

Child Sexual Abuse: Dynamics, Responses and Realities

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Roadmap

1. Child Sexual Abuse: Basic Characteristics and Description
2. CSAAS: What it is, how it's used
3. Disclosure and Response

Child Sexual Abuse: If You Remember Nothing Else:

1. Most sexual exploitation of children is **never** reported to anyone
2. No research supports the idea that children regularly lie about sexual abuse or that children (unless very young, below 5) are any more suggestible than adults
3. Most abuse of children is **serial abuse**, not a one-time act
4. Stranger cases do happen, but are rare (usually the perpetrator is known and trusted by the child and family)

Child Sexual Abuse (CSA)

- Exists in literally every possible circumstance
 - A connection between physical abuse and poverty is arguable; not so with sexual abuse
- Almost always perpetrated by a person known to the child and trusted by the family
- Usually involves a progression of experiences commonly described by the **Child Sex Abuse Accommodation Syndrome**

Most Offenders Are Predatory

- Usually plan and premeditate offending on children and engage in **grooming**
- Use multiple strategies to make victims vulnerable
- Exploit trust in many ways
 - Authority, religion, family ties, sentimentality
- Often seek out situations where where families and/or children are vulnerable, in crisis, under-supported, or otherwise in need

Barriers to Reporting, Investigation, Prosecution of CSA

- Usually no physical trauma or injury
- Offenders often target children with issues that discourage them from reporting or compromise their credibility if they do
- Often no criminal history on the part of the offender
- Offender is almost always known to the child

Grooming

- Most offenders **groom**, meaning they slowly draw the child into sexual activity through a series of acts over time that increase gradually in a sexual nature
- The closer the relationship the offender has to the child, and the more patient he is with grooming, the less likely the child will report

Predatory Behavior Progression

- Victim Identification
 - Particularly vulnerable, often ‘soft targets’
- Manipulation
 - Using trust, authority, family pressure, gifts, promises, threats, cajoling, etc depending on child
- Planning and Entrapment
 - Sometimes in concert with unknowing “non-offending” parents, sometimes with accomplice care-takers

Grooming across the lifespan

- Grooming looks different depending on the offender, the child, the relationship and the circumstances
 - Small children are groomed differently than adolescents
 - Some offenders attempt “lover” relationships with tweens and teens
- **Remember, entire families and even communities can be groomed!**

Special Considerations

- Predators will often target remarkably mundane or common things for clues of vulnerability
 - Condition of clothing like socks (missing or mismatched)
 - Clothing inappropriate for weather, or equipment not in sync with what other kids have
 - Hair, nails, cleanliness
- **Children cognitive delays or disabilities are abused sexually (and physically) at alarming rates- they must be supervised with great care!**

Myths about Molestation Benefit Offenders

- **Stereotypes allow them to hide within the population.**
- We teach “stranger danger” but inculcate our children to OBEY adults in their life
- Offenders view sex, sexuality and children differently from non-offenders
 - Don’ t try to understand them; it doesn’ t compute
 - Rather, use common sense and close off opportunities to dangerous people

CSAAS: Progression of Experiences

Many victims of child sexual abuse experience:

- 1) Secrecy
- 2) Helplessness
- 3) Accommodation, Entrapment, Pathology
- 4) Delayed, incomplete, unconvincing disclosure
- 5) Recantation and re-affirmation

1. Secrecy

- The child learns first and foremost (usually during the grooming process) that the activity between s/he and offender must remain **secret**
- Offender will reinforce this with many means and methods including cajoling, threats, violence, promises, etc.
 - May threaten pets, or simply cite reliable outcomes of telling, like a family break-up
- The **secret** becomes the child's first emotional burden.

2. Helplessness

- Often the second thing a victim child learns; s/he is utterly helpless in most cases to stop the abuse or escape the situation
- Child's lives are usually highly regimented, even in bad situations. Children are relatively powerless!
- As the feeling of helplessness sets in, the child will learn to live with the **secret** and the abuse itself

3. Entrapment and Accommodation

- As the child learns to accommodate the abuse, the secrecy, etc, the abuse becomes incorporated into the child's daily routine and psych
- The effects of this accommodation differ with every child and every set of circumstances, but generally all children deal with emotional (and sometimes other) consequences of the accommodation of abuse

4. Delayed, Unconvincing or Piecemeal Disclosure

- **At the outset, remember, disclosure is NOT an event, but a process**
- Disclosure can be purposeful or accidental (more later)
- When disclosed after periods of accommodation and secrecy, often times unconvincing, highly delayed, and hard to make sense of for others

5. Recantation and Reaffirmation

- Post-disclosure, many child or adolescent victims are dismayed to learn everything they fear **come true**
 - Family is broken up, mother is angry, siblings resentful, etc.
- Often leads the child to panic and recant, stating that s/he made it up
- Cases often dropped at this point

What CSAAS Means, Then...

- In general, the experiences of many (not all) children track the observations that gave basis to the **clinical opinion** that is CSAAS
- Helps to explain why so many cases of CSA are either not reported or never fully investigated
- Important for prosecutors to keep in mind as they consider all aspects of the CSA experience and the investigation

CSAAS Limitations/Uses

- The progression of experiences is typical, but NOT diagnostic of sexual abuse, and not experienced the same way by all children
- Has been unfairly attacked but also badly used by prosecutors and others in child protection
- Simply a way to explain how what many children experience can lead to “counter-intuitive” reactions to molestation

More on Disclosure

- Usually grouped into **accidental** or **purposeful**
- **A process, not an event**
- Can be thwarted or neutralized when met with
 - Doubt or disbelief
 - Anger, visible shock or other highly emotive state
 - Resentment, accusations of betrayal (“how could you do this to us?”)

Accidental Disclosure

- Often (but not always) encountered with young children
 - Sexual acting out or age-inappropriate behavior
 - Emotional outbursts due to a memory trigger
 - Discovery of evidence of abuse or witnessing it
- **When disclosure is accidental, the child may not be ready to disclose further**
- Requires patience and skill on the part of the person receiving the disclosure for best results

Purposeful Disclosure

- Usually (but not always) found with older children and adolescents
- Sometimes done when older children fear for younger siblings
- May be the product of emotional turmoil that can no longer be managed
- Might be to a friend, caregiver, teacher, or other trusted person

Disclosure Issues in Adolescence

- Often accompanied by other problems in the child's life (caused or worsened by the abuse) that now make the child seem unbelievable
- Or, if the child accommodates by trying to be "perfect" and projecting a perfect family image, then equally unbelievable for opposite reason
- Disclosure often halting, partial, drawn-out, including some peripheral untruths

Dynamics and Defenses

- The dynamics of CAS give rise to "common sense" defenses
- Fantasy/Conflation
- "Parental Alienation Syndrome"
- Over-reaction to/lying because of appropriate discipline
- Desire for undivided parental attention (against mom's boyfriend, etc)

Fantasy Defenses

- Many accused will claim that a child (particularly younger) is confusing or conflating
 - Witnesses masturbation or sexual activity from adults
 - Pornography or other adult entertainment seen on TV or computer
- Sensory detail can overcome this much of the time!

Parental Alienation Syndrome

- Often used argument in CSA cases arising in the context of a custody dispute
- Based on the perceived desire of one parent to gain an advantage in a custody battle by convincing child to claim abuse
- Discredited from a research standpoint- good research suggests that false claims no higher in custody cases than in others

Discipline/Anger Defenses

- Often brought up with older children and adolescents
- Can be closely related to the pathology associated with enduring the abuse over a long period of time
- Unfortunate because often the discipline or other family problems will trigger a report, not an invalid one

The "Cry Wolf" Defense

- A common defense arises when a child and/or adolescent reveals abuse and has complained of or reported abuse in the past
- Life decisions of caretakers sometimes mean that children are abuse multiple times over years and places
- **Studies show that children and adults sexually abused are at higher risk for abuse later in life**

What About Recantation?

- **Recantations are often false!**
- The recantation should be investigated with the same thoroughness as the original outcry
 - Who heard the recantation? Exact words
 - What where the circumstances? What happened immediately before and after?
- Look at family and offender history for clues
 - May also yield 414 evidence...

Sensory Detail: Taking Jurors Thru the Experience

- **The physical reality** of what the child went through must be revisited as much as the court will allow and the child can reasonably achieve.
 - Talk to the child about why you need to know, and why you need s/he to say those things.
- Smell is probably the most powerful memory trigger and sensory tool!

Sensory Detail: Every Fact

- **Gathering sensory detail** as a process differs with the child's age and cognitive ability.
 - Don't ask any child to guess, but rather to think back.
 - Consider the emotional burden this places on the child. Take breaks and utilize assistance.
 - Be patient, and interview in private if possible.
 - Explain what your asking for and why it's so important to tell the judge or jury.

Sensory Detail: Asking the Right Questions

- The younger the child, the more they may need to be directed to give sensory detail.
 - BUT DO NOT LEAD.
 - Standard interview protocols must be followed.
 - Choices may be given as to what something felt like, but beware of appearing to manufacture responses.
- **Direct the child with examples only after s/he has reasonably identified the object in question.**

Giving Sensory Detail Requires Courage: Give Them Yours

- Help them to understand the importance of talking in so much detail.
- Control your own responses and don't poison the interview with judgments, opinions or encouragement (other than reassurance that they're doing okay).
 - NO judgmental discussion of the perpetrator.
- Stress always the importance of telling the **truth** above all.
- Explain fully how they will testify and prep them with a court tour!

Surrounding Facts

- There is always something!
- Think creatively: A child's life is usually controlled, even in compromised situations.
 - Someone else knew what the child was doing that day, and probably noted it.
 - Any confirmation that the child was with the perpetrator is strong evidence.

Surrounding Facts: An Example

- Johnny, your victim, sexually abused by grandfather on camping trip.
- Johnny's grandmother has recorded the date of the trip on her wall calendar.
 - This small fact alone says:
 - Johnny is not crazy- this trip happened.
 - He is oriented to place and time, and can recall events correctly.

Surrounding Facts: Further Example

- Johnny reports being abused by neighbor in his home.
- During the interview, he mentions off-handedly that the perp would drink beer, then crush the cans and throw them behind the couch.
- Time to get a warrant or permission to look behind that couch!
- This confirmed observation credits Johnny's testimony and moves you closer to conviction.

Surrounding Facts Exist in Every Case!

- Think creatively and use your imagination.
- Take the child through the event **step by step and second by second**.
- As s/he is speaking, picture what s/he would have seen, and direct questions that way.

Behavioral Changes/Emotional Indicators

- See Investigation and Prosecution of Child Abuse, 3rd Ed. by NDAA.
- Behaviors often seen as a result of CSA:
 - Aggression, acting out.
 - Regression, pseudomaturity.
 - Change in dress or grooming habits.
 - Eating problems.
 - Developmentally inappropriate sexual behavior.
 - PTSD symptoms, self-injurious behavior.

Cognitive Indicators

- **Thinking patterns influenced by CSA.**
- Often seen:
 - School related problems.
 - Sudden drop in academic achievement, appearance of listlessness or unexplained hostility.
 - Distorted self-image.
 - Problem solving skills.

Emotional Indicators

- Depression.
- Dissociation.
 - Separating oneself from the abuse by ‘tuning out,’ or something more serious.
- Post Traumatic Responses.
- Unusual or Excessive Fears.
 - Desire to feel protected, inability to separate from trusted caregivers.

Putting it Together: Use in Court

- Consider what you’ve learned, and how it might be admissible.
 - Relevance. What relevant, disputed factual issue does the fact tend to prove or disprove?
 - Probative value must outweigh prejudicial effect.
 - But, NO piece of evidence is relevant unless it’s prejudicial. This effect must outweigh!

Consider pretrial motions

- Surprises are great in courtroom dramas; they should be avoided at all costs in real life.
 - Better in almost all cases to give the court advanced warning when seeking to admit something under a novel theory.
- Be ready to provide articles or other materials that support an admissibility theory.

Common Objections to the Use of Behavioral Indicators

- 1) They could mean anything.
 - 1) Yes, but they dovetail with the child's account and other surrounding details.
- 2) They invade the province of the jury.
 - 1) Jurors can use the factual evidence presented to draw their own conclusions.
 - 2) No need for an expert to interpret, and the observer of the behavior doesn't have to be an expert in most cases.

Example: Child whose behavior changes after CSA

- Evidence from grandmother: In the weeks after the child says her uncle raped her, the child acted "jittery."
- Always wanted to be "under her wing."
- Didn't sleep as well, wouldn't go to certain parts of the house on her own.
- Use before the jury?

Use of the Evidence

- Grandmother can be called as a fact witness.
 - Does she know the child?
 - Know child's typical mood and behaviors, reactions?
 - How were they before offense date or time period?
 - Did she notice a change after? Describe.

Following the Testimony

- Expert testimony on child reactions to sexual assault or abuse may be considered, but:
 - Cross may force the expert to reveal that many things could have caused that behavior
 - Admission now comes with the scientific imprimatur.
 - Not necessary in most cases. Common sense tells the jury what grandma's observations corroborate.
- When objected to, go back to the **relevance standard**.

Final Thoughts

- No child must ever stand alone where there is a creative and thorough investigation and prosecution.
- Child Sex Abuse does not happen in a vacuum. Suggestive facts are there- look for them.
- Recognize the child's courage with hard work, dedication, and determination.
