

Why Don't You Believe Me?

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

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Ashley's Story

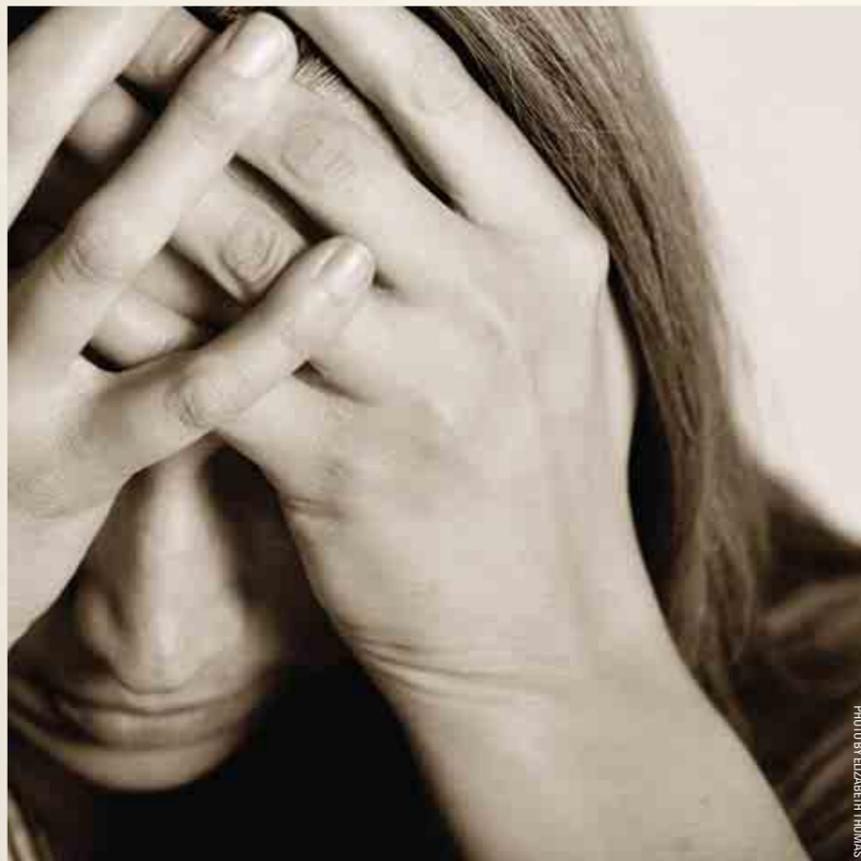


PHOTO BY ELIZABETH THOMAS

Like all too many girls, a lifetime of attempts to tell someone — anyone — about the sexual abuse she suffered were ignored.

It happened first as a young child, when she wriggled free from a well-known man in her small, Kentucky community who was, “squeezing [her] and smothering [her] mouth with his, jabbing his tongue deep into [her] mouth.”

She was told, “Oh, that’s not what happened. He’s a nice man and that’s not what he meant.”

When she was a young teenager in a foreign country pursuing a modeling career, she was caught off guard by a “creepy Frenchman” who offered her a ride home.

“I was so young and confused that I had no idea that what followed was rape,” she said.

When she returned home, she told no one for fear that she would be the one in trouble. When her mother read about the rape in her diary, she sneered at the girl, saying, “I read all about you and your boyfriend ...”

“As was so often the case, I was shut down, my own experience and reality invalidated and denied,” she wrote. “I was punished once more for having been a vulnerable kid, when what I desperately needed was adult intervention, help and support.”

Later, left with the husband of a family member who was keeping watch over the girl while her mother and sister were away pursuing their careers, she found herself again in an unwanted and precarious situation.

“I was so slow in realizing this had been a classic, highly-abusive pattern of incest committed by a scheming and clever sexual predator, because in his very success as a perpetrator, he convinced me we were having an affair,” she said. “He insidiously made me believe that I wanted the relationship, even though it revolted and scared the hell out of me. ... Completely

freaked out, I told one of my parents about it, and their response was, “Well, is he your boyfriend?”

In a recently-published book detailing the accounts of her sexual abuse, the young girl reveals the trauma of her assault and how the effects of it have become engrained in her life. She balances her trials with her triumphs, in how she has chosen to deal with the abuse and reach out to help others through her diligent humanitarianism.

Yet, instead of being met with open arms by an understanding public, the girl now a grown woman, once again has been wrought with an outpouring of doubt, rejection and downright nasty responses to her story.

“I don’t understand the desire for people to whore this information out,” one anonymous Internet commenter wrote. “It just seems like a pathetic attempt to garner attention.”

“I don’t get a molested vibe from [this victim],” another wrote. “If she had sex with a guy, she would have done it to get something in return. She’s smart and bossy — not the victim type.”

“Sexual assault, white-trash mother, sexual trauma — isn’t this a typical Southern upbringing?”

The victim is a household name, particularly in Kentucky. Ashley Judd, a woman famous for her good looks, acting roles, turbulent family and love for Kentucky basketball, also is a survivor of sexual assault. In her book, “All That is Bitter and Sweet,” Judd reveals a darker part of her life.

Responses like these to Ashley’s story beg the question — if a famous and professionally-accomplished woman like Ashley Judd is doubted and chastised for revealing her victimization, what chance do young, troubled, high-risk victims have in our society? 🍷

SEX CRIMES SEX CRIMES SEX CRIMES

START BY

BELIEVING:

Addressing the unique nature
of investigating sex crimes
and showing justice to victims



PHOTO BY ELIZABETH THOMAS

Across the commonwealth in 2009, 1,567 victims reached out for help from local law enforcement, reporting they had been forcibly raped, according to the Kentucky State Police's Crime in Kentucky report.

Research has indicated that a small group — only about 20 percent — of those who fall victim to these horrific assaults ever actually reach for that help.

Given the gravity of these unreported crimes, statistics show that if rape was reported each time it occurred, a victim would be walking into a police station or sheriff's office somewhere in the state every hour, telling his or her story of pain, fear and shame.

Also in 2009, the most recent year for which data is available, the state police report that only 224 of the reported cases were cleared by an arrest. There is no data to show how many of those 224 cases were successfully prosecuted or led to prison time for the offenders. >>



PHOTO BY JIM ROBERTSON

The problem is clear. But, if less than 3 percent of Kentucky's victims are realizing any justice in our current system, what solutions can be made to bring more successful resolution in these cases?

Joanne Archambault, president and training director of Sexual Assault, Training and Investigations, Inc., has a few ideas. Archambault, who served the San Diego Police Department for nearly 23 years and founded the non-profit End Violence Against Women organization, recently presented those ideas to a group of Kentucky law enforcement and advocates during a week-long training.

It's true, these cases are complicated. What's more, Archambault argues that the more bizarre, the more implausible, the more obscure and the more unrealistic these cases appear, the more likely they are to be legitimate.

"The day you get a case and you say to yourself, 'This is impossible.' You better stand by," she said. "And I'm going to tell you why. Because they can't even make this stuff up in Hollywood. People just don't have the kind of imagination it takes to put these kind of cases together."

As a result, victims of sexual assault are plagued by an unbelieving public. Investigators and prosecutors pick apart every detail of a victim's story — assuming omissions, delays, inconsistencies and even lies mean the victim is filing a false allegation. Admissions of drinking a little too much, getting into the offender's car or even going home with him place victims in a suspicious light.

But no matter what poor decisions were made by the victim or what sketchy details are reported, two facts remain. First, it is an officer's responsibility to investigate the case, like any other, objectively and with an open mind, Archambault said.

And second, no one — no matter what — deserves to be raped.

START BY BELIEVING

After a thorough investigation into any case, evidence may prove some allegations are baseless. But, when confronted with a victim claiming sexual assault, Archambault said everyone is capable of starting the investigation by believing the victim is telling the truth.

"All of you can start by believing," Archambault said.

For years, Archambault said she was told that officers were too cynical and just not capable of "getting" the reality of sex

crimes. But, after years of working these cases, traveling the country and even several foreign countries educating law enforcement about sexual assault, she said it isn't just law enforcement who doesn't always get it. It's attorneys, medical professionals, juries and sometimes even the friends and families of these victims.

"I just want to get you thinking about why we respond differently to these crimes than any other crime," she said. "I have never in my life walked into a burglary and had a police officer or even a member of the community ask for a victim to prove they had a TV before we write up a burglary report on a stolen TV. ... I'm amazed that there is so much discussion still about victims and why they didn't resist. I mean, when you have somebody who goes into a bank to rob it and you know there's either a simulated or a real gun, we don't ever look at the teller and say, 'Well, why didn't you resist?'"

"This is a community issue," Archambault continued. "Because I swear, unless [she's] a nun, in church, praying at the time, what we do with these victims of sexual assault — including children — is absolutely tragic. We have to change that."

Archambault attributed the disbelief and stigma so many victims face to several factors. Among them is the way women historically were valued by their purity and how those values still ring true today. There also can be a perception that women lie and a belief that women are vindictive and may falsely make accusations to hurt their male counterparts. Both genders sometimes believe that sexual assault is a female issue, and that males don't suffer the kinds of abuse women endure, she said.

Despite the fact that women often are indoctrinated with the threat that they can be victims of sexual assault, many women still bring their own stereotypes and beliefs — often without realizing it — into a situation where they or someone they know has been raped, said Bluegrass Rape Crisis Center Crisis Counselor Leeann Hayslett.

"I'm taught to believe that in this culture, if I don't wear that, drink too much, hang out with those kind of guys, park there, walk there, run too late — if I don't break one of these rules, this will never happen to me," Hayslett said. "So, if my friend shows up and says she was raped, and I know that she likes to drink a little bit, and she's saying this about someone I know, well she must have broken a rule.

"Because if I'm going to accept that she did nothing wrong, then how vulnerable do I feel if I identify with her?" Hayslett continued. "Then I have to accept that I'm just as vulnerable. And most of us would prefer to say, 'You broke a rule.'"

Law enforcement often follow a similar line of thinking, Archambault said.

"You can have policy and procedures all day long, but what you have to understand is that we are human beings," she said. "And when we walk into a situation, we take our life experience and apply it to what we're seeing. And not just us as cops. It is all of us."

So, how do investigators take a step back from their own experiences and stereotypes and find the truth among the doubt?

It starts with the victim, and understanding why your offender picked them, Archambault said.

WHY WAS THIS VICTIM CHOSEN?

Sexual offenders are lazy and look for vulnerable people. Typically, this means the victims who report are going to be people who live high-risk lifestyles, Archambault said. The homeless, prostitutes, adolescents, runaways, the mentally ill and those who suffer from substance abuse often are — but not always — at the center of these crimes.

Sometimes it's the girl next door, who got a little tipsy after a ball game and went home with a guy from math class she thought she knew. Other times it might be the shy boy who walks home from school alone and takes a shortcut through a bad part of town.

"You don't get to pick your victims," Archambault said. "They are who they are. ... Where do offenders find victims? Wherever your throw-aways are. Because to get a kid in my car, or anybody, all I have to do is offer them a hamburger, a place to sleep tonight, offer them a chance to take a bath or a shower, and they get in my car. The chance that they're not going to report it, and if they do, the chance that you're not going to find them again is high. The suspects know that. They pick their victims pretty carefully, actually."

A victim's lifestyle can make prosecuting the case arduous. But, Archambault argued it is the investigating officers' job to investigate the case like they would any other, regardless of the victim's life choices. Investigators need to meet victims where they are and understand that vulnerability and why the offender chose them, she said. >>

By the Numbers

1 in 4 girls will be the victim of sexual assault before age 18

1 in 7 boys will be the victim of sexual assault before age 18

80 percent of victims are younger than 30

\$20 billion made in child pornography industry worldwide

1,567 forcible rapes reported in Kentucky during 2009

82 percent of victims said their sexual assault permanently changed them

98 percent of cases there are no weapons involved



>> “When you have a victim who is passed out drunk, or doing drugs or whatever the many things are that people do — instead of looking at that as a negative, what you have to do is understand why your offender picked that victim,” Archambault said. “That was no accident. Stop running away from what we consider to be bad facts and start focusing on our offenders, and why they chose those people.”

“It’s absolutely fascinating to me how few people ever think about what the suspect did,” she continued. “We focus on what the victim did or is doing, and we don’t even think about what else might be going on or why it’s going on.”

When you start by believing, and the victim senses that validation, Archambault said the second step of developing a rapport with the victim comes more naturally. It is important to understand that if the victim is talking with you about what they have endured, they currently are suffering the trauma.

“I don’t care if it occurred 30 years ago, the victim is in trauma if they are disclosing,” she said. “Sometimes a victim will be unable to participate at that time. Keep in mind they are just trying to survive. We think we are their priority — we’re not. Victims need validation. They need you to listen and believe more than anything else.”

BEYOND THE FACTS

There is a careful contradiction in sex crimes investigations that should be noted. It already has been said that officers investigating these crimes should treat them in the same regard as they do any other, without bias. Yet, Archambault suggested these cases cannot be investigated in the same manner one would a burglary or drug case.

“Drop the ‘just the facts’ routine,” Archambault said. “I know there are a lot of cops who go into an investigation with the mindset that ‘this didn’t happen, prove that it happened.’ I don’t believe in that philosophy.”

Instead, officers investigating a sexual assault should go into the interview with a sense of gaining the bigger picture. Instead of asking a victim, “Why did you wait three days to come in?” ask, “What was going on with you during that time?”

“What’s happening is when the first responding officers go out, they are trying to make sense of all the pieces,” Archambault said. “Don’t process all the information as you’re getting it. Just do your job. Just take

the information. You have to take 10 steps back to get the totality of the circumstances before you should try to start processing the information.”

How and where you begin talking with the victim also are vitally important, Archambault said. Once you have opened a rapport with them, taking them into the same interrogation room you’d use with a suspect is not ideal, she said. Obviously, many departments have limited space in which to do interviews, but Archambault recommends conducting the interview in a private, relaxed area, preferably with victim advocates involved.

“A police department is a scary place for the average person,” she said. “When you are doing an interview with a victim, you want them to be comfortable.”

Archambault also encouraged officers to take a different approach to interviewing a victim than they would a suspect.

“We send officers to interrogations schools, and they are using that with victims,” she said. “You are pushing them further into trauma.”

The effects trauma has on a victim’s ability to recount the assault are very similar to the effects an officer suffers after a traumatic incident on the job. Bruce Siddle, an expert in trauma’s effects on a person’s body has written at length about critical-incident amnesia experienced by law enforcement professionals, among others. Archambault shared some of Siddle’s studies and related them to sexual-assault victims.

Critical-incident amnesia involves a perceptual narrowing that occurs when an individual tunes into the input from one of the five senses, also known as tunnel vision, according to Siddle. Often, the individual will have a loss of cognitive and motor skills, which decreases the ability to concentrate and may cause them to show signs of irrational decision making.

“Because this form of amnesia is temporary, considerations should be made as to the time table necessary to recover the memory, including the effects that sleep has on this process,” Archambault said. “Before the first sleep period, a person will only be able to recall general characteristics of the incident. After the first sleep period, a person’s ability to remember will increase by 50 to 90 percent. A person’s ability to completely remember will not occur until after the second sleep period.”

As a result, officers who respond immediately to an assault that has occurred within the

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Disabled Victims Do Not Paralyze Sexual Assault Cases

Sexual-assault experts have expressed that victims of sexual assault typically are those who are vulnerable or at high-risk of being exploited. Few populations are more vulnerable than those who live daily with disabilities.

“The statistics are really overwhelming,” Kentucky Association for Sexual Assault Programs Staff Attorney MaryLee Underwood said. “One estimate is that 90 percent of folks with developmental disabilities will be sexually or physically assaulted — or both — within their lifetime.”

The startling statistics identify a need for law enforcement to be aware of the additional hurdles this group of victims have to overcome to realize justice in their cases.

“There’s a good chance that in the lifetime of a law enforcement officer, many of the sexual assaults they are investigating will involve someone who is disabled,” said KASAP Executive Director Eileen Recktenwald. “That’s a special population they need to be trained on how to work with.”

In 2003, the Office for Victims of Crime produced a grant-funded training DVD entitled, “Victims with Disabilities: The Forensic Interview” just for those purposes. The DVD identifies techniques for interviewing victims of sexual assault who have communication and/or cognitive disabilities, as well as helps to debunk some myths about this part of our community.

Like any sexual assault case, interviewing the victim of the assault can be a pivotal part of seeing an offender convicted. Forensic interviews of non-abled victims in many ways follow the same guidelines as those of any sexual-assault victim interview. Preparing for the interview, making the victim comfortable, gathering as much information as possible and developing a rapport are all necessary.

However, there are tools that can be used to successfully conduct an interview with a disabled victim, taking into account their abilities and limitations in aiding the prosecution, according to the OVC-presented training DVD.

There is a myth in our society that people with disabilities cannot be believed in criminal cases because their realities are distorted. In fact, those who have cognitive or communication disabilities often have excellent recall. An important first step in interviewing non-abled victims is to clear yourself from stereotypes.

“Many people fail to interview these victims because they believe they won’t be considered credible,” the DVD’s narrator said. “Many times this means the case won’t be prosecuted.”

The following are a few tips from the DVD for successfully conducting an interview with a non-abled victim.

- Prepare before the interview. The more personal information you know and understand about the victim, their disability and the way in which it affects his or her communication, the better chance of success. Learn how the stress of the interview might affect the victim. Learn his or her schedule and behavior plans so as not to distract their daily routines.
- Record it. Record the interview to avoid putting the victim through multiple interviews.
- Provide for their needs. Ask if they are thirsty, if they need to take a restroom break and anything else that might help ensure their comfort. Refrain from touching the victim. Ask about the victim and their needs to build their trust.
- Listen and remain focused. Keep in mind that their efforts to communicate can be exhausting. Use language appropriate for their age. Avoid “kiddie” words. Use plain language.

Most importantly, demonstrate compassion, respect, empathy, dignity and an openness to their needs.

“Being non-able shouldn’t be the end of the process for the victim,” the DVD’s narrator said.”

For copies of the *Victims with Disabilities: The Forensic Interview* DVD, please call the Office for Victims of Crime Resource Center at (800) 851-3420. ■

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>> past 24 hours should be prepared that information gathered during an interview with the victim at that time should be considered preliminary, and a report should be written stating such, Archambault said.

A follow-up interview at least two sleep cycles later will allow the victim to relay details he or she may previously not have been able to remember. These should not be looked at as inconsistencies, Archambault said.

“What we think are inconsistencies are not,” she said. “They are our own interpretations. What makes a great detective is when you can get information and be willing to change direction. If you walk in and get an idea, the next thing you know, the detective is doing an investigation to support his assumption. Don’t do that.”

Making assumptions about what to expect, how the victim should act or what they should say is dangerous. Victims in trauma coping with the grief and shock of their situation will never handle it the same way as every victim before or after them. People are different and, therefore, will respond differently to the circumstances of their assault.

After complaining about it for years, Archambault rewrote the International Association of Chiefs of Police policy about rape to illustrate this point. The policy previously said, “Generally, the action and the appearance of a legitimate rape victim leaves little doubt that a crime has been committed. Under those circumstances, the victim is highly agitated and emotionally distraught, often in a state of hysteria and may have sustained injuries,

cuts, bruises or wounds. The victim’s clothing is often ripped or torn off as evidence that it was forcibly removed. If the rape occurred outdoors, the victim is generally thrown to the ground and her outer garments stained or soiled.”

“Alright,” Archambault said. “You guys have already figured out that this is far from what we see. Yet, if we’re training our officers that this is what they’re going to see, we have a very serious problem.”

In most cases, roughly 88 percent, Archambault said weapons are not used in sexual assaults, and serious, visible injuries are rare. Archambault’s statistics showed that only about 3 percent of victims needed emergency medical care.

“Very few of these guys are sadistic, where they hurt their victims just for the sheer joy of hurting them,” she said. “They will only use the amount of force they need to get what they want. Victims figure that out very quickly, and of course, they don’t resist because they don’t want to be hurt. You have a real problem here if officers are going to go out there thinking they are going to establish the element of force by seeing a gun or a weapon.

“We like it to be clear,” Archambault continued. “We like guns, we like injuries. I mean, I’ll be the first to say that when I had a victim with injuries — I wasn’t happy they were hurt — but when I had an injury I’d say, ‘Oh, I have a good case.’ What I meant was, ‘Maybe this time I’m going to get this case prosecuted and convicted by a jury.’”

But, even without injuries, weapons or torn clothing, there are numerous ways to

improve the possibility that your suspect will spend some time in a 6- by 8-foot concrete cell. Among them are to be patient with the victim, listen actively and don’t interrupt them during the interview, encourage them to report everything without editing the details (even things they may not think are important) and to prepare for a long, detailed and emotionally difficult interview, Archambault said.

And once you have gathered all the information the victim can supply and identify a suspect, Archambault encouraged officers to bring that suspect in for an interview and sexual assault forensic exam.

“I’m disturbed by investigations where the suspect is never interviewed,” she said. “Ninety percent of these cases are not a question of identity, but of consent. Rape suspects will talk. They like to come to the station and be ‘good Samaritans.’ Why? Because they want to know what you know.”

INVESTIGATING THE OFFENDERS

Years of studying the data produced by her sex crimes unit in San Diego showed Archambault that between 70 and 75 percent of sexual offenses committed were by a person the victim knew. In addition to stranger and non-stranger cases, Archambault said she began to include a third and critical category into her files — brief encounter cases. These were cases in which the victim and offender met only briefly, sometimes within 24 hours of the assault.

In the past, she said officers checked the “acquaintance” box in these types of cases, not taking into account that the victim still considered the offender someone

he or she barely knew, if at all. This was crucial when it came to the prosecution, she said. Understanding what the victim believes about his or her own relationship with the offender helps the jury to understand his or her actions with the offender.

“It doesn’t matter what you think about the relationship,” she said. “What you have to understand is what your victim was thinking. So, those brief encounters are really critical.”

Once your suspect has been interviewed, Archambault also suggests collecting evidence from them.

“Look at the clothing,” she said. “Note it, photograph it and collect it. Even after a shower, you can get some fingernail cells. About 95 percent of the country is not collecting evidence from the suspect.”

WHEN THINGS STILL DON’T ADD UP

If after conducting both a preliminary and follow-up interview with the victim, interviewing the suspect, reviewing the evidence, seeking input from co-workers or supervisors for peer review and exhausting all other investigative measures, it appears the victim’s allegations are baseless, that’s OK, Archambault said.

“What’s important is to have a policy that all allegations are documented,” she said.

However, Archambault still argued that truly false allegations are much rarer than most people think. When rewriting the IACP policy on sexual assault, Archambault said the first question she was asked about was why information about false allegations wasn’t right up front in the policy.

“I said, ‘You know, false allegations really aren’t a problem,’” she said. “There is a perception that they are a big problem, but they really aren’t. Cops are pretty smart people, and we can usually figure these things out.”

It is hard to know how many false allegations are filed nationally because Archambault said she has seen no agency in the country that tracks false reports. There is a myth perpetuated by an old study that they represent 2 percent of cases, she said. However, she believes the number ranges somewhere between 2 and 10 percent.

Truly false allegations usually can be drawn out with a thorough investigation and often can be linked to high-profile cases, Archambault said.

“The B.S. we see are the muddy cases,” she said. “They are usually white women, strangers, include abductions, superficial injuries, weapons — somebody looking for an emotional response. Red flags are a realistic dynamic of sexual assault. You’re going to be dealing with high-risk stuff. If I can convince you to do anything, it is to at least start by believing and do your jobs,” she said. “Suspend judgment. Have your doubts, but do your job.”

“What we need to hear more often is when you do respond appropriately, the difference it makes for these victims,” Archambault continued. “That is the power you have, versus the power you can give the offender when you don’t believe.”

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What not to do in a sex crimes investigation

From Joanne Archambault

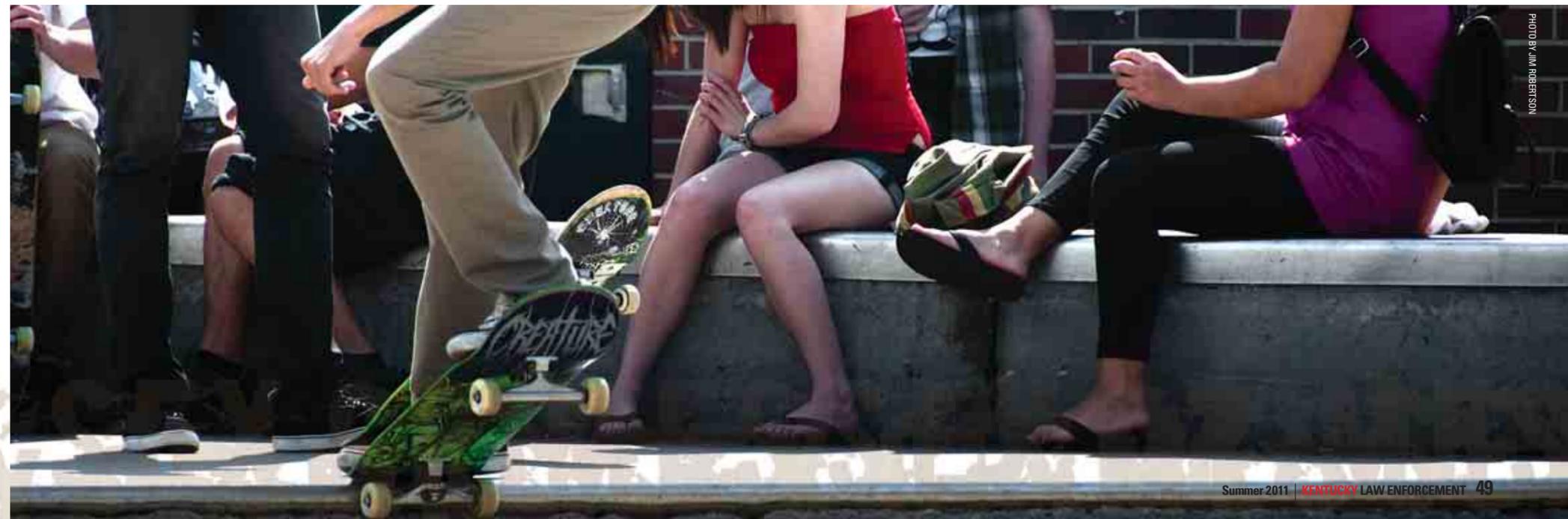
- Never ask victims if they want to prosecute. It is totally unfair. They have no idea if the case has potential to go further.
- Don’t get frustrated because a victim who reports doesn’t want to talk. People who have been victimized are in survival mode.
- Don’t ask victims to write down their own statement. It is a waste of time. They don’t know what’s important.
- Don’t ask, ‘Why did you wait to report?’ Ask, ‘What was going on during that time?’
- Don’t hammer victims about consent.
- Never ask victims how long the assault lasted. They can’t answer you. Like many dealing with post-traumatic stress, they often have tunnel vision and amnesia.
- Don’t take case struggles personal. Ask for peer reviews.
- Don’t call a case a false report if you don’t have evidence that it did not happen.
- Don’t use a delay in reporting as a red flag. Eight out of 10 victims never report.
- Don’t think that because a victim lies it is a false allegation. You are going to be dealing with high-risk stuff. Why might a victim stage evidence? To prove her story if she doesn’t think she’s believed.
- Never use a recantation as evidence of a false report.
- Stop trying to make sense of what these offenders or victims do. You can’t apply rationale. ■

Sex-crimes Investigations Course Offered

A sex-crimes investigations course presented as a joint training effort through the Department of Criminal Justice Training, Kentucky State Police and the Kentucky Association of Sexual Assault Programs will be offered Oct. 24 to 28 in Bowling Green.

The course is designed to enhance officers’ skills in reporting, investigating and prosecuting sex crimes. Topics include victim interviews, documenting sex crimes, investigating difficult cases, drug-facilitated sexual assault, sex offenders, false reports and interviewing individuals with cognitive and/or communication disabilities. National experts in sex crimes investigations and forensic interviewing, retired Detective Joanne Archambault and Forensic Interviewer Nora Baladerian, Ph.D., will be the featured trainers.

The training is approved for 40 hours of KLEC in-service credit. Most meals and lodging at the conference centers are provided through a unique grant. For details, contact Eddie Farrey at eddie.farrey@ky.gov or (859) 622-8432. ■



GUARDIANS OF THE FUTURE:

Law enforcement's role in protecting the innocence of children

What is known about the sexual abuse and exploitation of children closely parallels the tenets understood about the abuse of adolescents and adults. They are vulnerable, they typically don't report the abuse and they often are hurt by someone they know.

Yet, the real crime is that when a child is sexually abused or exploited, the victimization never stops. The pictures, once released into the hungry bowels of the Internet can never be recalled or erased. The scars that penetrate the deepest values of an abused child's trust and self worth never fade.

Studies have shown that some abused and/or exploited children suffer in school, have under-developed social abilities, lack confidence in the workplace and can be incapable of healthy romantic relationships. Worse, the cycle of violence in a startling number of cases is known to continue into adulthood, where the victims are plagued by their own delinquency and criminality, according to the National Center for Victims of Crime.

Even those children who move on to lead normal lives may never know when something they experience, on any given day, will spark a memory that sends them back into the trauma.

"Children who have been sexually abused are more likely to abuse alcohol and are 3.8 times more likely to develop drug addictions, Kentucky Attorney General Jack Conway said. "The consequences of child sexual abuse are significant and can last a lifetime."

UNDERSTANDING THE PROBLEM

Recent research conducted by the National Center for Missing and Exploited Children indicates that one in seven children ranging from 10 to 17 years old have received sexual solicitation via the Internet. Thirty-four percent of those surveyed were exposed to unwanted sexual material, including indecent and pornographic images.

Additionally, in a survey conducted by the national Campaign to Prevent Teen and Unplanned Pregnancy, 51 percent of girls said they felt pressured from a guy to send nude photos. Fifteen percent of teens admitted to sending sexually-suggestive content such as text messages, email, photos or videos with someone they only know online. Thirty three percent of boys admitted to looking at nude or semi-nude images originally meant for someone else.

"Kids do stupid stuff," said Cristina Fernandez, NCMEC CyberTipline supervisor. "They are supposed to do stupid stuff."

Technology is permanently memorializing those decisions."

These statistics don't include those children who are tricked or forced into sexual abuse, and whose images ultimately end up in the hands of strangers. NCMEC reports that one in five girls and one in 10 boys will be sexually victimized in some way before adulthood.

CONNECTING THE IMAGES TO THE VICTIMS

It's easy to lose sight among the virtual worlds and faceless networks that somewhere on the other side of the computer there is a child being victimized, or there would be no child pornography.

During a conference last fall hosted by Kentucky's Eastern District United States Attorney's Office, Assistant U.S. Attorney Hydee Hawkins discussed statistics resulting from a study conducted by the U.S. Marshals Service and a psychologist. The study was done at a federal prison housing offenders charged with child pornography-related crimes.

In the study, often referred to as the Butner Study, Michael Bourke and Andres Hernandez determined that 80 percent of offenders viewing child pornography also were committing physical crimes against children.

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Responding to a report of child sexual abuse

- Establish contact with the child.
 - Speak privately, away from other adults.
 - Avoid using a location where the alleged abuse may have occurred.
 - Explain your job.
- Assess imminent risk of harm.
- Assess whether the child needs immediate medical care.
- The non-offending caregiver should be advised that a forensic interview and/or medical examination may take place at your Children's Advocacy Center.

TIPS FOR SPEAKING WITH AN ALLEGED CHILD SEXUAL ABUSE VICTIM

- Show interest in what the child is saying.
- Use open-ended questions:
 - Use invitational statements such as "Tell me what happened," "Tell me about that," and "What happened next?"
- Encourage the child to provide a free narrative account.
- Do not interrupt the narrative with questions. Allow the child to use free recall.
- Use the child's language for body parts. Do not introduce your own terms for body parts or sexual acts.
- Ask when the abuse occurred:
 - First time
 - Last time
 - Frequency
- Remember, it is always best to limit the number of times a child is interviewed. ■

ILLUSTRATIONS BY FAITH FOREMAN

>> “Our findings show that the Internet offenders in our sample were significantly more likely than not to have sexually abused a child via a hands-on act,” Bourke and Hernandez wrote in an article summarizing their findings. “They also indicate that the offenders who abused children were likely to have offended against multiple victims, and that the incidence of ‘crossover’ by gender and age is high.”

One hundred and fifty-five offenders who participated in the study ranged in age from 21 to 71 years old, with education levels ranging from middle school to doctoral degrees. All of the offenders voluntarily participated in the intensive sex offender-specific treatment program.

“Based on Presentence Investigation Reports, the combined group of 62 child pornography and interstate travel offenders perpetrated contact sexual crimes against 55 victims,” Bourke and Hernandez reported. “After participation in the treatment program, these offenders reported perpetrating contact sexual crimes against an additional 1,379 victims.

“We found that the 40 subjects who had known histories of hands-on sexual

offending at the time of sentencing disclosed an average of 19.4 victims during their treatment period. In comparison, the 115 subjects with no known histories of these crimes ultimately disclosed an average of 8.7 victims.”

Assistant U.S. Attorney Erin Roth said the study is not without controversy, but that more times than not, it has proven true that offenders found to be participating in some way with child pornography often also are abusing children.

“We certainly consider people who are involved in child pornography offenses to be victimizing real children whose pictures they possess, so we treat them all as active exploitation cases,” she said.

GETTING HELP

“Technological innovations also have enabled offenders to utilize complex methods for avoiding detection by law enforcement,” wrote Bourke and Hernandez.

“Such methods include using software to erase electronic ‘footprints,’ surreptitiously gaining access to wireless networks to download pornographic material, finding secretive locations for data storage and

utilizing hardware to ‘bypass’ a computer’s hard drive with the intention of obscuring certain activities from computer records.”

Not only are child exploitation cases involving the Internet complex and often overwhelming, no one wants to work cases in which children have been hurt or violated. But the good news is that you don’t have to do it alone.

During the conference, investigators from both state and federal agencies discussed just a few of the ways they can help local law enforcement.

The U.S. Postal Service offers a variety of services, including controlled deliveries and mail monitoring services, said Postal Inspector Denver Haught. The Kentucky State Police’s Electronic Crimes Unit is a great resource for questions about search warrants for digital evidence. They also can assist with difficult evidence obtained from cell phones and other devices, said KSP Detective and FBI Task Force Officer Mike Viergutz.

The Kentucky Attorney General’s Office has extensive experience in the investigation of file-sharing networks, also known as peer-to-peer (continued on page 55) >>

What is child sexual abuse?

An Excerpt from “Why Me? Help for Victims of Child Sexual Abuse (even if they are adults now)” By Dr. Lynn Daugherty

WHAT IS SEXUAL ABUSE?

Sexual abuse occurs when a person is tricked, forced or bribed into participating in a sexual act.

WHO SEXUALLY ABUSES CHILDREN?

Sexual abuse is usually done by someone older than the child. This person may have some position of authority over the child. They might be an older relative, neighbor, family friend, adult stranger or older child. Eighty percent of child victims are abused by someone they know and trust.

HOW DOES CHILD SEXUAL ABUSE HAPPEN?

The sexual abuse of children most often involves the use of subtle force. It may involve bribery, special privileges, threats of harm or telling on the child for another misdeed. Children are often tricked into sexual situations. This can involve touching in the form of horseplay. A child might also be tricked by an adult who tells them that sexual acts are OK or a normal part of growing up.

WHY DOESN'T THE CHILD REPORT SEXUAL ABUSE?

Younger children often don’t realize what the abuser is doing to them is wrong. Older children might not tell because they are scared. Sometimes when children try to report the abuse they aren’t believed or they are ignored. Children then give up trying to tell. This is often true in cases where they tell a parent and the parent does nothing.

STAGES OF TRAUMA

People go through three stages when something traumatic happens to them: crisis, suffering and resolution. The stages are often connecting or overlapping. Sometimes victims move back and forth between the stages.

1. The crisis stage

When a trauma occurs, the crisis stage begins. Behavior becomes erratic and disorganized. Shock, panic and denial become paramount. Over-the-top reactions may be seen or no reaction at all. Many sexual abuse/trauma victims become immobilized and present with no emotion at all. This stage can last from minutes to days or longer.

2. The suffering stage

The reality of the abuse/trauma sets in and the victim starts to suffer emotionally. Some common reactions to sexual abuse are excessive fear, nightmares, changes in sleep patterns, physical pains (headaches, stomach aches), irritability/anger, mood swings, bedwetting, anxiety, isolation and depression. Some victims have flashbacks of the abuse; others may temporarily forget details of the abuse. This is a time of suffering and emotional pain for the victim. The suffering stage is longer in duration than the crisis stage. Even after the abuse ends, the suffering goes on. Over time, as the victim starts to work through and process what happened to them and the feelings involved,

the suffering subsides. At this point, the victim moves on to the third stage.

3. The resolution stage

While the child does not forget what happened to them, the abusive episode is no longer in the forefront and its effects start to diminish. The abuse can be remembered without great pain and anxiety. The child/victim learns to accept and live with what happened and starts to go on with life. The child comes out of this stage as a stronger individual and resumes the normal activities of daily living. Resolution should be a positive experience.

If resolution is a negative experience, the child continues living, but has difficulties in numerous areas of life. The child remains a victim. Negative feelings stemming from the abuse may stay with the child well into adulthood. Feelings of fear, guilt, depression, shame and anger may remain. These feelings can cause low self-esteem and may cause the child/victim to believe he or she deserves to be treated badly.

Difficulties may emerge later in life. Sexual-abuse victims often have difficulty trusting. With help, these negative feelings can be overcome and a positive resolution can take place. ■

PHOTO BY ELIZABETH THOMAS



PHOTO BY ELIZABETH THOMAS

>> networks. While AG investigators self initiate 95 percent of their cases, they are also interested in assisting any agency that needs it, said Bill Baker, investigator and forensic examiner with the AG's Cyber Crimes Unit. As long as the AG is involved in some part of the investigation, officers can take advantage of the AG's forensic lab, and can be assisted with subpoenas for Internet service providers.

If you have an offender in another state or one who is traveling, the Federal Bureau of Investigations can help augment your investigation with bodies and create a partnership, said FBI Special Agent Kimberly Kidd. While child exploitation is not a core violation for the U.S. Secret Service, Agent Paul Sims said the agency will help whenever they can, particularly if the U.S. Attorney believes a case can be federally prosecuted but needs an agency to handle it. The Secret Service also pays for a select group of investigators to attend the Hoover School, a national computer forensic institute, each year. The training represents an investment of more than \$95,000, and the agency can assist with attendance nominations.

Many crimes may start at the local or state level, and once the full conduct of an offender is revealed, become the subject of federal investigation, Roth said. All the agencies work diligently to maintain open levels of communication for the most successful results in the courtroom.

"We all work well with each other," said Kidd. "If we can't help, we will call someone who will." ■



How can the National Center for Missing and Exploited Children help you?

There is a myth about the National Center for Missing and Exploited Children that they can't help unless a child is missing. That couldn't be further from the truth.

You may already know that for 27 years, the National Center for Missing and Exploited Children has served as a congressionally-mandated clearinghouse for child protection. It grew in 1996 to include the Exploited Child Division as a resource for law enforcement and the public in cases of child sexual exploitation.

But, do you know the extent of services NCMEC can offer your agency — including but not limited to additional people — free of charge in such cases?

NCMEC's analysts offer both technical and informational resources for law enforcement at any level. While they work with cases in your jurisdiction stemming from their CyberTipline, they also will assist with any case you're working of child exploitation in which you request assistance, said Cristina Fernandez, CyberTipline supervisor.

"Our analysts make sense of the crazy," she said.

Analysts can assist with case analysis to include searching the NCMEC extensive databases, external sources and geographic databases, as well as by tracking leads, identifying patterns among cases and helping to coordinate investigations by linking cases together.

"NCMEC also offers its Team Adam consultants free of charge to law enforcement agencies that are investigating cases of child sexual exploitation," its website states.

Since its inception, NCMEC has handled more than 2.5 million phone calls and assisted law enforcement in the recovery of more than 157,720 children. The Child Victim Identification program has analyzed more than 41 million child pornographic images and videos.

For more details about how NCMEC can help you, visit www.cybertipline.com or call (800) 843-5678. ■

Project Safe Childhood

Project Safe Childhood began in 2006 as an initiative aimed at preventing abuse and exploitation of children through the Internet.

"As pedophiles become desensitized to the horrors contained in child pornography images, the images are becoming more violent and graphic and often with extremely young children," according to training materials provided by the U.S. Attorney's Office, Eastern District. "The trend is also increasing the offenders interest into the production of child pornography and child molestation."

PSC was designed to bring together all the resources available through federal, state and local agencies, including investigators and prosecutors. The program also engages in community outreach with education and prevention components, said Erin Roth, PSC coordinator for the U.S. Attorney's Office, Eastern District of Kentucky.

"While we try to prosecute these cases as aggressively as we can, we would, of course, rather they never happened," she said.

Because child exploitation cases tend to be cross jurisdictional, Roth said PSC partners have begun meeting monthly to maintain open streams of communication.

"We use that as a forum not only to discuss where is the appropriate place to prosecute, but also for idea gathering and resource sharing," Roth said. "... That has been able to progress real cases we have had that I truly think would not have been able to be successfully completed but for the ideas and assistance of so many different partners joining their resources and efforts."

For more information about Project Safe Childhood, visit www.projectsafechildhood.org. For details about how to get involved in monthly PSC meetings, contact Erin Roth at (859) 685-4872 or erin.roth@usdoj.gov. ■



PROSECUTION RATES CAN BE IMPROVED THROUGH PARTNERSHIP, PREPARATION

No one wants the bad guys to get away with their crimes. Yet, we know that in sexual-assault investigations that is the case more times than not.

Victims know this, too. Sex crimes expert Joanne Archambault argues low conviction rates are the reason roughly 80 percent of victims never report their assaults.

“Of course, their reasoning is, why should they report if nothing is going to happen?” she said of victims. “In fact, what happens is their reputations, their anonymity, their confidentiality, their privacy, their medical records, their mental health records — all of that is exposed and used against them.”

Sex-crimes prosecutions have long been a source of contention between law enforcement, prosecutors, advocates, researchers and politicians alike. But, nearly everyone believes the prosecution rate of sexual-assault cases can be improved. And there are things officers can do to help reach that goal.

The following are tips from some people who know how to improve those rates.

THE COMMONWEALTH

After 20-plus years with the Jefferson County Commonwealth Attorney’s Office, Carol Cobb has prosecuted her fair share of sex-crimes cases. When it comes to why the state prosecution rate of these crimes is mediocre, Cobb agreed that public prejudice plays a big role.

“Sometimes it is just hard to convince a jury that this person who has led this very risky lifestyle has actually been assaulted,” she said. “Sometimes there are prejudices among some of our jurors that [the victim] put themselves in this position, so what do they expect? So, those are some of the things that we have to overcome. It doesn’t mean we shouldn’t prosecute.”

For investigators seeking a successful prosecution, Cobb said starting off on the right foot with the victim and gathering all the information possible up front are key pieces of the puzzle. Sometimes we don’t want to know all the gritty details of a person’s life choices, she said. But, you have to know.

“It is better to know everything you can about the victim and her lifestyle from the git-go so you’re not surprised by it,” Cobb said. “I have prosecuted cases where

someone was a prostitute or a drug addict or a stripper, or had some of those lifestyle problems. But the investigations were very good, the victim wanted to follow through with the prosecution and we have been successful with a number of those.”

Knowing up front what the bad facts are in a case allows a prosecutor to be proactive about how and whether or not the jury hears them at all, allows them not to be presented through the defense and even allows prosecutors to prepare the jury through voir dire for some things they might have to consider objectively.

“I think sometimes, not police necessarily, but prosecutors and just the public in general have a tendency to write off those kind of cases as not worthy of our attention, which, of course, couldn’t be further from the truth,” Cobb added.

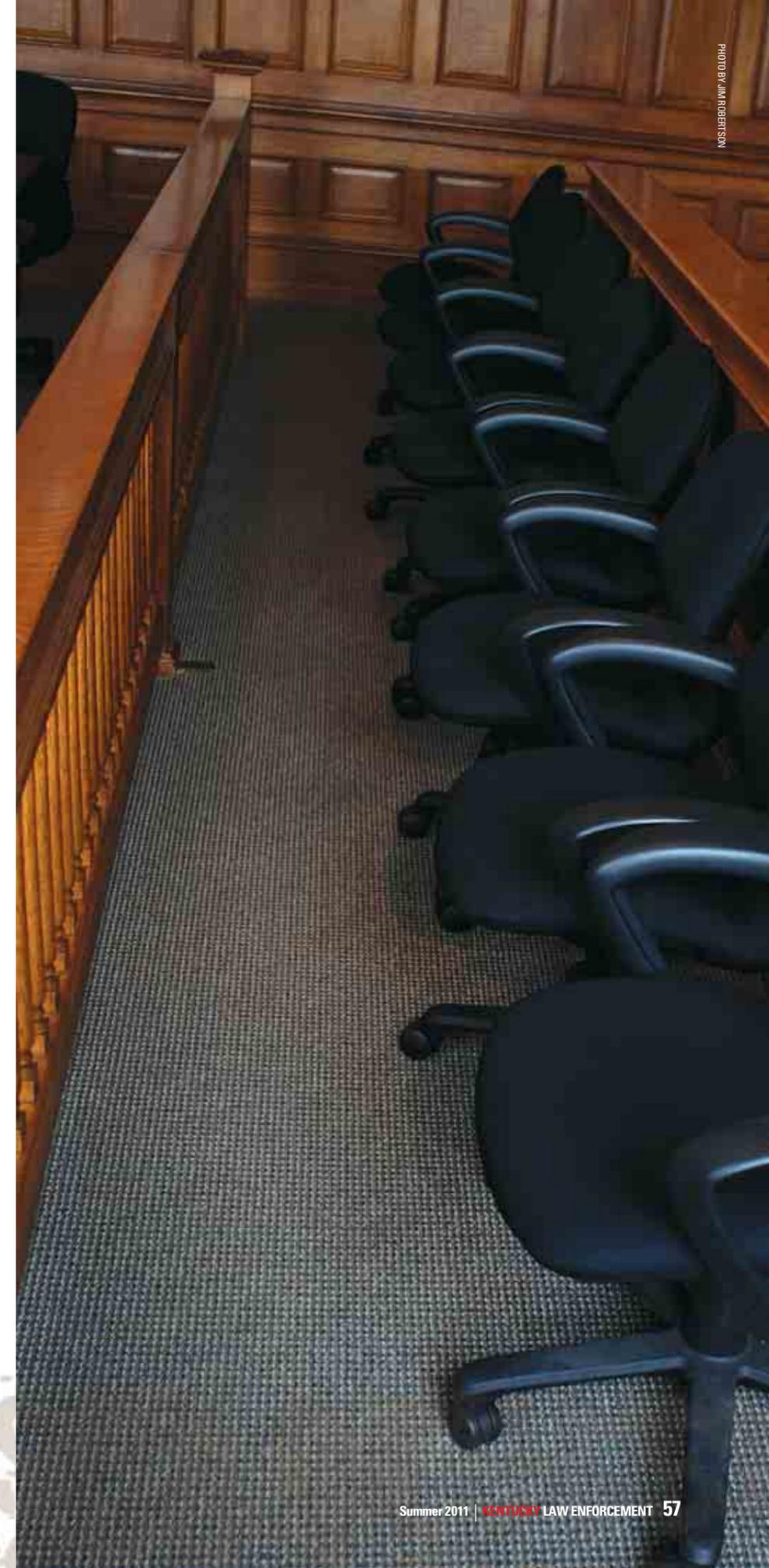
One tip she emphasized is the importance of the follow-up victim interview to secure some of that much needed information.

“A lot of times, depending on the trauma, [the victim doesn’t] know what’s important for the prosecution or for the investigation,” Cobb said. “They may not just volunteer the first time the things you need to know. Of course, you can ask questions. But I think a follow-up interview is really good. It is also good because it helps to build a rapport with the victim and helps her feel like you’re interested in her case and doing a good job investigating. Which down the line, is going to encourage her to follow through with the prosecution before she ever meets the prosecutor.”

When asked about other tips law enforcement could heed to improve prosecution, Cobb provided a consistent theme of the importance of specifics.

“Documenting the victim’s demeanor can be very important,” she said. “If the police officer was not the first one to see her, let’s say ... Whoever that first person was that the victim told, to document through them her demeanor, when she first began telling what happened. Sometimes by the time the investigator is called [the victim] has already told what happened maybe two or three times, so it might not have the same impact on the officer as it did the first person she told.”

Including details in the investigation about what the victim was doing up >>



>> until the moment of the assault, and interviewing any collateral witnesses who may have seen or talked with the victim around the time of the incident can help.

“Verify each and every thing by some independent means,” Cobb said. “Often it is the victim’s word against the defendant’s, especially in consent cases. So, everything you have, I mean, if she called her mother while she was with him and there is a phone record that shows that, that shows she is telling the truth about that, so she’s telling the truth about other things as well. So, it’s not just investigating the assault, it’s also all the surrounding circumstances and time frame that you can prove by some independent means.”

Many of Cobb’s suggestions for improving prosecutions aren’t novel, new ideas, she said. But, fostering those tried and true strategies can help everyone see an increase in convictions for sexual offenders.

“I think a lot of it has to do with better educating the prosecutors and investigators about what’s possible,” she said. “Maybe celebrating those few successes that we have so that people know about that, and that encourages other people to go forward on cases that are similar. If you prosecute these cases, you’re going to lose some of them. You can’t base whether to do it or not on your record.”

THE REAL HURT

Joanne Archambault, sexual-assault crimes authority and nearly 23-year veteran of the San Diego Police Department, paralleled Cobb’s theory about not relying on the record for motivation to prosecute.

“If convictions are your measure of success, you’re going to burn out,” she said.

Early in the training class Archambault presented to a group of Kentucky law enforcement in March, she talked at length

about the case of a woman who was brutally, sexually and physically assaulted during Archambault’s tenure with SDDP. During the course of the 911 call after her assault, the victim became verbally aggressive with the call taker who was doing little to help her.

“She is a white woman, she is educated, she is a professional woman and yet, even with all that going for her, she is not believed,” Archambault said. “And even when we have a series of sexual assaults in the county, the prosecutor is afraid of how a jury is going to perceive [the victim]. That’s how tough these cases are.”

Being aware of the prejudices juries have about sexual-assault cases and the assumptions they make about victims helps to know how to prepare them for what to expect. (Cobb cautioned, however, that there is a fine line between being realistic and being so pessimistic that the

victim doesn’t want to proceed with the prosecution.)

Understand that unless you focus on the suspect, your victim is going to be filleted, Archambault said.

“We know from empirical research that the more information the jury has about a party, the more responsibility they will put on that person,” she said. “Well, you guys have to understand that we have a system that is set up against the victim. Suspects don’t have to take the stand, do they? They don’t have to make statements, do they?”

“Along with the prejudices juries have about victims, they also have preconceived notions about how the victim is supposed to look, act and speak.”

So, of course, we end up having a lot less information about the suspect. So, just based on that research it tells you the way the cards are stacked. [The prosecution] has to start focusing on what the offender did.”

Along with the prejudices juries have about victims, they also have preconceived notions about how the victim is supposed to look, act and speak, Archambault said.

“The victim doesn’t ever appear the way the jury thinks,” she said. “We might be going to trial years after the assault occurred, but the victim is either too hysterical or too flat — people have these expectations and for some reason victims never seem to fall into the right place.”

The best way to get around these expectations is to show the jury beyond the assumed trauma of the assault and impending prosecution, how the incident changed the victim’s life.

“The jury thinks the victim is going to show the most trauma when they’re talking about the rape,” Archambault said. “They’re not. You have to know who the victim is and show them what happened after. How does a [victim] go outside and help someone and not fear being hurt? The impact on their life is where the real hurt is.”

FEDERAL PROSECUTION

When a child becomes the victim of sexual assault, nothing is more tragic than a light or absent prison sentence for the offender.

When the child has been exploited through pornographic images or video in addition to being abused, Assistant United States Attorney Erin May Roth, Eastern District, said the partnering of state and local prosecutions can lead to significant justice.

“A lot of times we partner with commonwealth attorney’s offices in situations where there has been physical, sexual abuse of the child, and they prosecute the physical portion of the crime and we prosecute the pornography part of the crime,” Roth continued. “So, if someone has been raping a child and taking pictures and documenting it, oftentimes we go forward almost in a parallel fashion, where we both have charges against that defendant. We have been very successful in working together to come up with a good outcome for the victim and the defendant, where generally they end up pleading to both offenses.”

There are a great number of benefits to pursuing federal prosecution if the circumstances of your case warrant it. If during the course of the assault, for example, your victim was transported across state lines, your offender traveled to another state to meet the victim to engage in the sexual assault, or was involved in the production, distribution, receipt or possession of child pornography, the U.S. Attorney’s Office can employ resources unavailable at the state level.

The most enticing of those resources is the ability to put the offender in a federal penitentiary for a very long time.

“People just aren’t aware of the difference they may be looking at based upon where the person is prosecuted,” Roth said. “We have some very significant penalties ... for second offenses particularly. If somebody is taking pictures of themselves engaged in some sort of sexual act with a child or taking lewd and lascivious pictures of a child, they would be looking at 15 to 30 years — no less than 15 — pursuant to statute for a first offense.”

Additionally, federal supervision of sex offenders after release is top notch, Roth said, and in many cases requires offenders to be a part of a treatment plan. Depending on the circumstances of the release, some offenders are enrolled in supervision that could span their lifetime.

If you aren’t sure about whether or not your case can be federally prosecuted, Roth encourages investigators to call with any questions. The U.S. Attorney’s Office can help direct local and state officers to federal investigators who may be able to assist or adopt a case, give advice about the law or direction about what’s necessary to pursue federal proceedings.

The most important thing, though, is to call in the early stages of the investigation, Roth said.

“A lot of our requirements may be different than the state requirements,” she said. “And what we hate to see happen is for an investigation to proceed through the end, and then somebody is contacted, but the procedures haven’t been followed to an extent where we’re able to actually prosecute it.”

Particularly in the case of search warrants, Roth said making sure that the warrants are done to meet the standard for federal prosecution may make the difference between whether or not the case is able to be federally prosecuted.

“So, I think the biggest thing is contacting early if you’re even questioning [federal prosecution],” Roth said. “It may be where you don’t know for sure how it is going to play out until you get the evidence. It still does not hurt to contact us early and we can make sure that all those procedures are followed.”

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PHOTO BY AM ROBERTSON