful Treatment	37	62%
Will Decrease Likelihood of Successful Treatment	3	5%
Will not Affect Likelihood of Treatment Success	4	7%
It depends on the Individual Case	7	12%
Don't Know	9	15%
TOTAL	60	100%

Another reason given for prosecution, especially by judges, is that offenders have broken the law.

A third motive for prosecution is that a failure to punish the offender can leave the victim--the child--thinking that she or he is in the wrong.

Professionals also recommend an increase in the availability of treatment. This includes more training of professionals in the specific area of family sexual abuse. The need for greater availability of treatment is particularly felt outside the Twin Cities area.

Professionals also call for improvement in the level of cooperation and communication among welfare, law enforcement, county attorney, and the schools. Some counties had already acted to improve cooperation by forming "child protection teams" from the responsible agencies. But in other counties professionals often felt at odds with one another.

Since the period when this research was done, the legislature has acted (in 1981) to allow--but not require-- counties to establish "multidisciplinary child protection teams" (MS 626.558), which may act as a consultant to the local welfare agency in child protection cases.

CONCLUSION

The effect of sexual abuse on a child can be severe. It is bad when it happens and the consequences often persist into adulthood. Authorities cite a range of psychological and social problems that abused children are prone to at different stages of their lives. These problems include depression, guilt, low self-esteem, running away from home, promiscuity, prostitution, psychological disorders, and chemical dependency. Incestuous behavior also puts intense strain on the family. As we consider how Minnesota ought to respond to sexual abuse in the family, let us keep in mind what is at stake for these children.