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Kerry Anne. Mahoney

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EVALUATION OF AN INTERORGANIZATIONAL INNOVATION:
THE CHILD ABUSE REVIEW TEAM
OF
THE CITY OF WINDSOR

by
Kerry Anne Mahoney

A Thesis
Submitted to the Faculty of Graduate Studies and Research
to the Department of Sociology and Anthropology in
Partial Fulfillment of the Requirements for the
Degree of Master of Arts at the
University of Windsor

Windsor, Ontario, Canada
1992

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ABSTRACT

EVALUATION OF AN INTERORGANIZATIONAL INNOVATION: THE CHILD ABUSE REVIEW TEAM OF THE CITY OF WINDSOR

Victimological and feminist research suggest that the criminal justice system is not geared to the perspective of the victim. This is especially evident for those child/victims of sexual assault whose convicted perpetrators, as recently as 1986, averaged six month custody sentences.

In response to legislative changes intended to better facilitate justice for child/victims, the Child Abuse Review Team is an interorganizational innovation implemented to promote formal information exchange between children's aid societies, police services, victim/witness programme and the crown attorney's office.

Qualitative and quantitative data are organized within microsociological and macrosociological frameworks. The victimological component examines relationships between victim qualities - age, sex, victim/perpetrator social relationship - and legal outcomes. The formative evaluation measures efficacy of the Child Abuse Review Team by comparing legal outcomes before and after its institution in January 1989. The legal process is conceptualized through measures of legal outcomes - charges, pleas, convictions, custody and probation sentences.

Microsociological findings indicate that despite legislative changes, improved preparation and supports for
child/victims, improved co-ordination of information resources for the Crown Attorney's brief, for most cases the truth about a child's sexual victimization is still not heard clearly within the courtroom. A child's level of cognitive and language development is incompatible with legal requirements for hearing evidence. Macrosociological findings suggest medical and legal reluctance toward holding offenders accountable for expressing sexuality with children. Themes of debate about legislative changes polarize around a search for justice and basic rights of an accused to a fair trial which includes the right to confront his accuser. It is suggested that the 'accuser' is not the child/victim, but those mandated to protect the child.

Recommendations include the incorporation of a third conviction option for judges, 'unproven,' which would allow for rehabilitation recommendations despite rules of evidence precluding a guilty conviction beyond a reasonable doubt. Also recommended are provisions for sensitivity training to enable doctors, lawyers and judges to comprehend a child's response to sexual assault. This includes application of theory of cognitive dissonance to explain incremental disclosure and recantation common to child/victims.
I dedicate this work to children who endure the travesty of abuse ... that they, too, may mobilize their courage to creatively transform the deeply rooted suffering.
ACKNOWLEDGEMENTS

This piece of work is the culmination of a twenty-two year journey in search of my roots. There have been fellow-travellers, therapists, mentors and teachers too numerous to mention here.

From my spiritual teachers, I acknowledge the gift of wisdom. From my emotional teachers, I acknowledge the gift of creative choice. From my mental teachers, I acknowledge the gift of clarity.

From the women in my life, especially my sister, Caro, I acknowledge the gift of faith. From my confirere, Joe Culliton, I acknowledge the gift of unconditional love we shared. From my children, Scott and Sara, I acknowledge the gifts of recognition and patience. From my parents, I acknowledge the gift of life.

My thanks to Gerry Booth for opening the door for me to enter the Faculty of Sociology and Anthropology. To the esteemed members of my committee: I offer sincere thanks to Emily Carasco for accommodating my academic needs in her busy schedule; my humble thanks to Claude Vincent for opening the door for me to do this piece of research - I value the directness of his feedback, his support and understanding; to my committee chairperson, Jack Ferguson, I offer nothing but admiration along with appreciation - for
his acceptance, his humour, his unending patience and, above all, his recognition of my emerging abilities.

This work would not be possible without the commendable endorsement and co-operation provided by Lynn Kainz and Rod Guthrie. They offered opportunities beyond my dreams for gathering information about the legal process experienced by sexually victimized children. My special thanks to Rod, Lynn, Marie Mailloux and Ann Cook for their valuable encouragement and support. The synthesis of anger, humility and humour in working with horrific accounts is a talent they've shared which I will treasure always. Most of all, I cherish their capacity to grasp the truth and substance of a child's experience with sexual victimizations.
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CHAPTER ONE

INTRODUCTION

1. Problems and Purposes

The purpose of this research is twofold. The first element of this work furnishes a brief empirical analysis of details obtained from Victim/Witness Programme records. From a victimological perspective, an exploratory study of the relationship between three demographic attributes of child sexual assault victim/witnesses, victim's sex, victim's age and victim/perpetrator relationship, and legal outcomes is implemented.

The second element engages a setting which permits a formative evaluation (Scriven, 1967). Posovac and Carey (1992) suggest that formative evaluations provide feedback which seeks to strengthen plans for delivery of services, to improve programme outcomes, or to increase the efficiency of services rendered. For purposes of this research, services rendered is evaluated by comparing legal outcomes for the population of child victims of sexual assault who received services from the Victim/Witness Programme of Windsor between 1988 and 1990. The natural reference point for comparison is 15 January 1989 when the Child Abuse Review Team inaugurated its first meeting. The Child Abuse Review Team is conceptualized as a formal interorganizational
innovation implemented to facilitate the exchange of comprehensive information on behalf of child sexual assault victim/witnesses. Members of this innovation, The Child Abuse Review Team, include representatives from the Office of the Crown Attorney, the Victim/Witness Programme, Police Services and both Children's Aid Societies.

Preceding inception of the Child Abuse Review Team in January 1989, despite services from the Victim/Witness Programme, on many occasions aptly prepared child victim/witnesses for sexual assault cases met the Crown Attorney assigned to represent them only minutes before scheduled court hearings. Often, the Crown presenting the brief on their behalf had not met the child prior to this. As well, it was common for child sexual assault victims to be assigned a different Crown to represent them at every separate hearing scheduled. Only rarely had pertinent information for the specific brief been studied in advance by the Crown representing the case for the particular hearing.

2. A HYPOTHETICAL CASE

The primary goal of the Child Abuse Review Team is to facilitate a more comprehensive information exchange among the network of organizations which provide services for child victims of sexual assault when their caretakers choose to engage the legal arena. In an effort to clarify this
process, the following portrayal provides insight into a hypothetical case history which results in successful legal outcomes.

**Fictional Account**

Following the difficult disclosures of their daughter Jenny, four years of age and son, Jeremy, six years of age, Mr. and Mrs. Jenkins decide to seek police intervention for the allegation that their children's thirteen year old babysitter, Sandra, has been "poking my tushy" and "touching Jer's weeney" for the past few weeks. The most recent incident of sexual assault occurred earlier during the same evening on which they contacted the police. Two officers, one male and one female, attend the family's home to obtain information which will determine the next course of action. The family is accompanied then to Hotel Dieu Hospital Emergency Room where the children are given a gentle and thorough physical examination by the doctor on call. The police officers file reports recommending that charges of sexual assault be applied according to the Young Offender's Act. The next day telephone referrals are made to the Essex County Children's Aid Society. The two agencies carry out the necessary investigations with families of both the victim and the alleged perpetrator. Once charges have been laid officially, reports are submitted to the Crown Attorney's office and the family of the victims is referred to the Windsor Victim/Witness
Programme for service. Currently, this sets the stage for the acquisition of salient information required by the Crown Attorney's office in order to prepare a comprehensive brief for presentation before the judiciary on behalf of Jenny and Jeremy.

Once these organizations became involved with the Jenkins children, they were valuable resources of information. This was evident at the Child Abuse Review Team meetings where each file is reviewed on a monthly basis. Information required by the Crown Attorney's office is more readily accessed as a result of these meetings. In this instance, the Children's Aid Society liaison reported that Sandra's parents had initiated therapeutic intervention with a specialist in private practice. A social worker from their own agency was working closely with Jenny and Jeremy utilizing play therapy. Mr. and Mrs. Jenkin were attending a treatment group weekly which facilitated their efforts to support each other as well as their two children.

The sharing of facts and impressions by team members provided the Crown with a more complete portfolio of information from which to prepare his brief. Here, the children were not required to attend judicial chambers because Sandra's plea was guilty. The judge placed Sandra on probation for three months, ordered that she continue treatment for one year and requested that she no longer babysit young children. The Jenkins family expressed relief.
and pleasure when informed of this outcome. Upon inquiry, each member of the Child Abuse Review Team expressed a sense of satisfaction that they had done all they could to facilitate the most successful legal outcome possible for this situation.

3. Research Situation

NATIONAL:

On December 19, 1980 the Minister of Justice and the Minister of National Health and Welfare established the Committee on Sexual Offences Against Children and Youths. Their mandate included a national fact-finding survey of sexual offences against children and youths to recommend how young victims could be better protected by the law and helping services. Its primary conclusion suggested that these crimes occur extensively and that the protection afforded to the young victims by the law and public service agencies has been inadequate.

As a result of specific recommendations put forward in August, 1984 by the committee, also known as the Badgely Report, there have been two new acts legislated to amend the Criminal Code and the Canada Evidence Act. Bill C-15, enacted by the House of Commons June 23, 1987, redefines sexual assault and allows greater flexibility in the process of hearing childrens' testimony. The effects of this Act will be reviewed in 1992. Bill C-89, passed May 3, 1988,
provides a legal framework which allows victims of crime to seek restitution from the convicted offender.

PROVINCIAL:

In Ontario, the Attorney General proposed the creation of a Victim/Witness Assistance Programme as part of a general move to assist victims of domestic assault, sexual assault and child abuse. By 1987 consultation between the Womens' Directorate and representatives from the Attorney General's office engendered provisions for funding and the administrative framework for programme implementation as a pilot project in ten cities throughout the province. The general goal of Victim/Witness Assistance Programmes is the provision of assistance to those victims and witnesses of crime who are involved in a criminal court proceeding.

MUNICIPAL: Victim/Witness Assistance Programme

The Victim/Witness Assistance Programme of Windsor serves all of Essex County as well as the city proper. Ethnic groups in the catchment area include English, French, Italian, Portuguese, Vietnamese, Lebanese and Central American. Usually, the Director's caseload approximates three hundred clients, one-third to one-half of which constitute active cases requiring regular and continuous contact. The remaining clients tend to need intermittent service such as correspondence regarding court dates.
The Victim/Witness Programme office is located in Westcourt Place located near the local courthouses. Their three offices adjoin the offices of the Crown Attorney. This arrangement offers segregation from the Crown Attorney's office as well as convenient access. There are snacks, toys and reading materials for witnesses and their families. Along with criminal justice information, available literature consists of entertainment magazines, information pamphlets about local service agencies and specific services for victims of crime.

Duties of the Director include direct service to victim/witnesses, recruiting and training of volunteers, community liaison and public relations education. There is one secretary whose position has been funded since August 1988.

(1) Direct Services

Like other programmes in the province, Windsor provides victim/witnesses with information about court procedures, courtroom tours, information about significant aspects of being a witness (e.g., where to look when being questioned, how to answer questions appropriately, dress code for the courtroom), explanations about various aspects of the proceedings, preparation for each procedure, and written reminders about court appearances. Although there is provision for crisis counselling for issues specifically
related to court preparation, most victim/witnesses are referred to community agencies for support and counselling related to the deeper, more personal issues of sexual assault trauma. Practical assistance such as transportation or babysitting services are provided through other service agencies, as well. The Director arranges appointments with the Crown Attorney, and liaises with the police as indicated. She provides follow-up with regard to informing victims of dispositions and ensuring that they have copies of relevant documents such as restraining orders or probation orders. Referral sources include the police, office of the Crown Attorney, and community service agencies. During the data collection phase for this research, programme personnel were given access to court dockets which locates those victim/witnesses missed through the common referral mechanisms. The dockets also provide important information such as the age of the victim, charges and dispositions.

With regard to administrative procedures, the Director for the Victim/Witness programme begins an index card which documents facts of the case, contacts and particular types of assistance offered. A telephone call, or letter, where necessary, is used to arrange an appointment for an interview between the victim/witness and the Director. During the initial interview, a Client Record is completed while individual needs of the victim/witness situation are
assessed to confirm that they pertain to the programme's mandate. Clients with needs beyond their mandate, are referred to appropriate agencies for service. Following this, the victim/witness receives services prescribed by the programme director's assessment. Usually, the Crown Attorney conducts interviews with only those victim/witnesses involved in child abuse, domestic assault and sexual assault. Victim/witnesses of other crimes are assessed on an individual basis by the Victim/Witness Programme for referral to the Crown counsel. Routinely, the Director meets with victim/witnesses just prior to a scheduled trial. During this interview, court procedures are reviewed which prepare victim/witnesses for the unfamiliar experiences to follow. This tends to occur several months after their initial contact with victim/witness personnel.

In addition to the customary interviews, when it is appropriate, victim/witnesses are accompanied to interviews with the Crown attorney. This can be especially beneficial for both victim/witness and Crown when interview contents are particularly delicate. From contacts with victim/witnesses, a confidential form documenting important information about the case, as seen from the perspective of the Victim/Witness programme, is submitted for the Crown's brief. If there is a language barrier, the Director
ensures that there is an appropriate interpreter present as required throughout the legal process.

Through this programme, as well, victims who find it difficult, receive assistance to complete Victim Impact Statements and applications to the Criminal Injuries Compensation Board. Finally, the programme receives copies of restraining orders and custody orders on a routine basis. Copies of these as well as probation orders, bail orders and so on are forwarded to victim/witnesses when appropriate.

(11) Volunteer Programme

The Windsor Victim/Witness Assistance Programme has a current complement of twenty volunteers who assist by providing courtroom orientations, court accompaniment and by operating an information booth in the courthouses. A Manual for Court Volunteers was developed to augment the volunteer training programme. It includes information about the criminal justice system, court procedures and articles about victim categories who most frequently employ the programme's services.

(111) Community Liaison and Public Relations

A major part of the Director's time is spent making contacts and participating in community agency councils. While she keeps community social service agencies informed about court practices, the Director also works to resolve complaints and acts as a liaison between the community and
the Crown Attorney's office. In addition, she has helped organize and co-ordinate The Child Abuse Review Team which has been fashioned after a similar team initiated by the Ottawa and the Renfrew Victim/Witness Programmes. The co-ordinated efforts of this interorganizational innovation to promote comprehensive information exchange responds to newly defined court procedures and legal accommodations specified in Bills C-15 and C-89 pertaining to child victims of sexual assault.

Recent Canadian figures suggest that this population includes more than thirty-one per cent (31%) of females and sixteen per cent (16%) of males younger than eighteen years of age sexually abused with physical contact. When non-contact abuse such as exhibitionism is taken into account, these figures increase even more (Child Sexual Assault Seminar, 1992 January 30).

Locally, before legislation of Bill C-15, police statistics suggest that more than eighty Windsor children were victims of sexual assault and abuse during 1986. At that time, sentencing for convicted offenders was haphazard, resulting in custody terms ranging from six months to no more than two years. In some cases, sentences were suspended with recommendations for probation terms. Before his retirement as a child sexual abuse consultant and former sexual assault/abuse specialist with Windsor Police Department's Special Investigations Branch, Mr. W. Delaney
indicated during a focused interview that "six months was about the average [duration of custody sentence]. They gave guys with B-'n-E [breaking and entering convictions] longer sentences than child molesters" (May, 1989).

It is believed that Windsor's response to Bill C-15, implementation of The Child Abuse Review Team, could modify these legal outcomes dramatically by providing the formal linkage for comprehensive and co-ordinated information exchange in the organization-set which renders service to child sexual assault victims. In turn, the formal process for interorganizational information exchange invites more complete briefs and stronger cases on behalf of Windsor's population of child sexual assault and abuse victims.
CHAPTER TWO
THEORETICAL FRAMEWORK

1. Microsociological Component

The nature of the area for study commands theoretical support from both microsociological and macrosociological perspectives. On a microsociological level, a primary consideration must be the role of the child sexual assault victim within the criminal justice system. Aside from being the causal factor for criminal proceedings, a victim has a major part to play in attaining objective criminal justice (Schaefer, 1977). This awareness emulates a victimological perspective which is defined as the study of and organization of incidents of victimization into meaningful data (The First International Symposium on Victimology, 1973). The theoretical and empirical explorations in this field illustrate distinctly how knowledge and disciplines of learning change in response to social conditions (Scherer, 1982). For example, it was the feminist movement which brought to public awareness the frequency, the involved circumstances and the far-reaching consequences of sexual victimization of children (Herman, 1981; Ward, 1985; Gordon, 1988; Finkelhor, 1984). For example, one specialist describes how a child's response to sexual abuse can create an absence of physical sensation,
"I helped her into the passenger side of the car. As I was getting into the driver's seat I noticed she was bent over in a strange way. I asked her why she was sitting like that. She answered, 'Because my hand is shut in the door.'"

(Rincover, 1990: C5)

Recent research suggests that damage from sexual abuse plagues victims throughout their lives. One study determined that twenty-two per cent (22%) of child sexual abuse survivors had multiple personality disorder; eighty per cent (80%) had experienced flashbacks or nightmares; ninety-five per cent (95%) had a distorted self-image; and an astonishing eighty-four per cent (84%) had attempted suicide. (Rincover, 1990)

The complexity of experiences and relationships for women and children in society is documented throughout feminist research. Specifically, problems of rape victims revealed through feminist literature and research have been instrumental in focusing attention on the experiences of victims within the criminal justice system (Shapland, 1985).

"To be a victim is to be unjustly harmed - to have one's rights violated by wrong actions. Victim status, then is dependent upon a set of values which define individual rights and right action."

(Holliday, 1982: 214)

More precisely, it is sociologist Diana Russell who reports in her systematic survey of nine hundred and thirty (N=930)
San Francisco women that thirty-eight per cent (38%) of her sample had experienced some form of sexual victimization before the age of eighteen (1986). Findings in this survey also indicated that no physical violence had accompanied ninety-seven (97%) of the cases of child sexual assault. This, of course, supports the notion that physical and sexual victimization of children are two distinct phenomena (Brownmiller, 1975; Russell, 1986). In keeping with this perspective as well as a victimological one, child sexual assault victims for this research are defined here as those children under the age of nineteen years who have been defined legally as such. This is corroborated by records of assistance received through Windsor's Victim/Witness Programme and the Child Abuse Review Team.

In a survey of two hundred and seventy-six (N=276) victims Shapland et al. learned that thirty-nine per cent (39%) of victims were assaulted by offenders known to them in some way. The offender might be known as a relative or friend or through the neighbourhood where both parties lived (Shapland et al., 1985). Further, major studies have indicated that in as many as eighty per cent (80%) of all cases, sexual victimization of children is perpetrated by people they know and trust (De Francis, 1969; Sgroi, 1975; Finkelhor, 1984; Russell, 1986). In response to findings in the above studies, it seems appropriate to draw on information from documents provided by the Victim/Witness
Programme to explore and analyse the social relationships between those accused and child sexual assault victims processed through Windsor's legal system.

As early as 1941, von Hentig spoke of the need to include a study of victim-perpetrator relationships to give a more complete picture of crime.

"The reality of life, however presents a scale of graduated inter-activities between perpetrator and victim which elude the formal boundaries set up by our statutes and artificial abstractions of legal science that should be needed by a prevention-minded social science."

(Von Hentig, 1941: 51)

Victimization is viewed as a process which begins with the perception of the victim, the legitimization of his/her victim status and a commitment to assistance (Sherer, 1982). This alludes to the reciprocal relationship between victim and criminal justice system. The criminal justice system legitimizes the victim status; in this case, that of child sexual assault victim. In turn, the child sexual assault victim or his/her caretaker has a crucial role to play in reporting the crime, identifying the offender, describing the offence and being the main prosecution witness. However, research has demonstrated that the criminal justice system is not geared to the perspective of the victim (Shapland et al., 1985). This observation becomes evident especially with regard to child victims of sexual assault. Questions posed by an attorney tend to
incorporate language which is often misunderstood and misinterpreted by a child. This elicits misleading answers. During cross examination, a child may forget to whom "he" refers because it is so difficult to focus on three or four different ideas or events concurrently. Commonly, these ploys are used by defense counsel to draw attention to ostensible confusion or inconsistencies in a child's testimony.

To elucidate, research indicates that children between the ages of two and seven years, do not have the mental structures needed for logical or abstract thought (Singer and Revelson, 1978). This obliges them to draw on actual experiences for creation of fantasy. For children in this age group, the content of fantasies tends to stress images of victory, mastery and competence rather than victimization. As well, a child's cognitive style during this stage of development creates their perception and definition of an object according to its particular function (Phillips, 1981). For example, a child may refer to ejaculation as urination because that is their perceived function of the penis. Similarly, thinking processes for this period of development preclude a child's understanding that objects are the same despite a change in their physical appearance (Singer and Reveson, 1978). In the mind of a child, for instance, the erect penis is no longer identified as a penis because of its change in size and shape.
These developmental characteristics of young children prevent fantasies about sexual abuse. Moreover, qualities of cognitive thinking processes for this age group discredit the notion that a child reports fantasy as if it were reality because of an inability to distinguish between the two.

A review of existing data implies that the more descriptors a young child can provide about sexual assault behaviours using words, drawings or demonstrations with anatomically correct dolls; the more negative the expression of feelings about the experience being related; and the more incompatible with their level of maturity are descriptions of sexual acts, the more likely the child is portraying real, not imagined events (De Young, 1986).

Another significant aspect about children's cognitive development is the fact that time is a difficult concept for a young child to master (Singer and Reveson, 1978). It is often confused with distance or length. Many times a child refers to time as a place, such as suppertime in the kitchen or bedtime in the bedroom. For a young child, the past is perceived indefinitely as simply the time before with no sequential order. Evidence provided about time by a child is likely to be confused and inconsistent. In addition to developmental impediments, a further complication of the time issue among child sexual assault victims is demonstrated by findings that psychic trauma can hinder the
perception of duration and sequence of time (Terr, 1981; Terr, 1983). Regrettably, these developmentally and emotionally related qualities of a young child's perception of time are in direct conflict with the judicial system's demand for accurate dates and times of incidents as a measure of proof 'beyond a reasonable doubt'.

The literature suggests that children seldom report sexual abuse promptly. One study found that only sixteen per cent (16%) of their sample of five hundred and eighty-three (N=583) sexually abused children disclosed the incident within forty-eight hours of its occurrence (DeYoung, 1986). Disclosure delays are evident throughout the literature (Weinberg, 1955; Hunter et al., 1985). These delays are imputed to a combination of a child's natural tendency to comply with the demands of adults along with the perpetrator's pressures for secrecy imposed upon the child (Summit, 1983; Burgess et al., 1978). As well, because of this pressure for secrecy by the offender and the disquieting reactions from others about the allegation, a child may well amend or even retract an accusation.
"When the offender is known, and maintains a relationship to the child as in assault by a family member, the offender can engage in surveillance in order to supervise what the victim does and to whom the victim talks. Surveillance by the offender may correlate with the victim maintaining the secret. This may explain, in some situations, why the victim refuses to tell, or, if a statement is made, retracts the statement at a later point."

(Burgess, 1978: 97)

Incidents of recantation and incremental disclosure are natural and common among sexual assault victims. These phenomena are aptly explained by Festinger's Cognitive Dissonance Theory (1957). In essence, this theory states that cognitive dissonance is a stressful state created when two cognitions (thoughts, attitudes, beliefs, behaviours) experienced by an individual contradict each other. In response, Festinger's theory suggests that people try to reduce this dissonance by changing one or more of the contradictory cognitions. This is done by minimizing its importance or by adjusting one of the dissonant elements. For example, in a hypothetical situation whereby a child is sexually abused by a close family friend, the contradiction in role expectations may motivate the child to minimize the importance of the abuse by thoughts such as, 'Joe is really nice. He has a new car.' or 'What Joe does to me doesn't hurt as much any more'. Another means of relieving dissonance is the process of increasing the importance of consonant cognitions which could include such
thoughts as, 'Mom really likes Joe, so the 'you-know-what' game is okay for us to play together.' Another means of reducing cognitive dissonance involves the process of changing one of the dissonant elements. This includes such behaviours as actually 'forgetting' all or parts of the incidents. In fact, a common theme found in sexual abuse survivor literature addresses the process of changing the dissonant element, sexual abuse, through amnesia (Bass and Davis, 1988; Ellenson, 1985; Maltz and Holman, 1987; Hutchinson, 1985; Fraser, 1987).

As memory recall of the traumatic event elicits more manageable levels of emotional response from within the victim and his/her significant others, factual memories become more available to a child's awareness.

"Most of the time children do not clearly disclose their abuse. They drop hints. For example, the child may ask questions about men's underwear." (Martin, G., 1987, p. 27)

For children, incremental disclosure is a constructive response to dissonant memories of sexual assault. As the victim develops personal tools and supports for reducing cognitive dissonance, full details about the trauma are more likely to be disclosed in a manner relevant to the legal process. Unfortunately, these customary responses to experiences of sexual assault are used effectively during the judicial process to disqualify or undermine the credibility of a child's evidence.
"Unlike the criminal, the victim was better off before the Revolution than he is today....He once was the central actor in the system and stood to benefit both financially and psychologically from it. Today, he is seen at best as the 'forgotten man' of the system and at worst, as being twice victimized, the second time by the system itself."

(McDonald, 1975: 560)

The Victim/Witness Programme and The Child Abuse Review Team are regarded as efforts on the part of the criminal justice system in the province of Ontario to humanize legal processes facing child victims of sexual assault in order that they not become 'forgotten men'. These programmes reflect a victimological perspective which encourages a retributive or criminal justice ideological approach (von Hirsch, 1976; Shapland et al., 1985). In the face of disillusionment with rehabilitative and deterrent approaches to crime, this approach stresses the need to compensate victims according to the seriousness of the crime perpetrated against him/her. It also encourages a stronger position for victims in both the criminal justice system and in sentencing (Sebba, 1982; Shapland et al., 1985). This is in keeping with the view of original victimologists such as Shafer (1968) and Nagel (1974) who developed a model of criminal process which includes state, criminal AND victim. It is only if the victim is seen as an important partner in the criminal justice system that the flow of information can be comprehensive and unobstructed.
Figure 2-1 provides an illustration of organizations which provide service relevant to the legal process experienced by child sexual assault victims and their families. The Child Abuse Review Team as well as The Victim/Witness Programme of Windsor are viewed as innovations instituted on a local level by the criminal justice system in response to unique needs presented by this population of children. This interorganizational innovation
intends to facilitate the comprehensive flow of pertinent information regarding child victims of sexual assault. It is located within the context of a social structure which just recently became aware of the magnitude of this social problem facing children and their families. Legislation of Bill C-15 attests to attempts in Canada to reform the criminal justice system in a manner which holds the promise of more equitable justice for this vulnerable population.

"It is often a struggle for very young children to describe what happened to them; they don't have the words. Susie puts the dolls together in a painful sexual position.

'Is that what hurt you?'

'Yes, but I can't tell you any more.'

'Because, if I tell you, I'll never be able to have a hug for the rest of my life.'"

(Sheehy, 1988: 213)

Bill C-15 defines sexual assault according to three levels of sexual misconduct, from forced kissing to forced sexual intercourse. In the past, conviction for sexual assault could not occur without evidence from others to confirm the victim's allegation. This 'corroboration' is no longer required in child sexual assault cases. As well, previously, a victim's immediate complaint to police services about the assault was used in court to support the victim's truthfulness. If there was a delay between the offense and lodging of a complaint, this, then was used to
undermine the victim's sincerity. This issue of 'recent complaint' is abrogated through Bill C-15.

Another amendment in this bill allows judges a number of options for obtaining the best possible evidence from child victim/witnesses. For instance, a videotape may be used to replace customary statement-taking procedures. As one attorney recalls,

"It has been my experience with five, six and seven year olds that written statements just don't mean anything to the child. When they're in the witness box and the defense lawyer puts it to them... 'Is this your signature?' Well, first of all, they don't know what signature is. 'Did you sign this? ... And why did you say this to me, when you told the Children's Aid worker something different?'"

At the judge's discretion, a child's videotaped disclosure of sexual assault experiences may be admitted into evidence during a trial. In the view of a local assistant crown, "it just saves the child the misery of having it drawn from him or her by myself during the examination-in-chief, which is always more difficult for a child than cross-examination."

In addition, Bill C-15 allows utilization of a screen device, designed and produced in Windsor, Ontario, which permits children to testify in the courtroom without seeing the accused. In order to use these technical supports, a crown attorney must "provide evidence to the judge's satisfaction that it is necessary - the key word is
necessary - to get a more complete and candid account."

Another alternative is use of a closed-circuit television system outside of the courtroom for a young victim's testimony and cross-examination. In order to achieve judicial consent for closed-circuit television use, one Windsor case required five witnesses to provide evidence recounting the severe trauma experienced by the involved child victim/witnesses by simply the presence of the accused.

"...greater participation by victims may appear to lead to more work, more difficulty and more effort for the professionals but may also result in easier detection, a higher standard of prosecution evidence and fewer cases thrown out at court. It may be more difficult initially but it is also likely to be more rewarding.

(Shapland et al., 1985: 188)"
2. Macrosociological Component

(1) Interorganizational Perspective

One of the significant observations about the structure of Windsor's Child Abuse Review Team demands analysis from a macrosociological perspective. Representatives on this team derive from three provincial governmental bodies - the Ministry of Community and Social Services, the Ministry of the Solicitor General, and the Ministry of the Attorney General. The attributes of this level of social structure suggest its definition as a 'policy sector' (Rogers and Whetten, 1982). In this context, clearly, each organization represented on the Child Abuse Review Team must function within the rules and guidelines specified by its own separate ministry as well as by its own particular administrative body.

Qualities and structural characteristics of the organizational relationships and processes of the Child Abuse Review Team invite examination from an Interorganizational Theoretical perspective. Much of this theory derives its intellectual and conceptual base from systems theory (Neghandi, 1975). The open systems view in an interorganizational framework incorporates explorations such as organizational interactions with the external environment, information processing and organizational modification over time (Steingraph, 1977). Organizations seen as open systems means that they continuously engage in
boundary interchanges with other organizations in their environment (Parsons, 1956; Katz and Kahn, 1966). The term 'environment' includes those organizations which constitute an entire set of interacting organizations (Steingraph, 1977). Because no organization is totally self-sufficient, each must enter into interorganizational relationships with other organizations in order to secure resources that it needs and to dispose of its outputs (Galaskiewicz, 1979).

In the situation studied here, interchanges (i.e., information processing) on behalf of child victims of sexual assault have occurred for years between and among members of the criminal justice system and Children's Aid Societies (i.e., environment). The Child Abuse Review Team formalizes interorganizational linkages to facilitate a more effective flow of information between and among the organizations which constitute this particular 'organization-set' within an 'interorganizational field' (Warren et al., 1971). This conceptualization of an interorganizational field:

"describes and analyses as a single system of interaction any group of organizations whose properties may differ from those of the interacting organizations themselves and cannot be reduced to properties of the individual organizations."

(Warren et al., 1971: 54)

Figure 2-2 below illustrates the levels and boundaries for bureaucratic structures which govern the flow of information through the Child Abuse Review Team.
Figure 2-2: Flow of Information

ONTARIO MINISTRY OF

POLICY SECTOR:
ATTORNEY GENERAL
COMMUNITY AND SOCIAL SERVICES
SOLICITOR GENERAL

ORGANIZATION-SET:
VICTIM/WITNESS PROGRAMME
CROWN ATTORNEY
CHILDREN'S AID SOCIETIES:
- R.C.C.A.S.
- E.C.C.A.S.

POLICE SERVICES:
- PROVINCIAL
- MUNICIPAL
- COUNTY

INTERORGANIZATIONAL INNOVATION:
CHILD ABUSE REVIEW TEAM

(COURT)

More simply, an interorganizational field is an interacting set of organizations sharing a common set of goals. Elements constituting the set are a major factor in operationally defining a particular field (Osborn, 1971). Here, the organization-set includes both Children's Aid Societies, municipal, provincial and town police services departments, the Victim/Witness Programme and the office of the Crown Attorney. The interorganizational field includes organizations involved in administering these organizations.
as well as other facilities which provide service to child victims of sexual assault and their families. These include, on a local level, organizations such as the Sexual Assault Crisis Centre, Child's Place, and support groups; and, on an international level, organizations such as VOICES (Victims of Incest Can Emerge Survivors), Incorporated. The goal common to each organization is the desire to achieve equitable justice for child victims of sexual assault. One of the methods employed toward attaining this goal includes the exchange of significant information by members of the organization-set. This notion is supported by William Buckley's suggestion that a fundamental principle of complex systems is the ever-increasing dependence upon transmission of information (1980). For him, information is seen "not as a substance or concrete entity, but rather a relationship between sets" (Buckley, 1980: 36).

While no definitive studies have been done, according to Pfeffer and Salancik (1978), it is clear that the availability of concrete information inevitably affects decision-making processes and outcomes. Information comes to take on importance and meaning just because it is collected and available (Pfeffer and Salancik, 1978). These observations infer that the effective flow of information through organizational linkages on the Child Abuse Review Team is capable of influencing decision-making processes and outcomes in the criminal justice system.
Organizations have direct and indirect linkages to a wide variety of organizations in their environment (Galaskiewicz, 1979). Linkages are defined as channels of communication which arise when communication is necessary between interdependent organizations (Pfeffer and Salancik, 1978). This perception of the Child Abuse Review Team sees it as an innovation which provides a formal structure for the organizational linkages amongst a particular organization-set. The organizations in this set provide services autonomously to child victims of sexual assault while, at the same time, being partially interdependent with other organizations in the set. Interdependence implies that the acts of one organization affect those of another to the extent that they must take each other into account in order to best achieve their individual goals (Litwak and Rothman, 1970).

It has been suggested that organizations, such as those in the organization-set under review, develop and establish linkages with the environment according to the degree and type of organizational interdependence, the level of organizational awareness of interdependence, the number of organizations involved, the type of bureaucratic organization, the characteristics of events with which linkages deal, and the resources an organization has to commit to interorganizational linkages (Litwak and Hilton, 1962; Litwak and Rothman, 1970; Pfeffer and Salancik,
These qualities provide a format from which to explore the interorganizational linkages and channels which influence the flow of information through the Child Abuse Review Team.

(11) Interorganizational Exchange Perspective

Another interorganizational framework from which to examine interorganizational relations was developed by Levine and White (1961). Interorganizational exchange is defined as any voluntary activity between organizations which has consequences, actual or anticipated, for the realization of their respective goals or objectives (Levine and White, 1961). The need for resources to carry out ongoing functions and the need to rely on other organizations in order to realize its goals and carry out its specific functions are the primary factors which lead to the exchange process among organizations (White, Levine and Vlasak, 1975). In this case, specialized pieces of information about circumstances surrounding individual incidents of child sexual assault are exchanged through the Child Abuse Review Team which links together pertinent organizations. In keeping with the notion of interdependence suggested by Litwak and Rothman (1970), Blau proposes that interorganizational exchange processes tend to reflect some form of interdependence and also promotes horizontal differentiation between specialized organizations.
(Blau, 1978). Here, the resource 'information' is specialized according to the nature of the organization acquiring the information. Police departments require certain pieces of information in order to carry out their role, while Children's Aid Societies require somewhat different portions of information. The Victim/Witness Programme requires yet different elements. These unique kernels of information exchanged through the mechanism of the Child Abuse Review Team are integrated to provide as comprehensive and complete a picture as possible about individual cases of child sexual assault being processed through the criminal justice system.

(iii) **Innovation Perspective**

Aiken and Hage suggest that as organizations become more complex, they become more innovative (1978).

"The search for resources needed to support such innovations requires interdependent relations with other organizations."

(Aiken and Hage, 1978: 183)

In addition to the concepts suggested by exchange and open systems perspectives, the study of innovations within an interorganizational theoretical framework began to flourish during the late 1960's. Mueller suggests that an innovation is a deliberate, novel specific change aimed at accomplishing the goals of the system more effectively (1971). For example, the Child Abuse Review Team may be
seen as an innovation which promotes a more efficient flow of information amongst members of its particular organization-set. The challenge of an innovation is one of "communications, attitudes, organization, entrenched momentum, public and governmental climates of opinion, and the nature of men, themselves" (Mueller, 1971: 13).

According to Rogers and Kim (1985) innovation should be conceived as an adaptable, flexible concept which is consecutively defined and redefined through increasing specification as the process of innovation gradually unfolds. Kurt Lewin's three phases of change, unfreezing, changing and refreezing (Lewin, 1952) provide the foundation for the primary conceptualizations in innovation theory. The Child Abuse Review Team is easily conceived as an innovation which has been defined as a result of the need to streamline an existing pattern of information exchange among members of its organization-set. Essential components of innovation as a process include invention, adoption or implementation and adaptation (Merritt and Merritt, 1985; McGrath, 1985; Mueller, 1971) within the context of an ongoing system. Innovation itself is a consequence of preceding changes and conditions in that system and its environment (McGrath, 1985). Here, the team is viewed as an innovative invention which maximizes the comprehensive communication of specific information; its adoption requires a commitment by each organization in the set to provide
personnel linkages to the team, along with extensive planning and preparation of information about cases for the regular monthly meetings; adaptation involves evaluating and redefining the innovative process in keeping with the goal for more effective processing of information through the team to facilitate successful legal outcomes. This particular innovation has developed locally following legislative changes which redefine sexual assault and allow greater flexibility in the process of hearing children's testimony in court.

Historical factors which precede formation of the Child Abuse Review Team support Blankenburg's hypothesis that advocacy (i.e. lawyer-centred) legal cultures tend to be more responsive to new social problems (1985). As well, innovations in an advocacy legal culture tend to be channelled through legislative action, such as Canada's Bill C-15, rather than through judicial decisions (Blankenburg, 1985). These factors have implications for innovative implementation on many levels. Merritt and Merritt point out that innovative behaviour occurs at various levels in society, from the individual to world organizations (1985), however,

"a government must be able to recognize the existence of a new problem for which past solutions or incremental adjustments are inadequate, develop solutions that can solve the problem without unleashing a plethora of destructive secondary effects, enlist support from relevant groups and work out a strategy for implementing the
proposed solution. Critical to this process of innovation in the public sector is a sensitivity to central social values."
(Merritt and Merritt, 1985: 10)

A. Interorganizational Innovation:

(THE CHILD ABUSE REVIEW TEAM)

The Victim/Witness Programme of Windsor is an example of one of many provincially prescribed solutions to social problems. Rossi et al. (1979) created a Model of Social Problem Solving which may be used to examine the processes involved in implementing solutions, such as the Child Abuse Review Team which is in place to facilitate the flow of comprehensive information on behalf of child/victims of sexual assault through the criminal justice system. A diagram of this model follows.

Figure 2-3: Model of Social Problem Solving

Initially, a social problem of national importance emerges to gain the attention of policymakers. Subsequently, knowledge and influence are brought to bear in establishing
legislative objectives for programmes which are believed to ameliorate the specific problem. In this case, Bills C-15 and C-89 were legislated in response to growing awareness of the special needs of child sexual assault victims who become involved in the judicial process. These objectives are then translated into action recommendations (i.e. specific programme objectives) by the governmental agency administering the specific programme. In this case, the Attorney General of Ontario, in consultation with the Women's Directorate, developed the goals and objectives particular to the Victim Witness Programmes established in Ontario.

A delivery system is set up to reflect the existing structures and lines of authority. Here, the Attorney General of Ontario drew up goals, objectives, guidelines, protocols and limits for Windsor's Victim/Witness Assistance Programme. Funding and administrative structures originate at the provincial level. Implementation of the intervention is conducted on a local level. As a part of providing a comprehensive victim/witness programme, the Child Abuse Review Team was established in order to facilitate more effective processing of information about child victims throughout the legal process.

For purposes of this research, the Child Abuse Review Team is defined as an innovation which provides a formal linkage system to foster the exchange of information among
specific agencies forming an organization-set (Evan, 1986) and similar to Galaskiewicz's conception of an 'interorganizational network' (Galaskiewicz, 1979) of services for child victims of sexual assault. The social problem solving model serves to place the actual intervention (i.e., The Child Abuse Review Team) into a broader perspective consistent with an interorganizational theoretical framework.

As mentioned throughout evaluation methodology literature, often programme goals are broadly specified which hampers selection of appropriate outcome measures (Weiss, 1972; Rossi and Freeman, 1985; Davidson et al., 1981). An interview with the Victim/Witness Programme Director suggests this to be the case here, as well, with the processing of information through the Child Abuse Review Team. Its stated goal is to ensure that the Crown Attorney has a better prepared brief when he attends court on behalf of child victims of sexual assault. The method by which this is achieved includes monthly meetings to discuss child abuse cases with the Senior Assistant Crown Attorney who has been chosen to represent the Crown Attorney's office on this team. In fact, it has been this same Assistant Crown Attorney who spearheaded implementation of the concept of a Child Abuse Review Team brought to him by the Director of the Victim/Witness Programme. As mentioned above, members of this team include representatives from city, county and
Ontario Provincial Police forces, liaison personnel from both Children's Aid Societies in Essex County, the Crown Attorney's office, and of course, the Victim/Witness Director. At present, the Senior Assistant Crown Attorney works closely with the Director of the Victim/Witness Programme to plan and prepare the agendas for each monthly meeting. Observations made during meetings indicate that information is shared between members informally, as well. Aside from attendance at the formal monthly meetings, members communicate as necessary per telephone or by meetings arranged between themselves. This tends to benefit case management within each individual area of expertise.

B. Responses to Interorganizational Innovation

(BY ORGANIZATION-SET)

Crown Attorney

For its chairperson, The Child Abuse Review Team has been created in response to the increase in reported child sexual assault cases throughout Essex County. During an interview, he states, "Prior to January 1988, we used to get a half dozen cases a year, but after Bill C-15 came into being on January 1, 1988, we found the number of child sexual abuse cases skyrocketed to 140."

Child Abuse Review Team meetings provide information which facilitates a better prepared brief for the crown
attorney representing child sexual assault cases. It also allows the Crown Attorney's Office to know details which were missed prior to the Team, such as "early notification that a family is moving so we can keep track of them for the subpoena."

In response to implementation of this innovation, The Child Abuse Review Team, the Office of the Crown Attorney has adjusted its procedures to facilitate realization of its goals in managing child sexual assault cases. Before these cases were channelled through the Senior Assistant Crown Attorney, defense counsels would approach each of the ten attorneys in the Office of the Crown Attorney until they obtained what they wanted on behalf of the accused. With implementation of The Child Abuse Review Team, to quote, "if one of the crowns has a sexual assault file, they simply say they have to deal with me on it. It's just a matter of us being more consistent and we're not losing control of it." As well, he states, "Often the abuser makes admissions to the [Children's Aid] social worker that we wouldn't have known before." This can be important to the process of plea negotiation, "I like to know every piece of additional evidence that supports the child, because one of the jobs of the defense counsel is to assess our case when they advise the guy to plead guilty or not guilty." If defense counsel sees statements from social workers along with other evidence during their examination of the Crown's brief, they
tend to advise the accused that the case is rather strong and ask for authority to negotiate a sentence for the accused's guilty plea. In addition, it is clear that the Crown offers and encourages offenders to enter a treatment programme, "If you go to [treatment programme] we will go to the very bottom of the scale according to what the Court of Appeal suggests."

As for other members of the Team, the Crown Attorney's definition of successful outcomes include higher rates of conviction in child sexual assault cases. Because the courts are still adjusting to legislative changes, more subtle definitions of success are incorporated in the Crown Attorney's evaluation of outcomes in child sexual assault cases. These include changes such as more consistency and higher sentences on judicial convictions.

From judges who have difficulty admitting uncorroborated evidence of child sexual assault victims, attorneys representing the victim's case are beginning to hear comments such as, "'Well, you know, I'm suspicious.'" and 'The child was pretty impressive.'" which the Office of the Crown Attorney perceives as a successful outcome because "they're coming our way."

**Victim/Witness Programme**

For this team participant, a successful outcome manifests in cases actually getting to court and
victim/witness behaviour being "not as nervous" because they are better informed about the process. Information shared through The Child Abuse Review Team provides another means of achieving its mandate. During an interview, the Director states, "It makes us more aware of children coming through the system and to prepare them for court". The Child Abuse Review Team reviews all newly reported and coming court cases and shares information in the best interest of the child. "...the child really does benefit from it, and so does the case."

Further, the Director's goals for the Child Abuse Review Team include a better prepared brief for the Crown Attorney representing the case. She expresses discouragement about the lack of convictions, "There are never witnesses to child sexual assault. The benefit of the doubt always goes to the accused".

Police Services

Contact with police and Children's Aid Society personnel is usually the first step in a two year process through the legal system for child sexual assault cases. Specially trained detectives from a designated sexual assault division are responsible for taking statements from the accused and victim/witnesses, applying the appropriate charge for the case, indicating appropriate conditions (such as nonassociation with the victim, nonassociation with
children under a certain age or association with child only in the presence of a supervising adult) when applying to a Justice of the Peace for bail orders, gathering evidence for the Crown Attorney's Office before and during trials and, eventually, testifying in court on behalf of child sexual assault victims.

Because the police are under the Ministry of the Solicitor General, their decisions are independent of the Crown Attorney's office. "They have the legal right to lay a charge as they see fit, and we have no influence over that," according to the Crown Attorney's Office. He continues, "But fortunately the police have been really good, and wherever there is a doubt the police always phone and talk to us about it."

As an illustration of exchanging information and expertise, because of their association with The Child Abuse Review Team, police investigators are conferring with social workers, victim/witness personnel and the Crown Attorney's Office before making a decision about laying charges on behalf of a mentally handicapped, blind victim of sexual assault. Despite the observation "she hears your voice once, she knows who you are," difficulty arises from awareness that in court she must describe the accused from sound, voice and feel. In addition, the court requires that she demonstrate understanding of the 'promise to tell the truth'.
One detective indicates that in Police Services, "the child abuse area is a stepping stone for promotion" which may be incorporated into the Criminal Division. A surreptitious effect of membership on The Child Abuse Review Team is encountered with his further comment, "Because of this case, we've been able to hit Erie Street hard - all the gambling and so on." As well, he especially points out the need for more investigative personnel for child sexual assault cases because "Truth is stranger than fiction."

**Children's Aid Societies**

Unlike police who carry out criminal investigation, social workers from Children's Aid Societies carry out child protection investigations. Provincially, The Ministry of Community and Social Services provides guidelines for administering their mandate to implement child protection laws. By the Child and Family Services Act of Ontario, Children's Aid Society personnel are obliged to demonstrate to a court that there is risk of abuse before a child is designated in need of protection. Along with the primary goal of assessing the degree of risk a child experiences within the family setting, these agencies provide ongoing treatment for, in this case, child sexual assault victims and their families. Because the issue of child protection includes many factors, Children's Aid Societies experience
linkages with many agencies within the social, medical and legal systems.

As a consequence of Bill C-15, agency social workers are commissioned to carry out videotaping procedures for disclosures by child victims of sexual assault. These videotapes are utilized by agency personnel not only for developing individualized treatment programmes but also as learning tools. As well, they are used by the Crown Attorney's Office in preparation for personal interviews with child victims and their caretakers. Locally, sometimes videotapes are used to refresh a child's memory or to curb the need for a child's frequent repetition of their experiences with sexual abuse. In Essex County both the Roman Catholic Children's Aid Society and the Essex County Children's Aid Society work co-operatively with and provide liaison personnel for The Child Abuse Review Team.

On a regular basis ongoing workers complete and update forms which are brought to Child Abuse Review Team meetings by their own agency's liaison person. As another member of the Team suggests, "Social workers have a wealth of information" in child sexual assault cases. To elaborate, the following illustration described during an interview depicts a common dilemma for Crown Attorneys in managing child sexual assault cases. A defense counsel contacted the Crown Attorney's office looking for variance in bail conditions which would allow his client, the accused, to
have contact with the child's mother. Following a discussion between Crown and Victim/Witness Programme Director, a brief telephone conversation with the family's Children's Aid Society worker disclosed important information. Ongoing dialogue between the social worker and the victim's mother indicated she was having no contact and intended to continue having no contact whatsoever with the accused. From the perspective of ensuring protection for the children, her response to suggestions for alter the bail conditions was a definitive, "No, these children are going to be returned to her. No way!" The exchange of this piece of significant information about the child's family between Team members who play distinctly unique roles in this case provides the Crown with reasons suitable to the courts for taking the position not to alter conditions for the accused.

This recapitulation also exemplifies the philosophy which agency social workers observe. Along with other Team members, successful outcomes for Children's Aid Society personnel mean conviction of perpetrators. However, even more important, is minimizing disruption to the lives of children who have been sexually assaulted and treatment for all family members. "We don't want to remove the child. We want the 'perp' out because when you remove the child you give the child the wrong message." In response to reservations expressed about the parent who remains in the
home, "We work with that all the time - one mediocre parent is better than no parent - so we work with that one adult or parent."

To summarize, one spokesperson for a Children's Aid Society comments about the impact on their agency of The Child Abuse Review Team, "...we look to the criminal system and how this interfaces is how we protect kids. That's the bottom line. We don't bring them into care because we're working with you." From another person in authority, the following comment succinctly clarifies the Children's Aid Society's evaluation of their participation as members of The Child Abuse Review Team, "What you're doin' is just - from our perspective - just super."
CHAPTER THREE

METHODOLOGY

1. Methods of Data Collection

The format for this research assumes an eclectic nature utilizing methodological tools similar to those adopted in an organizational study done by Lipset, Trow, and Coleman (1956). These include participant observation, intensive interviewing and examination of records and documents. For the most part, these methods elicit qualitative data which is in keeping with the above-mentioned victimological and interorganizational theoretical perspectives. As suggested by Cole, a qualitative approach "allows the researcher the opportunity to learn the attitudes of subjects in much greater detail than quantitative" (Cole, 1976: 200).

According to Denzin, the use of multiple methods enhances the opportunity for developing a more comprehensive view of the area under investigation (1978).

"If each method leads to different features of empirical reality, then no single method can ever completely capture all the relevant features of that reality; consequently, sociologists must learn to employ multiple methods in analysis of the same empirical events. This is termed triangulation."

(Denzin, 1978: 15)

Subsequently, in keeping with the need for more than one methodological approach, a quantitative methodological
component is applied to data obtained from Victim/Witness Programme documents. Statistical analysis of this data adds clarity to theory and interpretations of the qualitative data. In turn, the creative aspects of qualitative methodology employed in this research enhance the quantitative component by providing deeper insights and by encouraging further questions.

(i) **Participant Observation**

The major purpose of participant observation is exploratory. As defined by Lofland and Lofland (1984), participant observation is:

"the process in which an investigator establishes and sustains a many-sided and relatively long-term relationship with a human association in its natural setting for the purpose of developing a scientific understanding of that association." (p.10)

This, of course, permits face-to-face interactions which Lofland and Lofland suggest is "the fullest condition of participating in the mind of another human being" which facilitates "taking the role of the other" (Lofland and Lofland, 1984). In order to carry out this study, protocol required that the researcher be sworn to an oath of secrecy by the Senior Assistant Crown Attorney along with receiving police clearance as a volunteer for the Victim/Witness Programme. The primary role of the researcher was one of "observer-as-participant" whereby she was open about
research objectives and approached people on that basis (Gold, 1969).

Blumer suggests that the success of a comprehensive piece of research demands first hand knowledge of the area being studied.

"The task of scientific study is to lift the veils that cover the area of group life that one proposes to study ... the veils are lifted by getting close to the area and by digging deep into it through careful study."

(Blumer, 1969: 39)

Attendance at court proceedings on behalf of a child sexual assault victim/witness gave a far more intimate sense of individual responses to requirements of the legal process among victim/witnesses and their families as well as the degree of equanimity contributed by the role of Victim/Witness personnel. Also in keeping with Blumer's call for familiarity with the area being investigated, a number of Child Abuse Review Team meetings were attended in order to develop a deeper understanding of the decision-making processes and information sharing carried out by each organization within the context of this interorganizational exchange network. As well, it dictated a slight shift in the researcher's role to that of "participant-as-observer" which minimized her role as researcher a little (Gold, 1969). In addition, toward the end of the data collection phase, members of the Child Abuse Review Team co-ordinated an interorganizational conference which furnished a forum
for clarifying certain organizational goals, philosophies, procedures, roles and perceptions, for resolving conflicts, for discussing recommendations and, undeniably, for evaluating the first year's implementation of this formalized innovation for information exchange (i.e., The Child Abuse Review Team). There were approximately fifty professionals in attendance, including supervisory and social work personnel from both Children's Aid Societies, detectives from Windsor's and Ontario's Provincial Police Services, director/facilitator for an offender rehabilitation programme, Victim/Witness Director and a Senior Assistant Crown Attorney appointed to oversee child sexual assault/abuse cases. Attendance at these trials, meetings and conference provided a clearer sense of information exchange procedures among members of this organization-set. Detailed field notes have been documented employing descriptions of settings, individuals, interactions and the formulation of tentative explanations (Williamson et al., 1982). Along with field notes, tapes recording the interorganizational conference have been transcribed and coded according to topics pertinent to this research.

(11) Intensive Interview

This interviewing style is known, also, as the in-depth (Becker and Geer, 1970), focused (Merton et al., 1956) and
unstructured interview (Lofland and Lofland, 1984). It is defined as:

"a guided conversation whose goal is to elicit from the interviewee rich, detailed materials that can be used in qualitative analysis. It seeks to discover the informant's experience of a particular topic or situation."

(Lofland and Lofland, 1984: 12)

A number of intensive and casual interviews with Victim/Witness personnel, volunteers, courtroom support personnel, detectives, a juror, personnel from the Crown Attorney's Office and a defense counsel proved rich with information and vivid impressions.

In keeping with Lofland and Lofland's phases of analysis for qualitative data (1984), the responses have been transcribed and coded according to themes relevant to this research. From Lofland (1984), "an appropriately elaborated analysis" emerges from the balanced synthesis of research data and analysis. Analysis of the patterns of information exchange between representatives of attending organizations during the interorganizational evaluation meeting as well as during monthly Child Abuse Review Team meetings reflects the remarkable uniqueness of this particular interorganizational innovation.
(iii) Documentary Analysis

Secondary sources of observing social phenomena include the use of information obtained from existing documents; that is, data which is not collected directly by the investigator (Labovitz and Hagedorn, 1981). Among her list of resources for the collection of data, sampling and the measurement of variables, Weiss (1972) supports the use of institutional records, government statistics and documents along with interviews and observation. For these reasons demographic and qualitative information has been obtained from existing records used by the Victim/Witness Programme. This permits an examination of legal processes and outcome factors within the context of comprehensive information exchange on behalf of child sexual assault victims before and after the inclusion of the Child Abuse Review Team as a formal interorganizational innovation. To quote, "the agency reporting system can provide continual feed-in of information" (Weiss, 1972: 55).

Data utilized from Victim/Witness records include victim’s age and sex, sex of the accused, social relationship between victim and accused, repeat offence or charge, specific charge, plea, conviction and sentencing. Processing data obtained in this manner increases confidence in findings from other observational techniques implemented by this research.
2. Major Concepts and Operational Definitions

Incorporated in this research, there are two levels of study which reflect each of the theoretical perspectives discussed previously. The microsociological perspective generates a study which looks for a relationship between victim characteristics and legal outcomes. Three child victim/witness characteristics, 'victim's sex', 'victim's age' and 'victim's social relationship with the accused', obtained from Victim/Witness Programme documents are applied as independent variables. Victim's age is categorized into three component variables: 'preschool age' child/victims (four years of age or younger); 'school age' child/victims (five years to twelve years of age); and, 'adolescent age' child/victims (thirteen years or more). From information documented for these cases, victim/perpetrator relationships are recoded into four primary categories of component variables. 'Inhome family' relationship category includes father, stepfather, mother's common-law spouse, brother and step/half brother; 'outhome family' includes uncle, grandfather and cousin; 'nonfamily known' includes mother's boyfriend, babysitter, sister's relative or friend, person in position of trust, family friend, school friend, friend's stepfather, sister's boyfriend, person in the neighbourhood, employer; and, lastly, 'unknown' category is unknown to child/victim.
The macrosociological perspective results in an experimental study which examines the relationship between degree of comprehensive information and legal outcomes. Comprehensiveness of information is operationally defined as an independent variable around implementation of the Child Abuse Review Team perceived as a formal interorganizational innovation which improves the flow of information on behalf of child victims of sexual assault. 'Less' comprehensive information is operationally defined using time 'before' the presence of the Child Abuse Review Team while 'more' comprehensive information is defined as 'after' the presence of the Child Abuse Review Team. For both microsociological and macrosociological variables, legal outcomes is operationalized as a dependent variable by measures of specific aspects of the legal process experienced by most child/victims in this study. Although the legal process is far more complex, the indicators chosen provide a valid tool for examining associations with this concept. For purposes of this research, legal outcomes is investigated by measurements of the following nominal variables: 'number' and 'severity' of charges, 'plea of the accused', 'conviction', 'sentences other than custody', 'duration of custody' and 'duration of probation'. Conceptualization of aspects of the legal process into research variables in this fashion "narrows the topic to manageable proportions ... and
[provides] definitions which allow it to be readily and precisely measured" (Williamson et al., 1982).

3. Hypothesis

The microsociological component of this research uses a victimological perspective to do an empirical study utilizing data obtained from Victim/Witness Programme documents to explore the relationship between three demographic characteristics of child sexual assault victims who have received service from the Victim/Witness Programme since its institution and legal outcomes for these cases. Themes throughout the literature suggest that closer social relationships between victim and perpetrator result in a lower incidence of guilty convictions; and, among guilty convictions which do occur, the less severe the sentence.

As well, this research includes the study of a natural experiment which evaluates the flow of information on behalf of child sexual assault victim/witnesses as a result of implementation of The Child Abuse Review Team.

"In their studies of life in contemporary organizations, researchers have most commonly employed such methodological tools as participant observation, in-depth interviewing, analysis of documentary materials and sample surveys. More and more frequently, however, investigators (e.g., Evan, 1971) are seeing the value of adding the field experiment to their repertoire of methodological tools for analysing organizations."

(Labovitz and Hagedorn, 1981: 230)
This study examines legal outcomes for the entire population of child sexual assault cases who received service from the Victim/Witness programme since its inception in 1988. The control group includes cases processed through the legal system with assistance from The Victim/Witness Programme between January, 1988 and inauguration of The Child Abuse Review Team, 15 January, 1989. The experimental group contains a comparable number of cases processed through the legal system which received services between 15 January 1989 and April 1990 from a combination of The Victim/Witness Programme and The Child Abuse Review Team. A review of research findings throughout Interorganizational theory literature suggests that successful legal outcomes in child sexual assault cases are more likely when more comprehensive and pertinent information is available for use by the Crown Attorney as a result of formalized communication processes through the Child Abuse Review Team. As well, it is suggested that resistance to this interorganizational innovation's influence on child sexual assault cases manifests as blocks in channels of information, which result in fewer successful legal outcomes (i.e., fewer charges, fewer more serious charges, fewer guilty pleas, fewer guilty convictions and less severe sentencing).

Statistical inferences for this research study are based on a critical limit set at a p<.05 significance level.
to ascertain the presence of a systematic association between variables. Results at this level of confidence are used as a measure for supporting conclusions that observed differences in legal outcomes for the population of child sexual assault cases being studied are valid.

4. Method of Data Analysis

During the data collection phase of this research, steps were taken to protect the identity of research subjects discussed in Victim/Witness Programme documents. In deference to ethical considerations and the need for confidentiality about the content of documents reviewed, separate numbers were assigned to each case, each victim and each accused. This generated two hundred and five (N=205) cases, one hundred and eighty-four (N=184) victims and one hundred and thirty-six (N=136) accused. It is interesting to note that some accused in this study were implicated in six or more cases.

Close examination of collected data permitted the development of mutually exclusive and exhaustive categories for each variable. Subsequently, each category was defined and assigned a numerical code which enabled the preparation of a codebook to function both as a guide and as a record of coding procedures. Throughout the analysis, missing data were indicated by a fixed code. Using the Statistical Package for the Social Sciences, data was then programmed
into a computer. While preserving its precision and convenience, this computer programme permitted original data to be recoded into different forms according to needs of the various phases of analysis. Despite a slight reduction in details, consequences of recoding were mitigated by the organization and rapid analysis facilitated by this computer programme. Finally, in keeping with the nominal level of measurement for variables in this research, bivariate statistical analyses were carried out using cross tabulation procedures to assess evidence of relationships and partial relationships between variables. Elaboration of these relationships between variables was carried out by the introduction of various test factors to foster a deeper understanding of the original two-variable association.

5. Validity, Reliability and Generalizability

In examining the validity of this study, it is presumed that the study measures, in fact, what it was designed to measure. That is, to examine the effects on aspects of the legal process among child sexual assault cases within the framework of comprehensive information exchange through a formal interorganizational innovation (The Child Abuse Review Team), initiated specifically for this purpose; and to investigate the effect of three characteristics of child sexual assault victims on aspects of the legal process.
Sources of bias must be considered and, certainly, aspects of the qualitative methodological components may not be administered, interpreted and collated by another researcher in the same manner. An attempt was made, however, to be aware of sources of bias such as preconceived notions on the part of the researcher, stressful interview settings, or interviewee attempting to bias interviewer. Under similar conditions, another researcher would likely obtain similar responses. Analysis of results for quantified data also contributes to satisfying the criteria for this study's reliability. Another researcher using quantitative methods employed by this research would be highly likely to obtain similar results.

With regard to generalizability of results for this research, one member of the team so aptly expresses:

"Whereas, you could go to another community such as [...] and they never elect jury trials because juries there tend to convict everybody.
Nothing is given away here. We go to conventions and we can't believe some of the other communities. Everybody pleads guilty on child abuse. But they don't here, no way!"

Consequently, interpretation of the results of this study as representative of legal outcomes for the larger population of child sexual assault cases throughout the province or the country may be limited. The nature of external resistance to strengthening representation for child sexual assault cases generated by formalized information exchange through
The Child Abuse Review Team is dissimilar to experiences for these cases in other areas of the province.

In an effort to provide as comprehensive an analysis as possible, the ensuing segment of this study examines both microsociological and macrosociological components using a complementary aggregate of qualitative and quantitative observations. Data is presented in a manner which hopes to provide deeper insights and a more complete view of factors influencing the legal process experienced by child/victims of sexual assault. This is done in response to innovation researchers who

"recommend a turn from the highly structured quantitative hypothesis testing studies of innovativeness to less structured, more qualitative hypothesis-generating approaches for analyzing the innovation process in organizations."

(Merritt, R. and Merritt, A., 1985: 98)
CHAPTER FOUR

MICROSOCIOLOGICAL ANALYSIS

1. Context

During the first two months of 1990, Windsor police statistics indicate investigation of forty-nine (N=49) cases for child sexual assault/abuse allegations. According to the detective in charge of compiling the information, this reflects a three hundred and thirty-three per cent (330%) increase in similar reports for this time frame in 1989. Fourteen (N=14) of these cases resulted in the application of charges. Lydia Fiorini, Director of the Sexual Assault Crisis Center, suggests that only ten per cent (10%) of reported sexual assaults result in charges being filed; and only one per cent (1%) of these (one in one thousand) go to court (Russell, 1986).

2. Court Hearing

In order to provide an overview of the relationship between victim characteristics and the legal system, included here are observations during a trial witnessed by this researcher during the data collection phase. The victim/witness in this case is a nine year old, female alleged to have been sexually assaulted three and one-half years earlier, at five years of age, by her mother's former
common-law spouse. She and her mother have received services from every organization with representation on the Child Abuse Review Team and information about her case was shared through this inter-organizational innovation in preparation for the Crown Attorney's brief. The decision was made to proceed to trial when, during an interview with the Crown Attorney and Victim/Witness personnel, the child victim drew a picture of a penis inside her "groin" and stated clearly that this is what happened with [accused].

(1) Evidence

Throughout examination-in-chief by the Crown and cross-examination by Defense counsel, this child victim presented herself as a lovely, well-groomed, slightly overweight, intelligent, shy, school-aged child, clutching her comfort, a "P.J. Sparkles" doll, tightly to her chest. It is reassuring to note that both lawyers agreed and the presiding judge allowed technical support of the screen to be used on behalf of this child victim/witness during her testimony. Medical evidence provided by the physician who examined the victim in the Emergency room of a local hospital advises that she has a one to two millimetre scar on her hymen "in the area of ten o'clock", that the scar is over two months old at the time of examination, that the hymen is enlarged and has floppy edges; all "characteristic of vaginal penetration."
During the examination-in-chief, the child states "I did not see his penis - it got inside of me while I was on the living room floor. He also inserted a finger." During cross-examination, she states that he "touched her 'bum', 'hair', 'arms', 'chest', 'face' and 'groin' ten times". She advises the defense attorney that "yes" she has fallen from her bicycle which hurt her vagina. Her reply to defense attorney's questions "You didn't like [accused] living at the apartment, did you," and "Did you say this so you could get [accused] to go live somewhere else," is, simply, "No".

At one point in the trial, defense counsel calls an adolescent witness who advises the court that she has overheard the child victim/witness say to her mother, "If you keep on treating me the way you do and hitting me then I'm gonna tell them what you guys have been telling me to say about [accused]."

Following police investigation on behalf of the Crown, a vice-principal for the school attended by this witness-for-the-accused testifies that school records indicate she was not absent for any classes on the day she places the conversation between the child victim and her mother. Interestingly enough, the child victim, is placed in school at that time, as well.

Following this testimony, outside the courtroom, this researcher overheard defense counsel speaking reassuringly
to the accused, "I did the best I could to put the dates close to your arrest."

The Crown's closing comments to the judge on behalf of this case include a summary and interpretation of medical evidence corroborating the child's evidence, pointing out that the concocted story presented by two defense witnesses was just an attempt to undermine the Crown's case by attacking the credibility of a young girl, and that there is no evidence to support that this young girl fabricated stories because she was angry about Mr.[accused] living there.

Defense's closing comments on behalf of the accused minimizes the medical evidence by suggesting that the little bit of scarring may possibly be compatible with a finger, more tearing would be expected if a penis had been introduced; he implicates the bicycle accident in relation to vaginal irregularities. As well, he suggests that the victim/witness neglected to provide enough details of intercourse or timing of particular events. He also points out her inconsistency in describing the accused as wearing "blue shorts with a white stripe during the preliminary hearing" and "red shorts with a red stripe during this hearing".
(11) **Sentencing**

Three weeks later, during sentencing the judge advises the court that he had difficulty assessing credibility in this case. Section 275 abrogating rules of recent complaint binds the court by rules of evidence (which explains why the Children's Aid Society social worker who works with this child victim/witness did not testify). In addition, the presiding judge refers to the fact that more damage to the hymen should have occurred, that this child was incapable of giving an accurate description of details. "She probably never heard what a penis or vagina is before this started," and, lastly, "I can't imagine ANYone ... How does he do it with a five year old child on the floor of the living room? If she'd said 'he laid on top of me' or 'sat me on the couch'..." Consequently, in spite of his grave concern, the court advises, "the Crown has failed to prove [the allegation] beyond a reasonable doubt. Mr. [accused] is acquitted. And, if I am in error, you will have to live with that the rest of your life."

As court is adjourned, Defense counsel is overheard saying to Crown counsel, "It was a difficult case."

(iii) **Responses**

During the trial, many informal conversations took place between victim/witness personnel, crown attorney, courtroom personnel, victim's family and friends and this
researcher. A focused interview was conducted with defense counsel for the accused in this case during the three week hiatus between hearing and sentencing. An overview of participant responses concerning the legal process and legal outcome ensues.

A. Victim/Witness Personnel

The Director accompanies this child and her mother throughout the trial. As the trial unfolds, the presiding judge is observed looking very interested and concerned for the child during her testimony. He gently interprets questions and clarifies responses for her. The director advises that this particular judge is "one of the better judges" and defense counsel is "one of the kinder defense lawyers."

With regard to the legal process, during a lunch recess, the director explains to the child victim's mother and this researcher that defense lawyers are required only to plant a seed of doubt, not to prove the innocence of the accused. "Our [members of the Child Abuse Review Team] job is to believe the child; that is our role. The defense must believe the accused; that's his role. And the judge must listen to all the evidence—even the lies. You hope he sees and hears them." In addition, it is encouraging to hear the director's ready words of praise spoken to her young client's mother for "being a good witness" on behalf
of her daughter. Another significant role for Victim/Witness personnel entails deterring conversations about questioning when a witness is in the midst of giving evidence and court is recessed. In her role as director, during recesses, she routinely checks in with personnel from her office and victim/witnesses for other cases in the courthouse to advise, interpret and support as indicated.

In response to the judgment for this case, the director exclaims, ardently, "It's this kind of thing that makes me feel like quitting to go into advocacy work on behalf of child victims! ... It is very discouraging that the judge discounted even the doctor's testimony which corroborated [victim]'s evidence!"

B. Crown Counsel

While this researcher acted as a witness to observe the Crown receiving information from the victim's mother about some questionable testimony from two witnesses for the accused, he comments, knowingly, "[Accused] has a lot to lose here. That's why there is so much lying going on."

C. Defense Counsel

During a forty-five minute interview with defense counsel for this case, it became evident very quickly that he believes in his client's innocence. He states firmly, "I never go to trial if my client is guilty. I focus on
sentencing and refer them to [treatment programme] for therapy. I will work with CAS and [treatment programme] - anything that will keep the family together."

When advised that the child had drawn a picture of what happened, defense counsel blushed, became silent for a few seconds, and said quietly "I would not have put him in the witness stand."

D. Child's Family and Friends

On the first day of the trial, while accompanying the child's mother during a court recess, she ventilated many feelings and concerns. Among them, the most relevant to her child's court hearing was spoken with a blend of anger and sadness, "[accused] likes to inflict pain during intercourse. If his penis can get into an anus, it can get into a child's vagina through the hymen ... I thought he'd be a good father figure. She's never had one..."

While the Crown and child's mother were in private session following sentencing, this researcher accompanied friends of the family who attended the hearing in support of the child victim's mother. Their questions and comments echoed through the hall-way, "Why wasn't Father [priest] called to testify. [Accused] asked him to tell her he would pay her $30,000.00 to drop the charges ... I had [victim] one time and she said the same thing was going to happen to her mother that had happened to the woman they found dead,
murdered. She was very nervous! ... What can we do? ... The judge needs to speak to the child in his chambers with both lawyers present like they do on TV."

(iv) Analysis

In terms of child sexual assault victim/witness characteristics considered for purposes of this research, 'victim's sex' in this trial certainly has a significant part to play in the legal process she undergoes. In view of her mother's comments about the accused's sexual preferences and conflicting legal interpretation of medical testimony for this case, it may be equally beneficial to hear such extensive medical evidence about physiological consonance between the diameter of the accused's erect penis and the female child's enlarged, scarred, floppy-edged hymen.

With regard to this child victim/witness's age, the actual events occurred over three years before this court hearing. In keeping with previously reviewed child development theory, the testimony of this victim/witness reflects conceptual and language development which is suitable for her age and the age at which the incidents occurred. The legal outcome for this case suggests, however, that apparent lack of detail and inconsistencies in this child's testimony fall short of current legal requirements for hearing evidence.
Apparently there is validity to the notion that stepfathers are more likely to sexually abuse daughters than are fathers (De Young, 1982; Russell, 1984). With reference to this child's social relationship with the accused, because they lived together and he was perceived as 'her father', for purposes of this study, their relationship is classified as 'inhome family'. The legal outcome for this particular case accommodates victimological research suggesting that the closer the relationship between victim and perpetrator, the lower the incidence of guilty convictions (Finkelhor, 1984; Russell, 1986; Shapland et al., 1985).
3. Statistical Analysis

INFLUENCE OF VICTIM'S SEX ON LEGAL PROCESS

Historically, victimization surveys indicate that only one out of three victimizations is reported to police for investigation (Law Enforcement Assistance Administration, 1981). The reporting rate varies according to the type of crime, with the highest for automobile thefts at sixty-eight per cent (68%) and the lowest for personal larceny at twenty-four per cent (24%). Of these offenses to person, fifty-one per cent (51%) are reports of sexual assault. Two of the most frequently cited reasons offered for not calling police are "nothing can be done" and a belief that "the police would not want to be bothered" (Law Enforcement Assistance Administration, 1981).

Application of 'victim's sex' as an independent variable to the operationally defined legal process encountered by child sexual assault victims uncovers associations with two components, 'number of charges' applied and 'duration of custody'.

VICTIM'S SEX AND NUMBER OF CHARGES APPLIED

Before charges are formally applied, one of the determining factors considered during Child Abuse Review Team meetings are professional impressions of qualities and abilities of each child/victim and his/her family which would contribute to being 'good witnesses' in a hearing.
Examination of the distribution for this association suggests that proportionally, 23.0% (N=47) of the child/victims in this correlation are 'males' while 77.0% (N=157) are 'females'. This distribution concurs with the suggestion that sexual abuse of boys is not coming to public attention as frequently as sexual abuse of girls (Finkelhor, 1984; Kempe and Kempe, 1978). 'One' charge was applied in 60.8% (N=124) of these cases. Of these, 80.6% (N=100) involve female child/victims and 19.4% (N=24) involve male child/victims. 'Two or more' charges were applied in 39.2% (N=80) cases; 71.2% (N=57) involve female child/victims and 28.8% (N=23) involve male child/victims.

Associations

A. Control Variable: After The Child Abuse Review Team

Information Exchange

[Police]: "The social worker says the victim's words are changing, presentation is changing. The mother is off the wall. Often, she won't answer the door. After he interviewed the boy and the parents -- [Detective] says I think what the boy says happened, happened.

The little girl did walk in on the boy in the bathroom and he was dressed up in mommy's clothes. She said 'yes' to [female social worker] and 'no' to [male police detective].

If we won't lay the charge, [Detective] told her she can go the J.P. to lay a charge. She wanted to know about criminal compensation."

[Crown]: "The 3 1/2 year old told the story when the mother wasn't around. Accused is only 13.

She's a nasty piece of work."
TABLE 4-1
Association between Victim's Sex and Number of Charges after CART

<table>
<thead>
<tr>
<th>VICTIM'S SEX</th>
<th>1</th>
<th>2 or more</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>35.5% (11)</td>
<td>64.5% (20)</td>
</tr>
<tr>
<td>Female</td>
<td>61.8% (55)</td>
<td>38.2% (34)</td>
</tr>
</tbody>
</table>

Chi square = 5.413 p<.02

Of one hundred and twenty (N=120) charges applied 'after' institution of The Child Abuse Review Team, Table 4-1 indicates that cases involving 'male' child/victims receive a 29.0% higher incidence of '2 or more' charges. Those involving 'female' child/victims receive 23.6% fewer applications of '2 or more' charges.

A comparison between these figures and those from 'before' The Child Abuse Review Team, indicates that the rate of '2 or more' charges applied to cases involving 'male' child/victims is 35.7% higher 'after'. For cases involving 'female' child/victims this rate is only 4.9% higher 'after' implementation of The Child Abuse Review Team. Victimological research suggests that sexual victimization of a male child is taken less seriously (Finkelhor, 1984). The results of this study indicate an increase in recognition and reporting of sexual assaults perpetrated against male children in this area. Perhaps
this is a consequence of implementation of Bill C-15's redefinition of sexual assault to include acts commonly perpetrated against male victims.

B. Control Variable: Penetrable Sex Act

Information Exchange

[Police]: "There's nonassociation. The grandfather tried to speak to him at school. Told him he wants the case dropped because..."

[Crown]: "Can you get a statement from his teacher? I want to use the prosecutor from Sarnia for the boy who doesn't remember. The father is still not to speak to them - the anus was severely wrecked."

| TABLE 4-2 |
| Association between Victim's Sex and Number of Charges Applied controlling for penetrable sex act |

<table>
<thead>
<tr>
<th>NUMBER OF CHARGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>VICTIM'S SEX</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>(8)</td>
</tr>
<tr>
<td>Female</td>
</tr>
<tr>
<td>(40)</td>
</tr>
</tbody>
</table>

Chi square = 6.133  p<.01

Statistical results for these variables with application of 'penetrable sex act' as a control variable indicate strengthening of the original relationship. In cases involving 'male' child/victims, for this control variable, the rate of '2 or more' charges is 30.4% higher than that of '1' charge. This may be a reflection of component variables chosen for this analysis to
operationalize 'penetrable sex act'. In addition, although there is no research to support this observation, this researcher's review of case histories for this study brought to light a greater variety of sex acts perpetrated with each male child/victim.

Information Exchange

[Crown]: "Re [child/victim] 'invitation to touch' implies just invitation, no touch. It sounds like touch to me. You could add 'touching for sexual purposes'."

[V/W]: "She threw up which would support fellatio."

[Police]: "There is a further statement. RCCAS is investigating another incident with this man. CAS submitted a report to us."

Table 4-2 demonstrates that cases comprised of 'female' child/victims result in a reversal of the 'male' child/victims correlation with number of charges applied. That is, for 'female' child/victims the proportion of '2 or more' charges falls 35.6% lower than that for '1' charge. Perhaps this is an indication of specification of charges on behalf of female child/victims.

Victim's Sex and Duration of Custody

Information Exchange

[Crown]: "Now, a couple of years ago, the few cases we had weren't getting sentences like that. But the Court of Appeal has come out on January 15, 1990 and given us guidelines on that now."
They said that if it is sexual intercourse by a person who is a parent or who stands in the place of a parent — the range for first offenders is three to five years in the penitentiary.

Now, there have been mistakes made, where we didn't do that, where the sentence was too light, but that was our mistake. We, uh. I mean some of these cases — before we came to grips with the total picture of how many of these things we actually had — we just made mistakes. We settled for too low.

We've got one of those on the books right now; where the guy's gonna get a year for long term intercourse with a daughter. He's been to [treatment programme] but I think, ultimately, he didn't follow up with it. That became a concern to us and we're really being pressed as to why did we ever agree to a year. Well, we shouldn't have, but we did. We did it early on before we got going."

Examination of the distribution for seventy-nine (N=79) cases in the association between 'victim's sex' and 'duration of custody' sentences indicates that 'female' child/victims represent 73.4% (N=58) of these cases while 'male' child/victims comprise 26.6% (N=21) of them. Distribution for 'duration of custody' discloses that 77.2% (N=61) receive custody sentences of '2 years or less' while 22.8% (N=18) receive 'more than 2 years'. 'Male' child/victims result in a higher proportion of longer custody sentences, while 'female' child/victims receive a higher proportion of shorter custody sentences.
Associations

A. Control Variable: Nonpenetrable Sex Act

Information Exchange

[Crown]: "Just to give you some idea of how we are approaching this — we are only doing this because we are extremely busy and we have no alternative —

If it is fondling, even long term fondling, we are not asking them to go to jail. We've got too many fondling cases to lock horns with the defense and have trials on these. We are trying to settle them and get them out of the system. There may come a time when we change our position on that but we've just got too much — we're trying to concentrate on the really, really bad cases and get the proper sentence on those. So, we're just trying to settle these fondling cases and get them into some treatment programme."

| TABLE 4-3 |
| Association between Victim's Sex and Duration of Custody controlling for nonpenetrable sex act |

<table>
<thead>
<tr>
<th>VICTIM'S SEX</th>
<th>2 years or less</th>
<th>more than 2 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>50.0% (6)</td>
<td>50.0% (6)</td>
</tr>
<tr>
<td>Female</td>
<td>89.3% (25)</td>
<td>10.7% (3)</td>
</tr>
</tbody>
</table>

Chi square = 5.353  p < .02

Table 4-3 indicates that cases involving 'female' child/victims result in 78.6% fewer custody sentences of 'more than 2 years' duration. This is similar to the pattern for 'female' child/victims found in the original association. It is possible that the longer sentences in
this association occur as a result of concurrent penetrable sex acts perpetrated in these cases.

Cases involving 'male' child/victims are equally distributed between the two categories for custody duration. This differs from the original relationship in which 'male' category had a higher proportion of shorter sentences.

B. Control Variable: Penetrable Sex Act

Information Exchange

[Crown]: "If there's fellatio, then we're asking for short term incarceration -something in the nature of four months in the county jail so they can stay in the community and keep their jobs especially if they get paid pretty well.

If there's attempted intercourse, then we're talking probably somewhere up to 18 months to 2 years less a day.

If it is intercourse, then we're talking the 3-5 year range."

| TABLE 4-4 |
| Association between Victim's Sex and Duration of Custody controlling for penetrable sex act |

<table>
<thead>
<tr>
<th>VICTIM'S SEX</th>
<th>DURATION OF CUSTODY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 years or less</td>
</tr>
<tr>
<td>Male</td>
<td>100.0% (14)</td>
</tr>
<tr>
<td>Female</td>
<td>66.7% (16)</td>
</tr>
</tbody>
</table>

Chi square = 4.076  p<.04
As this table depicts, with introduction of test factor 'penetrable sex act' all fourteen (N=14) cases involving 'male' child/victims result in custodies of '2 years or less'. Although this is consistent with sentencing guidelines for sexual behaviours most likely to occur with young male children, it is important to note that statistical data collection for this research took place before the Court of Appeal guidelines were implemented.

**Information Exchange**

[Crown]: "Now, [accused] had long term incest with his daughter and he got eight months on a guilty plea. We asked for three years. The Attorney General's Department has served him with appeal papers yesterday in the local jail saying that he had intercourse so we are getting support from Toronto on that."

Table 4-4 demonstrates that cases involving 'female' child/victims, continue to experience a higher proportion of custody sentences '2 years or less' duration. However, in contrast to contingency table outcomes for 'female' child/victims during controls for 'nonpenetrable sex act', custodies of 'more than 2 years' duration rise by 22.6% with control variable 'penetrable sex act'. This is consistent with sentencing guidelines for complete penetration commonly perpetrated with female child/victims.

To summarize, 'female' sex results in a higher incidence of '1' charge while 'male' sex results in a higher incidence of '2 or more' charges across all control
variables. Since the institution of Bill C-15, comprehensive definitions of levels of sexual assault permit charges to be applied on behalf of male child/victims. In addition, provisions for technical support for child/victims along with improved co-ordination of information permit a clearer specification of charges to be applied according to the actual sexual perpetration.

'Female' child/victim category results in a higher incidence of shorter custody sentences than 'male' child/victim category. The exception to this pattern occurs with control variable association 'penetrable sex act'. This is feasible simply because full intercourse is more likely with a 'female' child/victim than with a 'male'. In fact, there were only incidents of attempted anal intercourse documented in records for this research.
INFLUENCE OF VICTIM'S AGE ON LEGAL PROCESS

In a survey of Boston parents regarding sexual victimization of children, David Finkelhor (1984) ascertains that the public attitudes tend to minimize abusiveness when victims are either very young or older adolescents. As children approach fifteen or sixteen, they are seen as capable of engaging in consensual sexual activity with older partners without its classification as a form of abuse. In actual fact, literature suggests that peak ages for child sexual abuse falls between eight and twelve years of age (Finkelhor, 1979). As well, despite the lack of public awareness, children below five years of age have a fairly serious risk of sexual victimization (Finkelhor, 1984).

According to child/victim age groups represented in this research population frequency distributions exhibit proportions of 4.4% (N=9) 'preschool age' (less than 4 years) child/victims; 49.3% (N=100) 'school age' (4 to 12 years) child/victims; and 46.3% (N=94) 'adolescent age' (13 years or more) child/victims. For comparison purposes, information from the Ontario Child Abuse Registry (1987) indicates a proportional distribution of 8.4% (N=138) 'preschool age' child/victims; 51.2% (N=844) 'school age' child/victims; 40.2% (N=663) 'adolescent age' child/victims.

The proportion of 'school age' child/victims for both populations supports Finkelhor's observations above;
adolescent age' child/victim proportions differ from his perceptions, however.

A review of statistical results generated from application of 'victim's age' as an independent variable, demonstrates a significant relationship with three elements of the operationalized definition of the legal outcomes. These include the 'severity of charges' applied, 'plea of the accused', and 'duration of custody'.

VICTIM'S AGE AND SEVERITY OF CHARGES APPLIED

Information Exchange

[CAS]: "The grandfather is in Mexico 'indefinitely' now. On vacation."

[Crown]: "Are charges laid?"

[CAS]: "The case came in as physical abuse. One month later sexual assault was disclosed and so we turned it over to the police right away."

<table>
<thead>
<tr>
<th>VICTIM'S AGE</th>
<th>Less Grave</th>
<th>More Grave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preschool (less than 4 yr)</td>
<td>44.4% (4)</td>
<td>55.6% (5)</td>
</tr>
<tr>
<td>School (4 yr to 12 yrs)</td>
<td>14.0% (14)</td>
<td>86.0% (86)</td>
</tr>
<tr>
<td>Adolescent (13 yr or more)</td>
<td>13.8% (13)</td>
<td>86.2% (81)</td>
</tr>
</tbody>
</table>

Chi square = 6.196 p<.05
Table 4-5 indicates two hundred and three cases (N=203) meet the criteria for this association. The distribution results in 15.3% (N=31) 'less grave' charges and 84.7% (N=172) 'more grave' charges. Distribution according to age components results in 4.4% (N=9) 'preschool age' child/victims, 49.3% (N=100) 'school age' child/victims, and 46.3% (N=94) 'adolescent age' child/victims.

In this association all age groups receive a higher rate of 'more grave' charges. Among cases involving 'school age' child/victims this proportion rises to a 72% higher rate of 'more grave' charges. In a similar manner, those involving 'adolescent age' child/victims result in a 72.4% higher proportion of 'more grave' charges.

This difference may reflect differences in physiological development and subsequent level of sexual assault perpetrated with each child/victim age group. As well, in keeping with the Crown's philosophy to negotiate pleas of the accused if children are prevented from testifying, it seems likely that more serious charges might be applied initially in order to have room to negotiate. It is likely, too, that changes in the legal definition of sexual assault encourages clearer specification of charges.

**Information Exchange**

[Police]: "So a crime is not always a crime."

[Crown]: "No, a crime is always a crime. It's a question of fairness."
[Offender Treatment Programme Director]: "It's like entrapment."

[Crown]: "Let me try one more time. The police come to me and say we've got a three year old and there's a videotape and she's disclosed. That is our case. That is all we have. I made the decision that I didn't think we would be able to satisfy - three was just too young - I didn't think we'd get on the witness stand. So then we give a promise to this guy, an inducement ... you go into [treatment programme] and you won't be charged. He goes into [treatment programme] and confesses.

We would never get that confession admitted into evidence because it was a result of the inducement that if you go into [treatment programme] you won't be charged. He goes in and pours his heart out, but I've still got no evidence. I won't get that confession in."

[CAS] "So, it's almost like a plea bargain."

In the nine cases (N=9) involving 'preschool age' child/victims there is only an 11.2% higher incidence of 'more serious' charges. Again, the cognitive and language development for this child/victim age group tend to fall short of legal requirements for accurately perceiving their evidence. This, of course, has implications for all aspects of the charge application process.
Associations

A. Control Variable: Nonpenetrable Sex Act

Information Exchange

[CAS]: "Father is 35, child 7. Stories are wishy washy. Half-brother abused with a rope by this dad. One M.D. scared the kid. We know the dad has done SOMETHING cuz the kid says 'dad pulled on his pee-pee and hurt his bum.' We made a video but he was led too much. Dad has flown the coop."

[Crown]: "I don't think we should go to court. How would the mother react. The brother denies it happened to him. After dad was charged, he went to the other step-son and said he needed a character reference, so..."

[V/W]: "Pretrial date is [...]. We need medical reports".

<table>
<thead>
<tr>
<th>VICTIM'S AGE</th>
<th>SEVERITY OF CHARGES</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Less Grave</td>
<td>More Grave</td>
<td></td>
</tr>
<tr>
<td>Preschool (less than 4 yr)</td>
<td>--</td>
<td>100.0% (1)</td>
<td></td>
</tr>
<tr>
<td>School (4 yr to 12 yr)</td>
<td>48.3% (14)</td>
<td>51.7% (15)</td>
<td></td>
</tr>
<tr>
<td>Adolescent (13 yr or more)</td>
<td>90.9% (10)</td>
<td>9.1% (1)</td>
<td></td>
</tr>
</tbody>
</table>

Chi square = 7.419 p < .02

Table 4-6 suggests that controlling for 'nonpenetrable sex act', the rate of 'more serious' charges increases only slightly by 3.4% in cases involving 'school age' child/victims. This is a far smaller increase than the 72% higher
rate indicated for this component variable in the original association.

Information Exchange

[Crown]: "Teen sexually assaulted by stepfather under guise of play, doing it to both her sisters. The mother chose the stepfather over the girls, 15 year old in foster home ... teens get so twisted up [that] they can't carry the day in court. She's pregnant."

Charges applied in cases with 'adolescent age' child/victims reveal an 81.8% lower incidence of 'more grave' charges. This is a reverse of the original association for 'adolescent age' category in Table 4-5, above. This would seem to reflect perceptions of adolescent testimony and emerging adolescent sexuality.

B. Control Variable: Penetrable Sex Act

Information Exchange

[CAS]: "We just had a thirteen year old girl say she did it and Mr. so-and-so has been doing it."

[Crown]: "To get an admissible statement from a kid, there's a long set of requirements. It's not worth it. They're just not admissible. - I can get social work statements admitted as voluntary evidence."

[CAS]: "Teenage kids are a big hole in the system. We ordered anatomically correct teen boy dolls."
"Police have very little success under section 58 of the YOA - most statements aren't admitted."

**TABLE 4-7**

Association between Victim's Age and Severity of Charges Applied controlling for penetrable sex act

<table>
<thead>
<tr>
<th>VICTIM'S AGE</th>
<th>Less Grave</th>
<th>More Grave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preschool (less than 4 yr)</td>
<td>50.0%</td>
<td>50.0%</td>
</tr>
<tr>
<td></td>
<td>(2)</td>
<td>(2)</td>
</tr>
<tr>
<td>School (4 yr to 12 yr)</td>
<td>8.1%</td>
<td>91.9%</td>
</tr>
<tr>
<td></td>
<td>(3)</td>
<td>(34)</td>
</tr>
<tr>
<td>Adolescent (13 yr or more)</td>
<td>7.3%</td>
<td>92.7%</td>
</tr>
<tr>
<td></td>
<td>(3)</td>
<td>(38)</td>
</tr>
</tbody>
</table>

Chi square = 7.749  p<.02

Examination of Table 4-7 suggests that application of control variable 'penetrable sex act' strengthens the original association. The rate of 'more serious' charges applied in cases which involve 'school age' children rises by 83.8%; and, in cases which involve 'adolescent age' child/victims, by 85.4%. It would seem that 'more serious' charges would be applied in these case as a result of changes in the legal definition of sexual assault.

The equal proportion of 'less grave' and 'more grave' charges amongst cases involving 'preschoolers' may reflect levels of cognitive and language development for this age group. This, of course, makes it difficult to comprehend sexual assault descriptions provided by 'preschoolers'.

88.
To summarize, police and crown tend to work together to clarify charges. Since institution of Bill C-15, clear definitions of levels of sexual assault along with provisions for technical support use during hearings encourages specification in the application of sexual assault charges according to actual sexual acts perpetrates. As well, however, the results of this research indicate that child/victim’s age does influence the charging process.

VICTIM'S AGE AND PLEA OF THE ACCUSED

Information Exchange

[Crown]: "Teenagers are our worst witnesses. We're trying to deal away a number of cases that we feel could really hurt the credibility of our position with the court, because we have just very unlikable teenagers and they don't co-operate with us when they come in. If the jury sees them, if the judge sees them, it's just not gonna help the cause in the long run."

Among one hundred and seventy-nine (N=179) cases for the association between 'victim's age' and 'plea' submitted by accused the distribution of 'pleas' consists of 45.3% (N=81) 'not guilty' pleas and 54.7% (N=98) 'guilty' pleas. Distribution across 'victim age' categories is similar to the above association with 'severity of charges'. Four decimal five per cent (N=8) are 'preschool age', 49.7% (N=89) are 'school age' and 45.8% (N=82) are 'adolescent age'.
Associations

A. Control Variable: Before Child Abuse Review Team

Information Exchange

[Crown]: "I don't want you to misunderstand. If there's evidence, we are laying a charge, and that's why we've got 125 or 130 charges on the books right now. Five years ago, most of these just weren't ending up in the criminal court system."

| TABLE 4-8 |
|---|---|---|
| Association between Victim's Age and Accused's Plea before CART |

<table>
<thead>
<tr>
<th>VICTIM'S AGE</th>
<th>Guilty</th>
<th>Not Guilty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preschool (less than 4 yr)</td>
<td>100.0% (2)</td>
<td>--</td>
</tr>
<tr>
<td>School (4 yr to 12 yr)</td>
<td>66.7% (23)</td>
<td>34.3% (12)</td>
</tr>
<tr>
<td>Adolescent (13 yr or more)</td>
<td>40.0% (12)</td>
<td>60.0% (18)</td>
</tr>
</tbody>
</table>

Chi square = 5.89  P < .05

Table 4-8 indicates that cases involving 'school age' child/victims result in a 31.4% higher rate of 'guilty' pleas over the rate of 'not guilty' pleas submitted by accused. Both cases for 'preschool age' child/victims result in 'guilty' pleas by the accused. These figures may be indicative of the Crown's philosophy to plead out cases among these age groups if the accused seeks treatment.

In cases involving 'adolescent age' child/victims, the rate of 'guilty' pleas from accused is 20% lower than the
proportion of 'not guilty' pleas submitted. Observation about the impact of some adolescent attitudes and behaviours would account for the lower rate of accused guilty pleas for this child/victim age group.

As well, these figures could suggest that defense counsel advise accused differently according to child/victim's age.

Information Exchange

[CAS]: "What happened with the retarded girls?"

[Crown]: "I was never convinced they'd carry the ball for me. I made the deal over a lot of dirty looks from [V/W] and [CAS]. Their father took them for ice-cream cuz we said, 'if you tell, we'll take you for lunch at McDonald's.'

He [accused] had a sex kit that his parents found. He even had 'Sominex' in there so kids would be drowsy when he sexually assaulted them. He got three years - he should have gotten six.

[Police]: "[CAS social worker] and I went out on a case - a 43 year old single guy with a retarded kid on his lap."

[V/W]: "We can work with the retarded. We can teach the concept of a lie and the truth so they understand. We need to protect the retarded."

In contrast, 'after' The Child Abuse Review Team brought an increase by 15.4% in the proportion of 'guilty' pleas over the rate of 'not guilty' pleas among cases involving 'adolescent age' child/victims. This may reflect the increase in less serious charges applied, less severe sentencing and more consistent plea bargaining according to perceptions of 'adolescent age' behaviours.
VICTIM'S AGE AND DURATION OF CUSTODY

Information Exchange

[Crown]: "On taking statements from children; if the child indicates that there's been intercourse, it has been our experience that if you press for a number, they'll never stick with that by the time the trial comes. Let them use their own language.

Then, we call the mother first and ask her to tell us that your child calls the vagina and so on. then we don't get into anatomy instructions with the child. We let the child call it whatever she calls it."

[CAS]: "It was 'twat' in the sixties; wonder what it was in the seventies and...?"

[Crown]: "Yeah, actually, I know the word 'bum' gets applied to . number of different parts!"

[CAS]: "It's amazing — I interviewed a little, little girl and i ... the use of slang for her age!"

Application of 'victim's age' as an independent variable generates seventy-eight \( (N=78) \) cases receiving 'custody' sentences. Of these, 76.9\% \( (N=50) \) result in custodies of '2 years or less' duration and 23.1\% \( (N=18) \) in custody sentences of 'more than 2 years' duration.

Distribution of cases according to child/victim age results in 3.8\% \( (N=3) \) 'preschool age' component, 56.4\% \( (N=44) \) 'school age' component and 39.7\% \( (N=31) \) 'adolescent age' component in this association. The most significant results occur with the introduction of control variable, 'before' The Child Abuse Review Team.
Associations

A. Control Variable: Before Child Abuse Review Team

Information Exchange

[Crown]: "Nineteen year old babysitter, raped by her
brother-in-law on the way home. He plead guilty.
Sentenced to 30 days in county jail."

[V/W Volunteer]: "I feel so upset ... for my little 17
year old that is oral rape. She doesn't
know the difference. It's not as if
she's had intercourse two thousand times
like an adult."

| TABLE 4-9 |
|-----------------|-----------------|-----------------|
| Association between Victim's Age and Duration of Custody before CART |
| VICTIM'S AGE                  | DURATION OF CUSTODY |
| Preschool (less than 4 yr)    | 100.0% (2) | -- |
| School (4 yr to 12 yr)        | 94.4% (17) | 5.6% (1) |
| Adolescent (13 yr or more)    | 57.1% (4) | 42.9% (3) |

Chi square = 5.932  P<.05

Table 4-9 demonstrates that all age categories result in a higher proportion of custody sentences '2 years or less'. However, cases involving 'adolescent age' child/victims result in a notably higher proportion of custodies 'more than 2 years' than do other victim age categories. Because these figures reflect observations made prior to The
Child Abuse Team, they suggest that a child/victim's age does in fact influence the duration of custody sentences applied by the courts. Again, it is logical to suggest that perceptions of children's evidence varies according to their ability to conceptualize time, and language for sexual behaviours perpetrated.

**Information Exchange**

[Crown]: "Some kids clam up, but others surprise you and carry the day in court."

[Crown]: "The [adolescent child/victim] case was acquitted because her fellow employee reneged. A mix-up on dates is fatal for certain judges."

With introduction of Child Abuse Review Team meetings, custodies of 'more than 2 years' rise for 'school age' child/victims by 25.3%. In contrast, for cases involving 'adolescent' child/victims, 'more than 2 years' custody sentences drop by 22.1%. However, even after formation of The Child Abuse Review Team the incidence of custody sentences '2 years or less' was the highest across all age categories.

To summarize, both 'before' and 'after' The Child Abuse Review Team, all age groups result in a higher proportion of lower custody sentences. Along with child/victims' differing levels of cognitive and language development, these figures may reflect current legal challenges to Bill C-15's position regarding corroboration and technical supports for hearing child sexual assault cases.
INFLUENCE OF VICTIM/PERPETRATOR RELATIONSHIP ON LEGAL PROCESS

Results from Russell's research indicate that experiences of intrafamilial sexual abuse increase across time. Sexual abuse by a consanguinous family member is reported by 7.9% of women in their sixties, 11.7% of women in their fifties, 23.8% of women in their thirties, and 22.3% of women in their twenties. Reports of extrafamilial sexual abuse do not show the same pattern of increase over time (Russell, 1983). Other researchers suggest that intrafamilial sexual abuse is more frequently reported to social service agencies, while extrafamilial abuse tends to be reported to police for investigation (Finkelhor, 1984).

Unlike the above findings, in this research population, extrafamilial sexual abuse is reported most frequently. Examination of the distribution for this research population across victim/perpetrator relationships result in frequencies of 34.7% (N=70) 'inhome family' (child/victim and accused live in same residence); 9.4% (N=19) 'outhome family' (child/victim and accused related, live in different residences); 47.0% (N=95) 'nonfamily known' (child/victim and accused unrelated an known to each other); 8.9% (N=18) 'unknown' (accused unknown to child/victim). For comparison, a review of child sexual assault reports made to Ontario's Child Abuse Register (1987) according to these component variables indicates victim/accused relationship
distribution of 51.1% (N=918) 'inhome family'; 16.9% (N=304) 'outhome family'; 26.7% (N=481) 'nonfamily known'; and, 5.2% (N=95) 'unknown. These distributions tend to reflect findings reported by other sexual victimization studies (Shapland, 1985; Russell, 1983).

Application of 'victim/perpetrator relationship' as an independent variable to various components of the legal process produces significant results through 'plea of the accused', 'duration of custody' and 'sentencing other than custody'.

**VICTIM/PERPETRATOR RELATIONSHIP AND PLEA OF THE ACCUSED**

**Information Exchange**

[Crown]: "If you [CAS] get a significant disclosure would you please let us know. You could put it on the update sheet. Because the child will be attacked on that. If we've got it nailed down, find out early, it just helps us [to negotiate pleas]."

[Crown]: "It bowls me over when it happens -- I run over and look at the statement, I look at the kid and I look at the statement again. I don't see THAT there. Then, I realize it just happened, right there. Right in front of me!

Before Judge [...] she started talking about something that was obviously vaseline. It dropped on the court like a ton of bricks. And it was impressive how she brought it out. In that case, she was six, there was no confirming evidence, no medical evidence. She was SO good.

The accused said it didn't happen. For one week of abuse, he got five years. Judge [...] was really on board."

96.
Of one hundred and seventy-eight (N=178) cases in this association, the distribution of 'victim/perpetrator relationships' are as follows. 'Inhome family' relationships constitute 32.6% (N=58); 'outhome family' relationships, comprise 9.6% (N=17); 'nonfamily known' relationships, account for 48.3% (N=86); and 'unknown', account for 9.6% (N=17) of the distribution across victim/perpetrator relationships in this association. With the application of 'victim/perpetrator relationships' as an independent variable, the distribution for 'guilty' pleas submitted by the accused is 55.6% (N=99). This number is equivalent to the total number of 'guilty' pleas (55.0%) distributed in this research population. 'Not guilty' pleas constitute 44.4% (N=79) in this association.

<table>
<thead>
<tr>
<th>VICTIM/PERPETRATOR RELATIONSHIP</th>
<th>Guilty</th>
<th>Not Guilty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inhome family</td>
<td>50.0% (29)</td>
<td>50.0% (29)</td>
</tr>
<tr>
<td>Outhome family</td>
<td>58.8% (10)</td>
<td>41.2% (7)</td>
</tr>
<tr>
<td>Nonfamily known</td>
<td>64.0% (55)</td>
<td>36.0% (31)</td>
</tr>
<tr>
<td>Unknown</td>
<td>29.4% (5)</td>
<td>70.6% (12)</td>
</tr>
</tbody>
</table>

Chi square = 7.9628 p < .05
Table 4-10 indicates that 'inhome family' relationships result in an equal proportional distribution between 'guilty' and 'not guilty' pleas submitted by the accused. 'Outhome family' relationships generate a 17.8% higher proportion of 'guilty' pleas over 'not guilty' pleas. In 'nonfamily known' victim/perpetrator relationships this proportion increases to a 23% rise in 'guilty' over 'not guilty' pleas. 'Unknown' victim/perpetrator relationships result in the fewest 'guilty' pleas among all component variables, with a 41.2% lower proportion than 'not guilty' pleas. Unexpectedly, the highest rate of guilty pleas occur with component variable, 'nonfamily known' in this association. The (N=5) 'guilty' pleas from 'unknown' category may be indicative of plea negotiation.

Associations
A. Control Variable: After Child Abuse Review Team

Information Exchange

[CAS]: "Different lawyers won't say anything. I mean, who cares, if it's not going to do anything [to help the accused legally]. Why go to a treatment programme?"

[Offender Treatment Programme Director]: "The only difference between [local offender treatment programme] and [out of town offender treatment programme] is our follow-up. The magic is that they become alumnae, part of a fellowship that goes on the rest of their lives.

[The local offender treatment programme] feeds on alumnae. If they haven't
attended meetings there is a risk. You can believe that. The thought patterns never leave these guys, EVER!

What replaces it is respect, dignity, accountability and the pressure of the group itself. They're accepted in the community, and they want to belong to it because it's pretty good.

We had a meeting, twenty-five guys there, fifteen alumnae. Seven of them served jail time. You know they've served it, they're there, they're not bitter, they're coming back and telling these other guys 'you might get it, too'.

But, if unfairness is there, lawyers are just gonna say 'you're not goin' to that damned place. You know, there's no benefits to us; and that's how they deal. It's a cold, calculating fact of life. Then, we start the damned syndrome again.'

"You know, these guys who get five year sentences go to Kingston. They don't want to be identified as a sexual offender, so they wait until the end of their term to do the sex programme. It only lasts four months.

Whereas, [local programme] has much more control over the guy than the federal penitentiary programme."
### TABLE 4-11
Association between Victim/Perpetrator Relationship and Accused's Plea after CART

<table>
<thead>
<tr>
<th>VICTIM/PERPETRATOR RELATIONSHIP</th>
<th>Guilty</th>
<th>Not Guilty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inhome family</td>
<td>50.0%</td>
<td>50.0%</td>
</tr>
<tr>
<td></td>
<td>(20)</td>
<td>(20)</td>
</tr>
<tr>
<td>Outhome family</td>
<td>75.0%</td>
<td>25.0%</td>
</tr>
<tr>
<td></td>
<td>(6)</td>
<td>(2)</td>
</tr>
<tr>
<td>Nonfamily known</td>
<td>63.0%</td>
<td>38.5%</td>
</tr>
<tr>
<td></td>
<td>(33)</td>
<td>(19)</td>
</tr>
<tr>
<td>Unknown</td>
<td>18.7%</td>
<td>83.3%</td>
</tr>
<tr>
<td></td>
<td>(2)</td>
<td>(10)</td>
</tr>
</tbody>
</table>

Chi square = 10.292  p<.02

Introduction of 'after' The Child Abuse Review Team as a control variable generates one hundred and twelve (N=112) cases for this contingency table association. The test for significance indicates that this test factor strengthens the association between 'victim/perpetrator relationship' and 'plea of the accused'. 'Inhome family' component relationship continues to experience an equal distribution between 'guilty' and 'not guilty' pleas submitted by the accused. 'Outhome family' relationships result in a 50% higher rate of 'guilty' over 'not guilty' pleas. For 'nonfamily known' component variable, there is a 27% higher incidence of 'guilty' pleas. As in the original association, 'unknown' category results in the smallest proportion of 'guilty' pleas; 66.8% lower than 'not guilty' pleas. It is notable that in this contingency table, as
well, the highest incidence of 'guilty' pleas occurs with component variable 'nonfamily known'.

A comparison between effects of 'before' and 'after' the Child Abuse Review Team, indicates that 'out of home family' relationships produce a 30.6% higher rate of 'guilty pleas' 'after' the team. In contrast, 'unknown' victim/offender relationships result in a 43.3% decrease (in 'guilty pleas') 'after' The Child Abuse Review Team. A comparison of figures for this association 'before' and 'after' The Child Abuse Review Team indicates that the distribution of 'guilty' pleas submitted decreases slightly, by 3.1%, 'after'. This may implicate the influence of 'victim/perpetrator relationships' on pleas submitted by the accused; as well, however, it may reflect external resistance to efforts of the Child Abuse Review Team to improve the quality of information available for the Crown's brief.

Control Variable: Penetrable Sex Act

Information Exchange

[Crown]: "When it becomes public knowledge that you're automatically going to get 3-5 years for intercourse, maybe you can tell us if you think it will prevent some guilty pleas."

[Offender Treatment Programme]: He shōtālāepgetteh gūtētyipheh baThēng an eye. He's a bugger, vicious. That's penetration of three children, not one - and complete penetration of a good kind. It was his wife for about four or five years straight."
"Now that was a case where there was a struggle with the wife. She used to say he was abused as a child, you have to forgive him, please be lenient. She wasn't supporting the daughters at all. But now she's come around except we're stuck with this deal we made. It's just too bad."

<table>
<thead>
<tr>
<th>VICTIM/PERPETRATOR RELATIONSHIP</th>
<th>PLEA OF ACCUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Guilty</td>
</tr>
<tr>
<td>Inhome family</td>
<td>50.0% (4)</td>
</tr>
<tr>
<td>Outhome family</td>
<td>100.0% (2)</td>
</tr>
<tr>
<td>Nonfamily known</td>
<td>85.7% (6)</td>
</tr>
<tr>
<td>Unknown</td>
<td>--</td>
</tr>
</tbody>
</table>

Chi square = 9.333  p<.02

Although there are only twenty-one (N=21) cases present when control variable, 'penetrable sex act' is applied, it is significant to note the similar pattern of results when compared to associations with other test factors and the original association. 'Inhome family' victim/perpetrator relationships still result in an equal proportion of 'guilty' and 'not guilty' pleas submitted by accused. Again, this may be a reflection of external resistance to local changes in the approach to child sexual assault cases.
'Outhome family' and 'nonfamily known' components still result in the highest proportion of 'guilty' pleas. This may reflect more successful plea negotiations for 'outhome family' and 'nonfamily known' relationship categories.

Unlike previous associations, 'unknown' relationships produce no 'guilty' pleas whatsoever. The tendency toward more severe sentencing for this category suggests that sexual assault by strangers is considered most offensive to the courts which may in turn effect the plea negotiation process in a manner suggested by these statistical results.

As well, the distribution of pleas in this contingency table results in 57.1% (N=12) 'guilty' pleas submitted by the accused. This is slightly higher, by 1.5%, than the frequency of 'guilty' pleas in the original association.

VICTIM/PERPETRATOR RELATIONSHIP AND DURATION OF CUSTODY

Information Exchange

[Crown]: "We recently had that in the [...]case. When she was interviewed for a statement, she said 4 or 5 times. By the time she got to trial, she said: 'Look, it happened every weekend for three years.'

And Judge [...] could not accept that. He could not accept that this girl was the full blown sexual partner of her step-father. He couldn't. He said, 'I do not believe he had intercourse with her 150 times. I believe he had it five times as she said in her admission statement.'

We need to get expert evidence about incremental disclosure admitted."
"We were faced with a case of that in court this week. When the child was first interviewed by [CAS] she only disclosed fondling. Later on, she disclosed to a female social work student — the first worker was a male. I don't know if that had anything to do with it — but she felt comfortable later and told of intercourse.

That was put to her in court — well, you never told the doctor you had intercourse, you never told the social worker you had intercourse and now, suddenly, you're saying you've had intercourse ...

I mean, it was just incremental disclosure. It happens all the time."

"We know it, but not all the judges or juries know it. That's where we've got to deal with the problem."

There are seventy-nine (N=79) cases which arise from the application of 'victim/perpetrator relationship' as an independent variable in relation to 'duration of custody' sentences by the courts. Distribution across the two custody duration components results in 77.2% (N=61) '2 years or less' and 22.8% (N=18) 'more than 2 years'. Examination of the distribution among victim/perpetrator relationships, results in 35.4% (N=28) 'inhome family'; 'outhome family' exhibits only a 5.1% (N=4) proportion; 'nonfamily known' results in the highest proportion of this distribution with 55.7% (N=44); and the smallest, 3.8% (N=3) occurs in 'unknown' component variable.
### Table 4-13
Association between Victim/Perpetrator Relationship and Duration of Custody

<table>
<thead>
<tr>
<th>Victim/Perpetrator Relationship</th>
<th>Duration of Custody</th>
<th>2 years or less</th>
<th>more than 2 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inhome family</td>
<td></td>
<td>78.6% (22)</td>
<td>21.4% (6)</td>
</tr>
<tr>
<td>Outhome family</td>
<td></td>
<td>50.0% (2)</td>
<td>50.0% (2)</td>
</tr>
<tr>
<td>Nonfamily known</td>
<td></td>
<td>84.1% (37)</td>
<td>15.9% (7)</td>
</tr>
<tr>
<td>Unknown</td>
<td></td>
<td>--</td>
<td>100.0% (3)</td>
</tr>
</tbody>
</table>

Chi square = 13.062  p<.004

Table 4-13 suggests that the influence of victim/perpetrator relationships on duration of custody sentences recommended by the courts is highly significant. An examination of this association demonstrates that 'inhome family' relationships result in a 57.2% lower incidence of 'more than 2 years' duration of custody when compared with custody sentences '2 years or less' for this variable.

The 'nonfamily known' category of victim/perpetrator relationships results in a 68.2% lower proportion of 'more than 2 years' compared with '2 years or less' duration in custody sentences. This is 5.5% lower than the rate of 'more than 2 years' custody for 'inhome family' relationships in this association.
Although 'outhome family' relationships result in an equal distribution between custodies '2 years or less' and 'more than 2 years', it is interesting to note that all four of these cases occur 'after' The Child Abuse Review Team. As well, 'unknown' victim/perpetrator relationships (N=3) in this association result in custody sentences of 'more than 2 years' duration.

If results of 'more than 2 years' duration of custody are ranked proportionally according to categories of victim/perpetrator relationships, 'unknown' relationships result in the highest proportion of longer custodies. This is consistent with findings in other victimization studies (Shapland, 1985; Finkelhor, 1984).

Both 'outhome' and 'inhome' family relationships follow respectively with a 50.0% and a 78.6% lower proportion of the longer custodies than 'unknown' relationships. This too is consistent with other research findings indicating that intrafamilial sexual abuse results in lower rates of sentencing and custodies (Finkelhor, 1984; Russell, 1983).

The smallest proportion of 'more than 2 years' custody durations occur in 'nonfamily known' relationships which falls 84.1% below the proportion for 'unknown' victim/perpetrator relationships. It is interesting to observe that the highest incidence of 'guilty' pleas and the lowest incidence of 'more than 2 years' custody occurs for 'nonfamily known' category. If plea negotiation is taken
into consideration, these findings are consistent for this component variable.

To summarize, the findings in this research population indicate that victim/perpetrator relationships effect duration of custody sentences, with 'unknown' relationships receiving highest proportion and 'nonfamily known' relationships receiving the lowest proportion of longer sentences.

Control Variable: Nonpenetrable Sex Act

Information Exchange

[Crown]: "[...], was their counsellor, that was fondling of breasts with five teenage girls. With one girl who was one month away from her eighteenth birthday, he had consensual sex for money.

We asked for two years, but Judge [...] gave him 18 months. We had a certain amount of community objection to that sentence due to the fact that he had a prior conviction for sexual assault."

[CAS]: "Position of Trust."

[Crown]: "Yeah, if it hadn't been for that, he wouldn't have gone anywhere near 18 months."
<table>
<thead>
<tr>
<th>VICTIM/PERPETRATOR RELATIONSHIP</th>
<th>DURATION OF CUSTODY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 years or less</td>
<td>more than 2 years</td>
</tr>
<tr>
<td>Inhome family</td>
<td>60.0% (3)</td>
<td>40.0% (2)</td>
</tr>
<tr>
<td>Outhome family</td>
<td>50.0% (2)</td>
<td>50.0% (2)</td>
</tr>
<tr>
<td>Nonfamily known</td>
<td>86.7% (28)</td>
<td>13.3% (4)</td>
</tr>
<tr>
<td>Unknown</td>
<td>--</td>
<td>100.0% (1)</td>
</tr>
</tbody>
</table>

Chi square = 7.503  p<.05

Application of 'nonpenetrable sex act' as a control variable in this association results in forty (N=40) cases. Table 4-14 indicates that victim/perpetrator relationships continue to influence duration of custody sentences with this test factor.

The impact of this test factor is experienced noticeably in category 'inhome family' victim/perpetrator relationships. Unlike the 57.2% lower rate of 'more than 2 years' custody sentences for 'inhome family' relationships in the original association, application of control variable 'nonpenetrable sex act' results in 'inhome family' relationships producing only a 20% smaller proportion of 'more than 2 years' in comparison with '2 years or less' durations in custody. In this association, the rate of
longer custodies for 'inhome family' is 26.7% higher than that for 'nonfamily known' category. Both family categories result in higher proportions of longer custodies than 'nonfamily known'. This is relationship differs from that in the original association.

Within this particular association, 'nonfamily known' relationships result in a slightly higher disproportion between the two durations in custody. 'Nonfamily known' relationships result in a 73.4% higher proportion of '2 years or less'. This is a slightly higher proportional differential (5.2%) than that which occurs in the original association. Again, these results may be indicative of plea negotiations.

Within this association, relationships between 'outhome family' and 'unknown' categories and durations of custody sentences remain consistent with the original association.

If distributions for 'more than 2 years' custody are ranked across component categories of relationships, 'unknown' results in the highest proportion of longer custodies as in the original association. Both 'outhome' and 'inhome' family follow with a 50.0% and 60.0% lower rate of longer custodies than 'unknown'. The smallest distribution for 'more than 2 years' custody occurs in 'nonfamily known' relationships. 'Nonfamily known' falls 86.7% below the rate for 'unknown' victim/perpetrator
relationships. This pattern is similar to that for the original association between these variables.

Control Variable: Penetrable Sex

Information Exchange

[Crown]: "[accused] got 7, [...] got 5, [...] got 5, [...] got 4, [...] got 3. Now that was all based on full intercourse with children of tender age. And then there is [...] who got 18 months, but that's on appeal."

[CAS]: "If defense lawyers know that statements aren't that good, then the chances are that there will be a different sentence [for full intercourse]"

[Crown]: "Yeah, that's commonly known among the criminal bar."

[CAS]: "These guys are a different type of criminal. Some guys [in Kingston Penitentiary] are mass murderers, and [convicted perpetrator] won't stand a chance. He's a sick man, he's a criminal, but he's not necessarily the pen survivor type."

[Crown]: "Yeah, well [convicted perpetrator] will be piped just because he is totally objectionable. Even if he weren't a sexual offender, they would kill 'im, you know."

[CAS]: "I have a family that's publishing a child molesting warning all through the neighbourhood."

[Crown]: "[Wife of another convicted perpetrator] did that. Where he was working, she put up a big sign: 'Sexual Offender - Child Molester Works Here.' When challenged by defense, during the trial she said she wanted to warn the other parents.

The Judge said, 'Well it made sense to him.'"
TABLE 4-15
Association between Victim/Perpetrator Relationship and Duration of Custody controlling for penetrable sex act

<table>
<thead>
<tr>
<th>VICTIM/PERPETRATOR RELATIONSHIP</th>
<th>DURATION OF CUSTODY</th>
<th>2 years or less</th>
<th>more than 2 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inhome family</td>
<td></td>
<td>85.7% (18)</td>
<td>14.3% (3)</td>
</tr>
<tr>
<td>Outhome family</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Nonfamily known</td>
<td></td>
<td>85.7% (12)</td>
<td>14.3% (2)</td>
</tr>
<tr>
<td>Unknown</td>
<td>--</td>
<td>--</td>
<td>100.0% (3)</td>
</tr>
</tbody>
</table>

Chi square = 12.214  p<.002

Table 4-15 indicates that introduction of 'penetrable sex act' as a control variable generates thirty-eight (N=38) cases in this association. Distribution figures indicate 78.9% receive '2 years or less' while 21.1% receive 'more than 2 years' custody. There is an equal distribution between duration of custodies for 'inhome family' and 'nonfamily known' relationship categories. Both result in a 71.4% lower proportion of 'more than 2 years' compared to that for '2 years or less'.

As in the original association, the category 'unknown' victim/perpetrator relationships result in the highest proportion of 'more than 2 years' duration in custody. Unlike the original association, the two component categories, 'inhome family' and 'nonfamily known', rank
equally with a 75.7% lower rate of 'more than 2 years' custody sentences than 'unknown' relationships. The rate of longer custodies for this association is even lower than it is in other associations. This could reflect a number of issues. For example, common perceptions that allegations are difficult to believe and difficult to prove may effect custody durations. The level of dissonance experienced because of the nature of these victim/perpetrator relationships alongside a child's level of language and cognitive development may, in fact, inhibit accurate recall and presentation of details required. Also, these results could be indicative of external resistance to changes made on behalf of supporting child evidence.

To summarize, analysis of results for this particular association suggests that durations of custody sentences reflect a number of issues about the legal process when examined through independent variable victim/perpetrator relationships. Across all test factors, as well as in the original association, the highest proportion of longer custodies occur in 'unknown' victim/perpetrator relationships. This observation is consistent with observations throughout victimological literature. Offenses among this relationship category tend to be easier to prove beyond a reasonable doubt simply because the perpetrator is NOT known to victim. Here, social constraints common to other categories are non-existent.
The low incidence of longer custody sentences among 'nonfamily known' relationships differs from outcomes expected from the literature review.

With regard to both family categories, lower sentences resulting from incremental disclosure and recantation become comprehensible when examined from Festinger's cognitive dissonance perspective (1957). Requirements for legal evidence is incongruous with the extraordinary dissonance experienced by a child providing the evidence 'against' an abusive family member who is simultaneously loved and feared. The tendency toward shorter sentences among family victim/perpetrator relationships reflects a child's probable difficulty doing so about a person who has considerable influence over their lives. In addition, sexual offenses among consanguinous victim/perpetrator relationships are difficult to prove and difficult to accept. Believing a child/victim's evidence cuts into social definitions about the safety and protection of family life.

VICTIM/PERPETRATOR RELATIONSHIP AND SENTENCING OTHER THAN CUSTODY

[Crown]: "If you have a recantation would you please phone me. We had an recent experience where between the last report and the trial there was a recantation and we found out about it in the middle of the trial. It can be relevant.

The girl took a look at her dad, started crying and said, 'I'm sorry Dad, it didn't happen and ...' The girl recanted right in front of the jury.
We think in terms of the screen for fear, but this was the opposite—we needed the screen because she liked her dad. In hindsight, had I known she would react that way... We just didn't know how much she liked her dad."

Of seventy-one (N=71) cases in this association, 35.2% (N=25) receive 'suspended sentences' while 64.8% (N=46) are 'dismissed or withdrawn'. Application of independent variable, 'victim/perpetrator relationship' results in the following distribution through its four categories. 'Inhome family' relationships constitute 35.2% (N=25) of sentences other than custody; 'outhome family' relationships account for 12.7% (N=9); 'nonfamily known' relationships comprise 45.1% (N=32); and lastly, 'unknown' to child/victim constitute 7.0% (N=5) of this distribution.

Control Variable: After The Child Abuse Review Team

Information Exchange

[CAS]: "It seems that every child under the age of sixteen would need the support of the screen. I don't care how good they are."

[Crown]: "The reason I use the screen only when it is absolutely necessary is because you waste a couple of hours arguing its use and your child's getting fidgety. I really like to just get right into the case and get the kid up there.

In one case we really lost bad. I took the position with the jury, that they had witnessed false recantation right in their presence. I pointed out that everything she had said up until the recantation was true; that when she had seen her dad, she couldn't handle it. It was just a case of false recantation.

The jury was out for some time. Even though she had recanted, they didn't come right back in and
acquit. So, obviously, the jury really had some concerns, whereas a judge would have acquitted right away."

**TABLE 4-16**

<table>
<thead>
<tr>
<th>VICTIM/PERPETRATOR RELATIONSHIP</th>
<th>SUSPENDED SENTENCE</th>
<th>DISMISSED/ WITHDRAWN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inhome family</td>
<td>52.9% (9)</td>
<td>47.1% (8)</td>
</tr>
<tr>
<td>Outhome family</td>
<td>--</td>
<td>100.0% (3)</td>
</tr>
<tr>
<td>Nonfamily known</td>
<td>31.6% (6)</td>
<td>68.4% (13)</td>
</tr>
<tr>
<td>Unknown</td>
<td>20.0% (1)</td>
<td>80.0% (4)</td>
</tr>
</tbody>
</table>

Chi square = 14.714  p<.02

Application of 'after' The Child Abuse Review Team generates forty-four (N=44) cases for this association. 'Inhome family' relationships (N=17) result in a 5.8% lower rate of cases 'dismissed/withdrawn'. The highest rate of 'suspended sentences' occurs within this category. The (N=3) cases for 'outhome family' result exclusively in 'dismissed/withdrawn' outcomes. 'Nonfamily known' (N=19) results in a 38.8% higher rate of 'dismissed/withdrawn' outcomes. Ranking cases according to distribution across 'dismissed/withdrawn' indicates that 'outhome family' experiences the highest proportion, followed by 'unknown'
with a 20% lower proportion, 'nonfamily known' with 31.6% lower incidence than 'outhome family' and 'inhome family' relationships comprise the smallest proportion of cases 'dismissed/withdrawn'.

Control Variable: Penetrable Sex Act

Information Exchange

[CAS]: "With further disclosure, a child may remember the scene better. With one of my little girls, the police interviewed her three times over six weeks. Well, after she was able to talk about it and brought it up with her family and her family was able to hear about it, oh, yeah, I was wearing shorts. It was my pink outfit.'

She couldn't remember that when she first disclosed. The parents are real supportive and they believe her. The more they show her they believe her, the more she remembers. It's all one incident. That's not going to change; but the details you have to work with will change."

[Crown]: "One case sort of backfired on us. We did everything to make it easier for these two boys - we brought in a woman crown from Sarnia which we thought would make it easier for them to talk to, the V/W office did a lot of work to organize the closed circuit TV. An entire day was spent dealing with the technical and legal problems of closed circuit TV even before the boys testified.

The one little boy who ultimately didn't testify a month later, could have told the story on that first day. But, we lost him because we wasted a whole day arguing the business of the closed circuit TV."

[V/W]: "And even though the judge agreed to the closed circuit TV whereby the children would give evidence outside the courtroom, he insisted that the children come into the courtroom behind a screen to discuss the difference between right and wrong, the truth and a lie. So, even though we
achieved closed circuit TV they had to go into the
courtroom so that the judge could assess them.

The one child told us 'I don't remember, I'm not
telling'. The other said he could see his dad
anyhow. In fact, it's amusing. He turned to the
crown attorney and said, 'This is easy.' So, he
wasn't further traumatized. But the other child
just wasn't gonna talk.'

TABLE 4-17
Association between Victim/Perpetrator
Relationship and Sentencing other than
Custody controlling for penetrable sex act

<table>
<thead>
<tr>
<th>VICTIM/PERPETRATOR RELATIONSHIP</th>
<th>SENTENCING OTHER THAN CUSTODY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Suspended Sentence</td>
</tr>
<tr>
<td>Inhome family</td>
<td>--</td>
</tr>
<tr>
<td>Outhome family</td>
<td>25.0% (1)</td>
</tr>
<tr>
<td>Nonfamily known</td>
<td>9.1% (1)</td>
</tr>
<tr>
<td>Unknown</td>
<td>--</td>
</tr>
</tbody>
</table>

Chi square = 19.016 p<.004

There are only twenty-six (N=26) cases for this
association controlling for 'penetrable sex act'.
Examination of the distribution between the two categories
of 'Sentencing other than Custody' discloses a 8.3%
proportion of 'suspended sentences' and a 91.7% rate of
cases 'dismissed/withdrawn. For all categories of
victim/perpetrator relationships, the highest proportion of
cases result in 'dismissed/withdrawn' outcomes. Categories
'outhome family' and 'nonfamily known' are the only two relationships which result in a very low incidence of 'suspended sentence'.

The criterion 'beyond a reasonable doubt' places a high burden of proof on the crown attorney defending a case of child sexual assault. At one point the Victim/Witness Director explains that the Scottish system of justice has three verdict options available: 'guilty', 'not guilty', and 'not proven'. In view of results for this study, perhaps incorporation of this third option into Canadian jurisprudence would facilitate tangible acknowledgment for a higher proportion of child/victims of sexual assault.
CHAPTER FIVE

MACROSOCIOLOGICAL ANALYSIS

This component of analysis examines the effect on legal outcomes of information processing through The Child Abuse Review Team from an interorganizational innovation perspective. According to Deutsch (1985) innovations and innovation theory have emerged as major modifiers of social and political theory. Its significance becomes apparent through our perceptions of social, political, economic and cultural changes with the currently developing information society (Deutsch, 1985). For purposes of this analysis both qualitative and quantitative data are examined from this perspective with specific reference to interactions between organizations, organizational modifications, and information processing associated with child/victims of sexual assault who receive services from the Victim/Witness Programme of Windsor. The following qualitative data provide overviews of information exchanges among members of this organization-set within two formal settings.

"The nature of the information-exchange relationship between the source and the receiver determines the conditions under which a source will or will not transmit the innovation to the receiver; further it influences the effect of the transfer."

(Rogers and Kim, 1985: 89)
1. Overview: Child Abuse Review Team Monthly Meetings

Information Exchange

(1) Child Evidence

[CAS]: "[child/victim] is very graphic with play dough. She makes a person with it and says, 'This is my dad. He put his penis ...'."

[Crown]: "As long as the play dough doesn't melt ... It's a spin off from art, so play dough is acceptable. Any form of communication from the child is okay in court."

[Detective]: "I sent in Kleenex and underwear to ID his sperm. The grandmother found vaginal swelling so checked the girl's underwear - both girls. Two days after the charge, the mother had intercourse with him to get a sperm sample and gave [police] the Kleenex with his sperm on it."

[Crown]: "The jury will think she didn't believe her own daughters because she had intercourse with the husband."

(2) Position of Trust

[Crown]: "This guy is a counsellor for a youth bureau. He had teen girls posing for magazines supposedly and molested them; paid $100.00 for sex with a girl less than 18.

He was convicted for sexual assault in [city] four years ago. They knew his past when they placed him in this position of counselling with kids! His first wife gives him no access to his daughter without supervision, so he may have abused his own child.

This guy is such a liar that he told his daughter he used to play for the Saskatchewan Rough Riders!"
(3) Victim/witness qualities

[Detective]: "If she were a little better ..."

[V/W]: "She wasn't bad until she started talking about her godfather commanding the mafia."

[Crown]: "She just is not a good witness - because of her sexual habits, she is not only mentally slow, she also has breakdowns. She would disclose everything."

(4) Adolescent Offenders

[CAS]: "There are things we see and don't know what to do. We need this meeting [interorganizational conference]."

[Crown]: We have a diversion programme, but we can't divert sexual offenses by young offenders, therefore we don't lay charges. A lot depends on how the community responds."

Consistently on the same day, at the same time, every month these meetings are held in the library of the Crown Attorney's Office. The Senior Assistant Crown Attorney and Victim/Witness Programme Director review cases and prepare the agenda prior to each meeting. The meeting's structure for information exchange is adapted to time constraints of those police services representatives in attendance. During meetings many aspects of case management are reviewed. These include issues such as evidence required for hearings, impressions about child/victim's potential for providing evidence during court, characteristics of child/victim's family situation, specific challenges for a case, successful and unsuccessful case outcomes from the
perspective of improving legal outcomes, and new charges are reviewed to ensure application of appropriate charges. "New-style" (Maccoby, 1981) leadership is employed during these meetings. As defined by Maccoby (1981: 21), this style "tries to make business and government more humane and effective" and incorporates greater concern with people functioning "in interdependent teams at different levels."

The open admission of inconsistencies and errors used by the Child Abuse Review Team's leadership sets the stage for other members of the organization—set to follow suit. This seems to expedite appropriate conflict resolution.

2. Overview: Interorganizational Conference

Information Exchange

(1) Technical Supports

[Crown]: "Judge [...] states that videos are unconstitutional because the accused cannot be present when videotape is made. It is unfair, violates their rights therefore he's said that section is no longer in effect.

I'm asking you to continue doing videotapes even though [...] has thrown this curve ball at us. I find it useful to look at the child, and I can see the relationship the child has with the worker."

[Detectives]: "We were thinking that we could do these videos all the time at each agency. We can use [photographer] all the time. Let's start working on this videotaping so we can put some really good ones in the court.

We want to set it up with our video man — this is how and what [crown] wants in court. Everybody involved does it like this, so that we can get a standard set and then we're not gonna have any problems. If we can get a set
up where the kid's attention is always three or four feet away from you, so we can hear them even if we can't see them, the judge doesn't have to read lips . . ."

[Crown]: "Generally, the technical quality of the tapes leaves a little bit to be desired. It's so far from the kid, you can't get a good look at the child's face."

[Detective]: "What we'd like to do is log all the tapes, lock the master up, make a copy off the master copy for you to work off."

[Crown]: "That's good [...], because we had a lost tape three weeks ago. Fortunately, he pleaded guilty, but it was embarrassing. The mother lost confidence in us and . . ."

(2) Implementation of Court of Appeal Guidelines

[CAS]: "Let's deal with these challenges [to technical supports]."

[Crown]: "That's right. It's got to be dealt with by the Attorney General's Department by taking some of these appeals. We invited them to take [case], but by the time their office made the decision, the thirty days had gone by. So now they are waiting for another guy to get convicted and let the defense file an appeal - one of his grounds being that the video was used and it violated his client's rights. I don't think we should wait for the defense, because there are a number of video programmes in various counties throughout Ontario and they are all in a state of uncertainty because of [...] 's judgment."

(3) Conflict Resolution

[Crown]: "When the accused is released on bail, would you like a copy of the bail conditions? This is where we made a mistake in our office. Recently, Mrs. [...] 's common-law spouse was charged and she put the VICTIM out of the home - a fifteen year old girl. She was put into care. When the mother wanted the boyfriend to come back into the home to live, I consented that he could come back to visit, but not to live."
And this is where I made the mistake. I knew there was a younger daughter — should I take off, now? — I knew there was a younger daughter, and by nature I tend to compromise on things. Then [CAS] made it quite clear to me that it just didn't make any sense. And he was right — this guy cannot be trusted. If he goes to visit, he's gonna stay overnight.

We have filed appeal papers, dealt with a number of technical problems and it will be heard next Thursday."

[CAS]: "Sometimes things happen to fast and if you've got more than one head together, you can think those things through."

[Crown]: "You know, early Monday morning there's a lot of activity in courtroom number three. To nail down conditions and deal with 20 or 30 lawyers that are tuggin' at your coat and wanting a decision on something, so you're addressing your mind to the file for maybe a minute and a half — you tend to make mistakes just because of the volume.

Yeah, if the Crown knew that the police and the Crown had already turned their mind to it before the file came over and there was some detailed conditions, the crown is in a strong position. This guy wants to go out, you know, so it's not gonna be a big fight."

(4) Medical Evidence

[Crown]: "Once they realize that this is a contest between the child and the adult, the doctors are beginning to buck up a bit. I thought Dr. [..] was always acceptable, but now he's beyond acceptable. Now he's talking about hymens being like Fort Knox — you can never get through them unless there's intercourse.

Whereas, with other doctors you just look at a bicycle and your hymen ruptures."

After one year's implementation, an interorganizational conference was held to evaluate the successes and challenges of exchanging information through The Child Abuse Review
Team. As one measure of success, perceptions about convictions and sentences was addressed by organizations concerned with child/victims of sexual assault. Along with discussions about the legal status of technical support use and administrative details for information exchange, each organization clarified its goals, goals for The Child Abuse Review Team, its level of participation, adaptations made to accommodate the purpose of the innovation (i.e., more comprehensive information exchange for effecting recommendations of Bill C-15). Responses by the local courts and defense lawyers, subsequent changes among pleas submitted by accused, convictions and sentencing, and implications for members of The Child Abuse Review Team were discussed at length. Concerns and recommendations were put forward to improve communication and information exchange through this interorganizational innovation. Challenges discussed at this point include management of adolescent perpetrators, a request for more comprehensive communication and preparation with reference to bail conditions, repercussions of this innovation's implementation on local offender treatment programme, the need for a charge to enforce offender rehabilitation treatment, the need for improved medical evidence on behalf of child/victims, and the need for experts to testify about the occurrence of incremental disclosure and recantation common to child victim/witnesses.
The above overviews provide qualitative data to illustrate how The Child Abuse Review Team is "not fixed, invariant and static" but rather "flexible and adaptable as the innovation process gradually unfolds" (Rogers and Kim, 1985: 96).
3. Statistical Analysis

"An innovation is a set of elements and relationships that represent the characteristics of what the innovation is and how it is used, not a single, invariant, and unitary entity."
(Rogers and Kim, 1985: 99)

In order to illustrate the correlation between information exchange through this interorganizational innovation and legal outcomes more clearly, this analysis integrates qualitative and quantitative data.

ASSOCIATION: TIME AND NUMBER OF CHARGES APPLIED

Information Exchange

(1)
[Crown]: "There is a warrant out for [accused]. Child sexual abuse and beating of kids, second breach of bail conditions last week, seen going to and from house, she seems to be hiding him."

[Police]: "Obstruction of Justice? Even the in-laws have been told he's wanted."

[Crown]: "I'll leave a note for crown to show cause. Social worker gave a good statement. She recognized the man as father of the kids. It's just a matter of getting him arrested."

[Police]: "He's running between the in-laws and the wife.

[V/W]: "The father-in-law is a minister."

(2)
[CAS]: "We'd rather have strict [bail] conditions. Like, don't use this parent as a supervisee.

Recently, there was a case where the perpetrator's wife actually named in the statement as being present when these sexual acts were going on. She is being named as a party to the action."
Shouldn't she be in the conditions right from the start?"

[Police]: "Shouldn't she be charged?"

**TABLE 5-1**

Association between Number of Charges Applied Before and After CART

<table>
<thead>
<tr>
<th>NUMBER OF CHARGES</th>
<th>TIME</th>
<th>1</th>
<th>2 or more</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Before CART</td>
<td>69.0%</td>
<td>31.0%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(58)</td>
<td>(28)</td>
</tr>
<tr>
<td></td>
<td>After CART</td>
<td>55.0%</td>
<td>45.0%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(66)</td>
<td>(54)</td>
</tr>
</tbody>
</table>

Chi square = 3.522  p< .06

Of two hundred and four (N=204) cases in this association between time ('before' or 'after' The Child Abuse Review Team) and the number of charges applied per case by police investigators, 60.8% receive '1' charge while 39.2 % receive '2 or more' charges. The table above demonstrates a significant increase in cases which receive '2 or more' charges 'after' inception of The Child Abuse Review Team.

Observations that information in Victim/Witness Programme documents 'after' The Child Abuse Review Team tend to be more complete may account for some of the differential. However, statistical results for the association suggest that police officers are more confident and more familiar with laying a variety of more specific charges in child sexual assault cases as a result of
information sharing on a regular basis during monthly The Child Abuse Review Team meetings.

Associations

Control Variable: Victim’s Sex

Information Exchange

[Crown]: "Will you have [detective] call me. Additional charges need to be laid. The father said, "yeah, he screwed all of us when we came to Canada." The grandfather admits he sexually assaulted his children but not the grandchildren. So, we need to lay a charge on behalf of the father."

<table>
<thead>
<tr>
<th></th>
<th>TIME</th>
<th></th>
<th>2 or more</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>2 or more</td>
</tr>
<tr>
<td>Before CART</td>
<td></td>
<td>81.3%</td>
<td>18.8%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(13)</td>
<td>(3)</td>
</tr>
<tr>
<td>After CART</td>
<td></td>
<td>35.5%</td>
<td>64.5%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(11)</td>
<td>(20)</td>
</tr>
</tbody>
</table>

Chi square = 7.109 p < .01

The proportion of '2 or more' charges for this contingency table using component variable 'male sex' is 45.7% higher 'after' The Child Abuse Review Team. Although not significant, statistical findings with application of component variable 'female sex' as a test factor results in a 4.4% rise in '2 or more' charges. These figures may be indicative of charge specification following Bill C-15's

129.
redefinition of levels of sexual assault to include gender specific permutations likely to occur with child/victims.

Control Variable: Victim's Age

Information Exchange

[Crown]: "[To police representative] Will you please see if he can find old occurrence reports for 1978. I'd like to see the facts of that and they're probably microfiched."

[V/W]: "I had a good interview with [child/victim]. There are two separate charges laid. We need to withdraw one."

[Crown]: "Two will dilute the case too much and help [defense lawyer]."

<table>
<thead>
<tr>
<th>TABLE 5-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Association between Number of Charges Applied Before and After CART controlling for adolescent age victim (13 years or more)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TIME</th>
<th>1</th>
<th>2 or more</th>
</tr>
</thead>
<tbody>
<tr>
<td>BEFORE CART</td>
<td>86.3% (33)</td>
<td>13.2% (5)</td>
</tr>
<tr>
<td>AFTER CART</td>
<td>50.0% (28)</td>
<td>50.0% (28)</td>
</tr>
</tbody>
</table>

Chi square = 11.919  p< .001

Table 5-3 indicates that the rate of '2 or more' charges increases by 36.8% 'after' The Child Abuse Review Team in this association for component variable 'adolescent age'. Here, as well, it is likely that comprehensive information exchange through The Child Abuse Team contributes to greater specification of sexual assault
charges according to behaviours perpetrated with this age group.

SUMMARY

Although statistical tests of significance fall below the critical limit, application of component variables in other associations illustrate a similar pattern. There is a higher proportion of '2 or more' charges applied 'after' The Child Abuse Review Team. The above associations specify effects of information sharing amongst Child Abuse Review Team members when examining legal outcome's component variable 'number of charges' applied among 'male' child/victims and 'adolescent age' child/victims. Exchange of significant information through this interorganizational linkage system clarifies roles and expectations, and enhances awareness of success producing procedures for charge application in reported child sexual assault cases.
ASSOCIATION: TIME AND SEVERITY OF CHARGES

As patterns emerge in this analysis, it is evident that application of charges in child sexual assault cases modify. Charges applied during this initial step of the legal process appear to specify according to victim's description of sexual misconduct. Dependent variable, 'severity of charges' is dichotomized accordingly.

With no intent to deny or minimize any form of sexual misconduct perpetrated against child/victims, components for dependent variable 'severity of charges' are categorized to approximate the extent of body contact alleged between victim and accused. From information documented in victim/witness programme records, category 'less grave' charges incorporates sexual interference, seduction, pornography, indecent assault, indecent exposure, indecent act, touch for sexual purposes and 'other' charges; 'more grave' charges include sexual assault and incest.

Information Exchange

[Offender Treatment Programme Director]: "I've never met anybody who's fondled - very rarely - who's a paedophile. The only real good thing as a hammer is a charge. I'm into 'rehab', but without the charges we don't have a hammer on the wife and the kid. They can say 'You don't have anything on me, so we don't have to go to your place, we don't have to take damn treatment'.

We got a guy from [...]. He's never been charged by anybody. We can't get her into a meeting, we
can't treat the daughter, and this guy is having some thought patterns. Where's the protection?

We hope that he's gonna continue in our meetings so that he can break into those compulsions, but she thinks everything's alright, like most wives. It's gonna go away, and let's just forget about it, you know.

That's the problem when there's no charge. It's a real [serious] problem."

TABLE 5-4
Association between Severity of Charges Applied Before and After CART

<table>
<thead>
<tr>
<th>TIME</th>
<th>Less Grave</th>
<th>More Grave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before CART</td>
<td>4.7% (4)</td>
<td>95.3% (81)</td>
</tr>
<tr>
<td>After CART</td>
<td>22.5% (27)</td>
<td>77.5% (93)</td>
</tr>
</tbody>
</table>

Chi square = 10.927  p < .001

Distribution for two hundred and five (N=205) cases which incur charges include 15.1% designated 'less grave' and 84.9%, 'more grave'. Distribution for 'time' (i.e., comprehensiveness of information exchange) as an independent variable in this association generates 41.2% cases 'before' and 58.8% 'after' The Child Abuse Review Team.

Table 5-4 above reveals a proportional increase by 17.8% in 'less grave' 'after' The Child Abuse Review Team. An equivalent decrease in 'more grave' charges occurs 'after' establishment of team meetings.
The proportional increase in 'less grave' charges for this association undoubtedly reflects increasing specification of charges as a result of redefinition of levels of sexual assault by Bill C-15.

**Associations**

Control Variable: Victim's Sex

<table>
<thead>
<tr>
<th>TIME</th>
<th>Less Grave</th>
<th>More Grave</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Before CART</strong></td>
<td>4.3% (3)</td>
<td>95.7% (66)</td>
</tr>
<tr>
<td><strong>After CART</strong></td>
<td>24.7% (22)</td>
<td>75.3% (67)</td>
</tr>
</tbody>
</table>

Chi square = 10.629  p < .001

With the application of 'victim's sex' as a control variable, the correlation among 'female' child/victims is similar to the original association with a proportional increase by 20.4% in 'less grave' charges 'after' The Child Abuse Review Team.

Although the results are less significant for control category 'male' child/victim, a similar tendency occurs in this association with a 9.8% proportional increase in 'less grave' charges 'after' The Child Abuse Review Team. Again,
redefinition of sexual assault permits specification of charges to include behaviours more commonly perpetrated with male child/victims.

Control Variable: Victim’s Age

<table>
<thead>
<tr>
<th>TIME</th>
<th>SEVERITY OF CHARGES</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Less Grave</td>
<td>More Grave</td>
<td></td>
</tr>
<tr>
<td>Before CART</td>
<td>2.3%</td>
<td>97.7%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1)</td>
<td>(42)</td>
<td></td>
</tr>
<tr>
<td>After CART</td>
<td>22.8%</td>
<td>77.2%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(13)</td>
<td>(44)</td>
<td></td>
</tr>
</tbody>
</table>

Chi square = 6.923 p < .01

With application of 'victim's age' as a control variable, a correlation unfolds similar to that for test factor, 'victim's sex'. Of one hundred (N=100) cases for component variable 'school age' victim, 'after' The Child Abuse Review Team 57.0% receive charges pertinent to this association. Of this percentage, the proportion of 'less grave' charges applied reflects a 20.5% proportional increase above 'before' The Child Abuse Review Team charges for 'less grave' charges.

Nine (N=9) cases involving 'preschool age' victims demonstrate a correlation consistent with the original
association. 'After' initiation of The Child Abuse Review Team, for this component variable in this association there is a 57.1% proportional increase for 'less grave' charges.

Unlike associations controlling for other 'victim age' components, the introduction of 'adolescent age' component variable 'after' The Child Abuse Review Team results in a modest proportional increase of 10% for 'less grave' charges. This illustrates how even the first step, application of charges, which facilitates entry into the legal process differs for adolescent child/victims of sexual assault.

Control Variable: Victim/Perpetrator Relationship

Throughout the literature, studies have ascertained that a large proportion of child victims are sexually assaulted by perpetrators known to them. Shapland's (1985) research discloses that 39% of her sample's victims are assaulted by offenders known to them. Other researchers suggest that 80% of child sexual assault victimization is perpetrated by people known and trusted (DeFrancis, 1989; Sgroi, 1982; Finkelhor, 1984; Russell, 1986).

Information Exchange

[Crown]: "We're suddenly getting more and more cases of children abusing children. We have four cases now where 13 and 14 year olds are abusing kids they're babysitting. I'm really uneasy with this area."
[CAS]: "Twenty per cent of our cases are allegations about babysitters. We're looking at victim/abuser cycle issues so we interview these kids from a victim perspective."

[Crown]: "One practical consequence is that, for the first time, it's gonna take us into junior YOA court. I say this because it is the court you're probably most familiar with, so I have to rely on you to tell me about the mine fields ahead."

I remember [detective] called me about a 13 year old girl and a 7 year old boy. I'm confident that the right decision was made to charge.

For this association there are two hundred and two (N=202) cases which render information about victim/perpetrator relationships. The distribution according to these relationships are as follows: 34.7% of alleged perpetrators live in the same home with the child ('inhome'), 9.4% are extended family members who live outside of the child's home ('outhome'), and 47% are non-family friends known to the child ('nonfamily known'). A surprising 91.1% of these children know their alleged perpetrators. Only 8.9% (N=18) experience sexual misconduct with perpetrators unknown to them ('unknown'). These cases involve primarily perpetrations of indecent exposure or violent sexual assault.
TABLE 5-7
Association between the Severity of Charges Applied Before and After CART controlling for nonfamily known victim/perpetrator relationships

<table>
<thead>
<tr>
<th>TIME</th>
<th>Less Grave</th>
<th>More Grave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before CART</td>
<td>--</td>
<td>100.0%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(39)</td>
</tr>
<tr>
<td>After CART</td>
<td>26.8%</td>
<td>73.2%</td>
</tr>
<tr>
<td></td>
<td>(15)</td>
<td>(41)</td>
</tr>
</tbody>
</table>

Chi square = 5.110  p<.02

In Table 5-7 it is interesting to observe that, of thirty-nine (N=39) cases 'before' The Child Abuse Review Team all 'nonfamily known' cases receive 'more grave' charges. Of fifty-six (N=56) cases processed 'after' The Child Abuse Review Team, this category results in 26.8% increase for 'less grave' charges.

In comparison, 'after' The Child Abuse Review Team, 'outofhome family' relationships experience a 44.4% increase in 'less grave' charges. For control category 'inhome family', 'after' The Child Abuse Review Team the rate of 'less grave' charges increases by only 10%. That is, 'after' The Child Abuse Review Team, of seventy (N=70) 'inhome family' cases there is a higher proportion of 'more grave' charges applied than for the other two "known-to-victim" component categories.
This association reverses with application of control category 'unknown' to victim. 'After' The Child Abuse Review Team cases for this association reflect a proportional increase of 33.3% in 'more grave' charges.

Control Variable: Sex Act

For statistical purposes, sexual behaviours committed with child victims in this sample are dichotomized according to penetrable and nonpenetrable qualities. The variable 'penetrable sex act' includes attempted vaginal intercourse, vaginal intercourse, anal intercourse, fellatio, digital penetration and juvenile prostitution. 'Nonpenetrable sex act' includes fondling, exposure, mutual masturbation and other sex acts.

Control Variable: Nonpenetrable Sex Act

Information Exchange

[CAS]: "In [...] case we had both the victim and the perpetrator - it went to YOA court. At Christmas-time he breached his probation - went to a party, eighty people there, and here he is, fifteen years old with his hands in the diapers tickling the penises of these two boys. This is how helpless this young man is; he is a young paedophile.

For us, a child under the age of 16 can be found in need of protection but we need charges and we need recommendations for treatment from YOA court."
TABLE 5-8  
Association between the Severity of Charges Applied Before and After CART controlling for nonpenetrable sex act  

<table>
<thead>
<tr>
<th>TIME</th>
<th>Less Grave</th>
<th>More Grave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before CART</td>
<td>8.1% (3)</td>
<td>91.9% (34)</td>
</tr>
<tr>
<td>After CART</td>
<td>25.4% (18)</td>
<td>74.6% (53)</td>
</tr>
</tbody>
</table>

Chi square = 3.582  p<.05

'After' The Child Abuse Review Team statistical results for this association controlling for 'nonpenetrable sex act' demonstrates a slightly higher incidence of 'less grave' charges in comparison to the original association. Of twenty-one \(N=21\) 'less grave' charges seen in Table 5-8, 17.3% more are applied 'after' The Child Abuse Review Team. The presence of more than one 'nonpenetrable sex act' per case follows similar statistical tendencies. Because sexual behaviours perpetrated in this association is considered "less serious", application of 'less grave' charges would be expected.
Control Variable: Penetrable Sex Act

TABLE 5-9
Association between the Severity of Charges Applied Before and After CART controlling for penetrable sex act

<table>
<thead>
<tr>
<th>TIME</th>
<th>Less Grave</th>
<th>More Grave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before CART</td>
<td>--</td>
<td>100.0%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(32)</td>
</tr>
<tr>
<td>After CART</td>
<td>16.0%</td>
<td>84.0%</td>
</tr>
<tr>
<td></td>
<td>(8)</td>
<td>(42)</td>
</tr>
</tbody>
</table>

Chi square = 4.002  p<.05

'Before' The Child Abuse Review Team, control variable 'penetrable sex act' elicits only 'more grave' charges. As in the original association, Table 5-9 indicates that 'after' The Child Abuse Review Team, there is an increase of 16% in 'less grave' charges for the association with control variable, 'penetrable sex act'. The association for two types of 'penetrable sex act' 'after' The Child Abuse Review Team result in just a 10% proportional increase for 'less grave' charges applied.

SUMMARY

Throughout this association, application of component control variables follow a similar pattern. The proportion of 'less grave' charges increases 'after' The Child Abuse Review Team. Along with the influence generated by
definition of sexual assault in Bill C-15, the pattern for applying charges in child sexual assault cases may also allude to a rise in police willingness to lay varying levels of charges. More comprehensive information exchanged with other service agencies through Child Abuse Review Team meetings facilitates utilization of a wider range of charges by police services. As well, it seems likely that improved child victim/witness court preparation would increase confidence in successful outcomes which encourages increased application of appropriate charges. The pattern for severity of charges applied may correspond with the current philosophy of the local Crown Attorney's Office behind plea negotiation (i.e., if child/victim need not testify because accused pleads guilty and seeks treatment, the Crown will negotiate lesser charges and sentencing).
ASSOCIATION: TIME AND PLEA OF ACCUSED

Information Exchange

[Crown]: "I think it's in OUR interest to make sure these guys have safety in the prison. You know, if we had a separate prison where these guys were safe, I think we'd get more guilty pleas.

Why would you plead guilty knowing that you could go to Kingston and if there's a riot there, you could, you ... you would be worse there than you could imagine. I really don't like sexual offenders getting piped into prison."

TABLE 5-10
Association between Plea of Accused Before and After CART

<table>
<thead>
<tr>
<th>PLEA OF ACCUSED</th>
<th>TIME</th>
<th>Guilty</th>
<th>Not Guilty</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Before CART</td>
<td>55.9%</td>
<td>44.1%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(38)</td>
<td>(30)</td>
</tr>
<tr>
<td></td>
<td>After CART</td>
<td>54.5%</td>
<td>45.5%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(61)</td>
<td>(51)</td>
</tr>
</tbody>
</table>

Chi square = n.s.

There are one hundred and eighty (N=180) cases for this association. Distribution across 'plea of the accused' results in 55.0% (N=99) 'guilty' and 45.0% (N=81) 'not guilty' pleas submitted by the accused. Thirty-seven decimal eight (37.8%) per cent (N=68) occur 'before' and 62.2% (N=112) 'after' The Child Abuse Review Team. Although the overall rate of 'guilty' pleas submitted by the accused decreases a little (1.4%) 'after' The Child Abuse Review Team, there are three test factor component variables which reverse this pattern: 'male' sex child/victim, 'adolescent
age' child/victim and 'outome family' victim/perpetrator relationship.

Associations

Control Variable: Victim Sex

Control component variable 'female' sex child/victims applied as a test factor results in a 5.2% decrease in 'guilty' pleas 'after' The Child Abuse Review Team. In contrast, of forty-two (N=42) cases in the association for 'male' child/victims, there is a 15.0% increase among 'guilty' pleas submitted 'after' The Child Abuse Review Team. This result may be a spurious non-correlation. Reports of sexual victimization of male child/victims is a fairly new phenomenon since Bill C-15's redefinition of sexual assault consequently figures for plea submissions may be transitional. As well, it could reflect a double-standard effected on behalf of male child/victims.

Control Variable: Victim Age

Of eighty-two (N=82) cases occurring in the association controlling for 'adolescent age' child/victim, there is a 17.7% increase among 'guilty' pleas 'after' The Child Abuse Review Team. This increase may reflect the evaluation of 'adolescent age' child/victims as poor witnesses in court and subsequent decision for plea negotiations intended to expedite these cases through the legal process.
Control Variable: Victim/Perpetrator Relationship

Of seventeen (N=17) cases in the association controlling for 'outheome family' relationships, there is a 30.8% increase in 'guilty' pleas 'after' The Child Abuse Review Team. This reverses the association occurring 'before' The Child Abuse Review Team. These results may intimate the effects of more comprehensive information exchanged for 'outheome family' component variable through this interorganizational innovation.

Control Variable: Sex Act

In contrast, 'guilty' pleas in associations controlling for 'nonpenetrable' sex decreases by 10%, for 'penetrable' sex by 14.8% 'after' The Child Abuse Review Team. Perhaps these results implicate external resistance to changes implemented on behalf of child/victims of sexual assault.

SUMMARY

Statistical results for 'victim sex' could possibly indicate gender issues, and for 'victim age', perceptions about emerging adolescent sexuality. However, increases in 'guilty' pleas submitted in associations for 'male' sex, 'adolescent age' and 'outheome family' may indicate the effects of comprehensive information through The Child Abuse Review Team, as well.
ASSOCIATION: TIME AND CONVICTIONS

TABLE 5-11
Association between Convictions Before and After CART

<table>
<thead>
<tr>
<th>TIME</th>
<th>Guilty</th>
<th>Not Guilty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before CART</td>
<td>76.9%</td>
<td>23.1%</td>
</tr>
<tr>
<td></td>
<td>(50)</td>
<td>(15)</td>
</tr>
<tr>
<td>After CART</td>
<td>70.5%</td>
<td>29.5%</td>
</tr>
<tr>
<td></td>
<td>(74)</td>
<td>(31)</td>
</tr>
</tbody>
</table>

Chi square = n.s.

Although the overall rate of 'guilty' convictions decreases by 6.4% 'after' inception of The Child Abuse Review Team, it is important to note two test factors which reverse this tendency.

Control Variable: Victim's Age

Application of the category 'adolescent age' victims as a control variable results in an increase for the rate of convictions by 3.5% 'after' implementation of The Child Abuse Review Team. This pattern may be explained by a number of factors. Because of the child/victims' age more serious sexual behaviours may have been perpetrated by the fact of their level of physical development. As well, they have developed cognitive and language skills to enable more complete description of the sexual assault in a manner which is comprehended more readily by the courts.
Control Variable: Victim/Perpetrator Relationship

Information Exchange

[CAS]: "We had a case recently, the 'perp' called [social worker], made an appointment with her, he's GOT a lawyer, but he's saying 'I don't care, I'm not gonna tell my lawyer I'm talking to you'. Do we have to inform his lawyer?"

[Crown]: "No, you can't babysit these guys. If they want to talk without their lawyer, that's their business.

I would hope that [social worker] would fill out -- [holds up ongoing information form]. [social worker] would have to talk to the police and then she would have to go on the stand.

Because you do work for the Children's Aid Societies, in the mind of any reasonable person who is a perpetrator, you would be considered people in authority. So all that means, is that if the accused says anything to you, as a crown, I have to prove that what he said to you was voluntarily said and that it was not the result of any promise, threat, or inducement.

I wouldn't want you to caution him or anything like that. That's police work."

Examination of the application of victim/perpetrator relationship as a control variable 'after' The Child Abuse Review Team reveals a 2.6% increase in 'guilty' convictions for the 'inhome family' category of relationships.

Successes for this category of relationships may be due to the increase of information available for the Crown Attorney's brief from other members of The Child Abuse Review Team, especially Children's Aid Society social workers directly involved with these families.
SUMMARY

Aside from a small increase in 'guilty' convictions among 'adolescent age' and 'inhome family' associations, the pattern of reduced 'guilty' convictions may signify external resistance to innovations implemented on behalf of child/victims of sexual assault. As well, the use of Child Abuse Review Team information to achieve successful sentencing for cases involving complete sexual intercourse may account for some of the decrease in guilty convictions.
ASSOCIATION: TIME AND COMPONENTS OF SENTENCING

As a tool for measuring the impact of The Child Abuse Review Team on legal outcomes in cases of child sexual assault, a category was created which examines the presence or absence of a number of components in the final step of the judicial process, sentencing. 'Components of sentencing' include the presence or absence of sentences other than custody, custody, probation, fine, conditions such as non-association with children below a specified age or only in the presence of another adult, psychological counselling, and treatment for paedophilia. These seven elements of sentencing practices were dichotomized into the classifications '4 or less' and 'more than 4' components per case.

Information Exchange

[Crown]: "Also, we're not getting enough of these conditions where the guy has no contact with a child under the age of 18 unless an adult is present."

[CAS]: "This brings up the [case] matter. We have a condition where this guy can have contact with children under the age of 18 in the presence of other adults. But, the problem with this guy is ... he parties with the other adults and anally screws their boys.

When we talked about that, it's 'oh, yeah, I'll have Eddy-the-Rabbit come over' so he'll be there. He supervises while I fuck the kid, then Eddy-the-Rabbit'll do the same thing.

It is real difficult in a case like that. I mean, what is another adult?"

[Crown]: "I remember we gave it some thought - actually, not enough thought - because we completely overlooked the fact that other adults were involved in the abuse."

149.
[CAS]: "It seems more like a group thing. There shouldn't be any contact with ANY child under the age of..."

[Crown]: "That's a good idea, though...to send a copy of the release papers to the agency involved so the mother knows what he can/can't do. Because some of these mothers don't know there is a nonassociation condition and they're phoning the accused, putting him in a position where he's violating his conditions."

[Police]: "One of the problems we have is the wife won't lay a complaint if he breaks bail conditions. If we don't get a complain, we cannot go."

[CAS]: "Is the child's complaint enough?"

[Crown]: "It's just that you'd have to call the child as a witness on the breach of bail charge, so now the child is testifying at the bail hearing and at the sexual assault trial. And we really like to avoid that.

If the mother reveals the fact that he's come back into the home to a Children's Aid worker, then I would hope you would tell the police, and then, they could act on that."

| TABLE 5-12  
Association between Components of Sentencing Before and After CART |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>COMPONENTS OF SENTENCING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TIME</td>
<td>4 or less</td>
<td>more than 4</td>
</tr>
<tr>
<td>Before CART</td>
<td>91.7% (44)</td>
<td>8.3% (4)</td>
</tr>
<tr>
<td>After CART</td>
<td>76.3% (58)</td>
<td>23.7% (18)</td>
</tr>
</tbody>
</table>

Chi square = 3.757  p< .05

Victim/Witness Programme records provide information about this association for one hundred and twenty-four (N=124) cases. Of these, 38.7% are documented 'before' The Child Abuse Review Team and 61.3%, 'after' the presence of The Child Abuse Review Team. Table 5-12 indicates that cases receiving 'more than 4'
components from the courts rise by 15.4% 'after' The Child Abuse Review Team.

Control Variable: Victim's Sex

'After' The Child Abuse Review Team, it is interesting to observe a small increase in distribution of 'more than 4' components of sentencing for component variable 'male' child/victims. For component variable 'female' child/victims, this figure rises by 15.2% 'after' The Child Abuse Review Team.

Control Variable: Victim's Age

Information Exchange

[CAS]: "One of the things our agency is implementing is adolescent perpetrator treatment groups. We need charges as leverage to get them in treatment. So many of these kids are afraid to admit and their parents say it's just adolescent, they'll grow out of it, it's just experimentation . . . ."

[Crown]: "There has to be a clear element of unequalness between the 13 year old and the victim and there has to be an element of deception. You know, there's gotta be something more than just foolin' around."

[CAS]: "I interviewed a mentally retarded 15 year old kid - looked him in the eye and said, 'DO NOT DO THIS [gesture] to anyone else.' I warned his parents to watch him so he wouldn't do it to his little sister. The next day, he did."

"Now he's in residence at [ . . . ]. They've put a bell on his door. When he leaves the bedroom his bell rings and the staff go and get him -- and he tries and he tries, five times a night!"

"Do you have any recommendations? This kid's eventually going to become an adult."

[CAS]: "A kid would plead guilty with the leverage of a charge and bail conditions. If you could get parents to turn
... they take such a firm stand that these kids can't admit to it. They can't deal with the parents!"

A similar pattern emerges when controlling for 'victim's age'. In cases involving 'school age' child/victims, there is a 14.1% increase in 'more than 4' components of sentencing 'after' The Child Abuse Review Team. Cases involving 'adolescent age' child/victims receive an 18.2% increase in 'more than 4' components 'after' The Child Abuse Review Team. The five (N=5) cases involving 'preschool' victims receive only '4 or less' components.

Control Variable: Victim/Perpetrator Relationship

Information Exchange

(1) [Police]: "I have a gut feeling we need a break. They were given $500.00 by [service club] because of the fire. They don't know he sexually assaulted a six year old girl that night.

The older son made a statement, but won't co-operate. They all hate the old man, but they'll protect him. And [defense counsel] is a scum bag."

[Crown]: "He's charging $10,000.00 for the 'prelim' and $10,000.00 for the trial. He's out for blood.

I'm sure she's truthful. I'm sure this is her father's child [accused is both father and grandfather to this child]."

(2) [Police]: "The 4 year old victim is attending Child's Place for therapy. He dropped off money for Christmas presents. She's filing for divorce."

[Crown]: "He went to [treatment programme] and wouldn't admit a thing. [Programme director] says this father and [...] are the two most dangerous men he's ever seen."
Table 5-13 indicates strengthening of the original association 'after' inception of The Child Abuse Review Team in cases where the alleged offender is known and unrelated to the child/victim ('nonfamily known'). The proportion of 'more than 4' components of sentencing increases by 25.2% 'after' The Child Abuse Review Team for component variable 'nonfamily known' in this association.

Controls for other component variables in this association result in a smaller proportion of '4 or less' components both 'before' and 'after' The Child Abuse Review Team. In contrast, 'after' The Child Abuse Review Team, application of control variable component 'inhome family' generates a slight reduction of 2.3% in 'more than 4' components.
Control Variable: Nonpenetrable Sex Act

**TABLE 5-14**

<table>
<thead>
<tr>
<th>COMPONENTS OF SENTENCING</th>
<th>TIME</th>
<th>4 or less</th>
<th>more than 4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Before CART</td>
<td>100.0%</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(25)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>After CART</td>
<td>72.7%</td>
<td>27.3%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(32)</td>
<td>(12)</td>
</tr>
</tbody>
</table>

Chi square = 6.464  p < .01

Table 5-14 indicates a significant increase in 'more than 4' components per case 'after' The Child Abuse Review Team when controlling for 'nonpenetrable sex act'. Undoubtedly, this denotes the rehabilitative philosophy amongst organizations on The Child Abuse Review Team.

**SUMMARY**

An analysis of this association suggests that information for Police Services and Crown Attorneys is more comprehensive 'after' The Child Abuse Review Team. The increase in components of sentencing suggests improved awareness of conditions required to protect child/victims from further trauma. As well, interpretation of results for this association denote the degree of creativity on the part of Crown in effecting sentencing changes on behalf of child/victims. It also indicates improved resources for sexual addiction and paedophile treatment.
ASSOCIATION: TIME AND DURATION OF CUSTODY

Information Exchange

[CAS]: "When they get 4 or 5 years, does that mean after good behaviour they're out in 2 years?"

[Crown]: "Absolutely. They're gonna be out, at the earliest in 1/3 of their sentence."

| TABLE 5-15 |
| Association between Duration of Custody Before and After CART |

<table>
<thead>
<tr>
<th>DURATION OF CUSTODY</th>
<th>2 years or less</th>
<th>more than 2 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>TIME</td>
<td>2 years or less</td>
<td>more than 2 years</td>
</tr>
<tr>
<td>Before CART</td>
<td>85.7% (24)</td>
<td>14.3% (4)</td>
</tr>
<tr>
<td>After CART</td>
<td>72.5% (37)</td>
<td>27.5% (14)</td>
</tr>
</tbody>
</table>

Chi square = n.s.

In an effort to realize a clearer picture of patterns for the length of custody sentences, this dependent variable has been dichotomized into categories '2 years or less' and 'more than 2 years'. Of seventy-nine (N=79) cases which receive custody sentences, 35.4% occur 'before' The Child Abuse Review Team and 64.6% 'after' its establishment.

For the original association, Table 5-15 exhibits an increase of 13.2% for custody sentences of 'more than 2 years' duration 'after' The Child Abuse Review Team. 

155.
Control Variable: Victim's Sex

Information Exchange

[Crown]: "One other person got 5 years for long term sexual abuse of boys."

[Offender Treatment Programme Director]: "He came to our place, wouldn't accept the treatment. He's a paedophile. He's gonna go out and do it again."

[Crown]: "Yup, we know that."

[Offender Treatment Programme Director]: "We didn't support him, we didn't give him a letter, we didn't give him anything, just that he'd been there."

[V/W]: "I always get suspicious when, in court, I hear them talking about having been to your programme and you're not there."

[Offender Treatment Programme Director]: "They should say that right away. If you don't see me there then he's on his own."

[V/W]: "He was there [in court] with the woman who has the fifteen year old son. He may be attracted to a woman fifteen years his senior, but as soon as I heard she had a fifteen year old son, I knew what the attraction was. It wasn't her at all. He is a paedophile."

The introduction of 'victim's sex' as a control variable reinforces the pattern established in the original association. With control variable component category 'female' child/victim, 'more than 2 years' custody duration increases by 5.5% 'after' The Child Abuse Review Team.

In comparison, controls for component variable 'male' child/victim result in an increase of 37.5% in 'more than 2 years' custody duration 'after' The Child Abuse Review Team.
This substantial increase with control 'male' sex for this dependent variable may correspond with the more gender neutral redefinition of sexual assault by Bill C-15.

Control Variable: Victim's Age

Although the sample is small, it is interesting to note that amongst 'preschool age' child/victim, 'before' the Child Abuse Review Team, all custody terms are '2 years or less'. 'After' the Child Abuse Review Team, custody sentences are 'more than 2 years' duration. For control component variable 'school age' child/victim, 'after' the Child Abuse Review Team, 'more than 2 years' custody duration increases by 25.2%. These legal outcomes indicate success in achieving appropriate sentencing for perpetrations of complete intercourse.

One component of this test variable reverses the original association. 'Adolescent age' child/victim as a control category, 'after' the Child Abuse Review Team results in a decrease of 21.1% for 'more than 2 years' custody duration. This equivalent increase in custodies of '2 years or less' is consistent with 'suspended sentences' and 'less grave' charges for 'adolescent age' child/victim component. Results for these categories of legal outcomes demonstrate how differently adolescent child/victims are perceived throughout the legal process.
Control Variable: Victim/Perpetrator Relationship

Information Exchange

[V/W]: "I am hearing some pretty good decisions [from Criminal Injury Board] without a court conviction necessarily."

[Crown]: "Criminal compensation will sometimes give restitution for provable property loss; like damaged clothes, damaged cars [not for rehabilitating child/victims of sexual assault].

I think we have to lobby for legislation in this matter. We had a conviction for [offender] - [social worker] did an excellent job testifying on the case - [offender] was convicted and given 4 years. But he is also facing charges with regard to a little Michigan girl who was prostituted by her mother to [offender] and a railroad worker who was sixty years of age.

The railroad worker got 40 to 60 years in Michigan, and - the point I make - he had built up a big pension fund. Michigan legislation allowed confiscation of his pension for the child."

Application of control variable category 'inhome family' results in custody sentences for forty per cent (N=40%) of the cases comprising this association. 'After' The Child Abuse Review Team the rate of custody sentences 'more than 2 years' duration increases by 15.2%. Along with a 12.3% increase in 'less grave' charges, a 2.8% increase in 'guilty' convictions and a 40.4% increase in 'suspended sentences' results for custody durations for this component variable specify legal outcomes. Results for these outcome components demonstrate the effect of improved exchange of pertinent information through The Child Abuse Review Team for use in the Crown Attorney's brief.

158.
Similarly, application of control variable component 'nonfamily known' victim/perpetrator relationships 'after' The Child Abuse Review Team results in a 17.3% increase for 'more than 2 years' custody duration. Control component category 'unknown' victim/perpetrator relationships both 'before' and 'after' The Child Abuse Review Team result in custodies of 'more than 2 years' duration.

Control Variable: Nonpenetrable Sex Act

<table>
<thead>
<tr>
<th>TABLE 5-16</th>
<th>Association between Duration of Custody Sentence Before and After CART controlling for nonpenetrable sex act</th>
</tr>
</thead>
<tbody>
<tr>
<td>DURATION OF CUSTODY</td>
<td>TIME</td>
</tr>
<tr>
<td>Before CART</td>
<td>100.0%</td>
</tr>
<tr>
<td>After CART</td>
<td>67.9%</td>
</tr>
</tbody>
</table>

Chi square =3.304  p<.06

In this association, forty (N=40) cases receive custody sentences for control component 'nonpenetrable sex acts'. 'Before' The Child Abuse Review Team, all custody sentences for this control component result in '2 years or less' duration. Only 'after' The Child Abuse Review Team is there evidence of 'more than 2 years' duration custody sentences with application of this control component ('nonpenetrable sex acts').
It seems likely that severe sentencing for cases in this association likely include perpetrations of 'penetrable sex acts', as well.

With respect to cases involving 'penetrable sex acts', Windsor's Office of the Crown Attorney established their own guidelines prior to and similar to those set down by the Court of Appeals in January, 1990.

SUMMARY

The original association between 'time' ('before' and 'after' The Child Abuse Review Team) as a measure of comprehensive information exchange and 'duration of custody' sentences suggests that information exchanged through this interorganizational innovation is instrumental in facilitating longer durations of custody for convicted offenders. This pattern is reinforced throughout the majority of associations. One exception occurs when controlling for component variable 'adolescent age' child/victim. Here the association reverses, suggesting that adolescents are viewed much differently throughout the legal process.
ASSOCIATION: TIME AND SENTENCING OTHER THAN CUSTODY

Information Exchange

[CAS]: "...what about the kids who have been fondled over a long period of time? You know, the one who's been fondled for fifteen years, made a half a dozen attempts at suicide, anxiety, etc., etc. Is there anything being done to deal with the trauma that these kids face?"

[Crown]: "We're not. We just made a hard and fast decision. That we are swamped with these cases and we are trying to get them organized into general categories - fondling, fellatio, intercourse - and we're trying to concentrate on the more serious ones and hopefully have success.

Once we get better organized and have panels of experts and get more co-operative doctors, then we can start addressing the fondling cases like we should.

Like you said, some of the most traumatized children have had minimal fondling. I can never get over - when they come in to see me how their parents are destroyed, the child's in pieces and it was ... fondling!"

TABLE 5-16
Association between Sentencing other than Custody Before and After CART

<table>
<thead>
<tr>
<th>TIME</th>
<th>SUSPENDED SENTENCE</th>
<th>DISMISSED/ WITHDRAWN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before CART</td>
<td>32.1% (9)</td>
<td>67.9% (19)</td>
</tr>
<tr>
<td>After CART</td>
<td>36.4% (16)</td>
<td>63.6% (28)</td>
</tr>
</tbody>
</table>

Chi square = n.s.

Of seventy-two (N=72) cases which result in suspended sentences and cases dismissed or withdrawn, 38.9% occur
'before' The Child Abuse Review Team while 61.1% take place 'after' its initiation. Proportionally, application of 'time' as an independent variable in association with 'sentencing other than custody' generates 65.3% cases resulting in 'dismissed/withdrawn' and 34.7% cases resulting in 'suspended sentences'.

'After' institution of The Child Abuse Review Team, figures in the above table reveal a slight increase in proportion of 'suspended sentences' over that 'before' The Child Abuse Review Team. This, of course implies an equivalent increase in 'after' The Child Abuse Review Team 'guilty' convictions for cases receiving a 'suspended sentence'.

Control Variable: Victim's Age

Information Exchange

[CAS]: "It's really hard, because she is so young - only 3 years old - to get out of anybody what happened to her so she can receive treatment."

[Offender Treatment Programme Director]: "Whatever you've had as disclosure is what he's done. I don't have any problem in bringing him to you and he'll tell you exactly what went on, the degree of it, the number of times per week and everything."

Application of 'victim's age' as a control variable results in almost equal proportions of 'suspended sentences' 'before' and 'after' The Child Abuse Review Team amongst 'preschool age' and 'school age' categories. In cases
which control for category 'adolescent age' victims 'after' The Child Abuse Review Team, 'suspended sentences' increase by 6.1%.

Control Variable: Victim/Perpetrator Relationship

Information Exchange

[CAS]: "She's over 17 years now. Why haven't things worked for her. Her mother is on her side. Her dad has been great to her - he's paying for her psychologist."

[Crown]: "I'll speak to her."

[Offender Treatment Programme Director]: "You and I have got a hit man there. You and I both know that's a five year guy if there's ever been one."

[V/W]: "I had the family in yesterday, and do you know what ... the crown agreed to ask for one year a year ago and he still hasn't plead guilty. He is still out and he hasn't even done his treatment for one year. That girl's in the position she's gotta go to trial and take her chances. She'd rather go to trial against him and hope that he gets convicted.

When I found out what happened, I just wanted to cry, but I don't have any control over those crowns. They make deals and ... I don't know.

You know what, at the time the deal was made, he was in your programme and [defense counsel] used that."

[Offender Treatment Programme Director]: "I know. He was kicked out. I know him like the back of my hand. He was out when they made the deal."

Application of 'victim/perpetrator relationship' as a control variable generates seventy (N=70) cases for this
association. Of these, 'inhome family' relationships comprise twenty-five (N=25) cases. 'Before' The Child Abuse Review Team only one accused in this association receives a 'suspended sentence'. 'After' The Child Abuse Review Team nine (N=9) 'inhome family' offenses receive a 'suspended sentence'. For purposes of comparison, the association between 'time' and 'convictions' with application of control component 'inhome family' results in a proportional increase of 2.8% for 'guilty' convictions 'after' The Child Abuse Review Team. Likewise, this association for 'time' and 'severity of charges' results in a proportional increase of 10.3% for 'less grave' charges 'after' inception of The Child Abuse Review Team.

It is likely that increases for guilty convictions and sentencing practices occur in the 'inhome' component of victim/perpetrator relationships as a result of more comprehensive information available through The Child Abuse Review Team. Through its linkage with this interorganizational innovation Children's Aid Society case workers' who visit child/victims' homes are afforded the opportunity to share pertinent information about these cases with other team members. This ensures more comprehensive information for managing the case more effectively as well as providing a more complete brief for the Crown Attorney.
Control Variable: Penetrable Sex Act

**Information Exchange**

[Crown]: "Intercourse with her father, she was 14 years old by the time she testified. She is a believable and likeable child. The jury hung up—the 8 men wanted acquittal and the 4 women wanted conviction.

The medical report corroborates her story but the doctor backed off as the court date came close. If a doctor's evidence stands up, we get a conviction most of the time."

**TABLE 5-17**

Association between Sentencing other than Custody Before and After CART controlling for penetrable sex act

<table>
<thead>
<tr>
<th>TIME</th>
<th>Suspended Sentence</th>
<th>Dismissed/Withdrawn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before CART</td>
<td>18.2% (2)</td>
<td>81.8% (9)</td>
</tr>
<tr>
<td>After CART</td>
<td></td>
<td>86.7% (13)</td>
</tr>
</tbody>
</table>

Chi square = n.s.

Table 5-17 indicates that application of 'penetrable sex act' as a test factor, realizes 'after' The Child Abuse Review Team no 'suspended sentences'. This information is included here to demonstrate the success comprehensive information exchange through The Child Abuse Review Team has ensuring that cases involving perpetrations of penetrable sex acts stop resulting in suspended sentences for offenders. It is interesting to note that judicial
guidelines for these matters were suggested after these statistics examining the impact of The Child Abuse Review Team were compiled.

SUMMARY

Aside from control component 'penetrable sex act', the pattern of increase among suspended sentences appears consistently through most control variable categories. Changes for this particular sentencing outcomes may be related to the rise in application of 'less serious' charges 'after' inauguration of The Child Abuse Review Team. 'Less serious' charges are more likely to receive suspended sentences for guilty convictions. In addition, these changes in sentencing practices, may denote increased information sharing amongst The Child Abuse Review Team members, increased utilization of offender treatment programmes, and plea negotiations in keeping with the Crown's present working philosophy.
ASSOCIATION: TIME AND DURATION OF PROBATION

TABLE 5-18
Association between Duration of Probation Sentence Before and After CART

<table>
<thead>
<tr>
<th>DURATION OF PROBATION</th>
<th>2 years or less</th>
<th>more than 2 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>TIME</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Before CART</td>
<td>71.4% (25)</td>
<td>28.6% (10)</td>
</tr>
<tr>
<td>After CART</td>
<td>47.6% (20)</td>
<td>52.4% (22)</td>
</tr>
</tbody>
</table>

Chi square = 3.530  p< .06

In this association there are seventy-seven (N=77) cases resulting in sentences recommending probation. Of these, 45.5% occur 'before' and 54.5% take place 'after' the Child Abuse Review Team. For purposes of comparison, the dependent variable 'duration of probation' is dichotomized into categories '2 years or less' and 'more than 2 years' sentences.

Table 5-18 indicates that 'after' the Child Abuse Review Team, 'more than 2 years' probation component increases by 23.8%.
Control Variable: Victim's Sex

TABLE 5-13
Association between Duration of Probation Sentence Before and After CART controlling for female victims

<table>
<thead>
<tr>
<th>TIME</th>
<th>2 years or less</th>
<th>more than 2 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before CART</td>
<td>75.0% (21)</td>
<td>25.0% (7)</td>
</tr>
<tr>
<td>After CART</td>
<td>48.5% (18)</td>
<td>51.5% (17)</td>
</tr>
</tbody>
</table>

Chi square = 3.421 p< .06

A similar pattern of for this association continues with the introduction of control variable 'victim's sex'. With application of control component category 'male' child/victim, 'after' The Child Abuse Review Team 'more than 2 years' probation increases by 12.7%. Controlling for 'female' child/victim strengthens the original association significantly 'after' The Child Abuse Review Team with a 26.5% rise in 'more than 2 years' probation sentences.

Control Variable: Victim's Age

Information Exchange

[Crown]: "[accused] plead guilty so we asked for probation just so she didn't have to testify."
There are forty-five (N=45) cases generated with the application of control variable component 'school age' child/victim. Of these, 'before' The Child Abuse Review Team 51.1% result in probation sentences. 'After' The Child Abuse Review Team, this proportion decreases by 2.2% for this control category. In contrast, Table 5-20 demonstrates that 'after' The Child Abuse Review Team application of this control category strengthens the original association with an increase of 33.2% in 'more than 2 years' probation sentence.

In two (N=2) cases for control component category 'preschool age' child/victim, 'before' The Child Abuse Review Team no charges result in probation sentences.

Application of control variable component 'adolescent age' child/victim generates twenty-nine (N=29) cases. 'After' The
Child Abuse Review Team, there is an 11.6% increase in 'more than 2 years' probation sentence for this association. This pattern for control component 'adolescent age' child/victim simulates the original association.

Control Variable: Victim/Perpetrator Relationship

Although controls on categories for this variable fail to meet the statistical limits for significance, it is interesting to observe the pattern which emerges through components of this test factor. 'After' The Child Abuse Review Team, application of three components of victim/perpetrator relationship as controls generate a pattern akin to the original association. 'inhome family', 'outhome family' and 'nonfamily known' relationships demonstrate an increase in 'more than 2 years' probation. Component category, 'unknown' to victim, reverses this trend. Both 'before' and 'after' The Child Abuse Review Team, 'unknown' victim/perpetrator relationship exhibits only '2 years or less' probation terms.
Control Variable: Nonpenetrable Sex Act

Information Exchange

[Crown]: "For fondling, [offender] got a suspended sentence and three years probation. He is to go for treatment and stay away from the victim. We need to rethink our position about damages for fondling."

TABLE 5-21
Association between Duration of Probation Sentence Before and After CART controlling for nonpenetrable sex act

<table>
<thead>
<tr>
<th>TIME</th>
<th>2 years or less</th>
<th>more than 2 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before CART</td>
<td>80.0% (16)</td>
<td>20.0% (4)</td>
</tr>
<tr>
<td>After CART</td>
<td>38.1% (8)</td>
<td>61.9% (13)</td>
</tr>
</tbody>
</table>

Chi square = 5.785  p< .02

When controlling for 'nonpenetrable sex act' the original association strengthens significantly. Both 'before' (N=20) and 'after' (N=21) The Child Abuse Review Team, the frequency of cases involving 'nonpenetrable sex' is almost equal. 'After' The Child Abuse Review Team, the rate of 'more than 2 years' probation sentences increases substantially, by 41.9% .
SUMMARY

Analysis of this association indicates that there is a propensity for longer probation sentences 'after' The Child Abuse Review Team. Viable reasons for these changes in duration of probation sentences may include an increase in pertinent information for the Crown's brief, increased awareness of specific family needs due to information provided by Children's Aid Societies' representatives during team meetings, increased awareness and use of treatment programmes for offenders, better prepared victim/witnesses who articulate their testimony more clearly and, of course, the present operating philosophy of Windsor's Office of the Crown Attorney.
4. Resistance

A review of the effects of comprehensive information exchange through The Child Abuse Review Team is incomplete without reference to the issue of resistance to innovations implemented on behalf of child victims of sexual assault. Resistance is readily explained by Lewin's theoretical perspective suggesting that the successful process of change includes three steps (1952). With application of these steps to the situation under review, "unfreezing" the present level of social process suggests responses by members of the legal system to child sexual assault victims prior to Bill C-15. Moving to a new level of social process incorporates implementation of Bill C-15 recommendations for presenting evidence and, in Windsor, the exchange of more comprehensive information through The Child Abuse Review Team for use during court hearings. "Freezing" group responses on the new level infers adaptation by all members of the legal process to the more comprehensive level of child/victim's evidence (Lewin, 1952: 473). This step suggests that a recognized level of social process (i.e. rules for hearing child/victims's evidence) will not change because of "inner resistance" to the demand for adjustment of "social habits" (Lewin, 1952: 471). Resistance to implementation of legislative (Bill C-15) changes by local innovations (i.e., The Child Abuse Review Team) on behalf of
child/victims of sexual assault is examined from two viewpoints - internal resistance and external resistance.

(1) Internal Resistance

Although Child Abuse Review Team meetings are structured to accommodate time constraints of representatives from police services, the following conversations suggest difficulty for some departments with 'unfreezing' former approaches for investigating and applying charges in matters of child sexual assault.

Information Exchange

(1) [Police]: "I can record their [another police department] submissions. Are police not investigating there?"

[Crown]: "We get very few cases from the county, a few from the [...] .

I don't know, maybe cows don't complain."

[CAS]: "[Town] is quite busy and we're getting more from [another town] now."

(2) [Police]: "[detective] was upset that a social worker took a statement before he did."

[Crown]: "The statement should be acceptable."

[CAS]: "In Windsor, the social worker makes the visit with the police. We have a policy in place that 'perps' must be seen within a certain number of days."

In the Crown Attorney's office, itself, there have been indications of resistance to new processes for representing
child/victims of sexual assault. The following overview occurred as a result of one assistant Crown attorney indulging a unilateral decision without utilizing information resources from The Child Abuse Review Team. This, too, represents resistance to 'unfreezing old habits' (Lewin, 1952). The incident symbolizes just how readily the most knowledgable people can fall into denial of children's experiences of sexual abuse. The desire to minimize or deny runs deeply even among professionals who deal with these situations on a regular basis.

Information Exchange

[Crown]: "The social worker witnessed the abuse and reported it. After the crown read the 'psych' report on the 'perp' saying he had made a suicide attempt, she withdrew the case. She didn't tell anyone. It was a mistake and the crown was reprimanded.

[CAS]: "Could the Crown write a letter explaining that we believe the witness?"

[Crown]: "The crown thought that he was innocent because no one would do such a thing. The whole purpose of this team is to discuss these cases.

The psychiatrist believes just being charged will deter him. Mother thinks it's just his way of showing affection. The CAS will have to apprehend the children.

Advise them that there is disagreement in the [Crown] office. The medical report corroborates abuse. It was not in the file."

Underlying much of the internal resistance to innovations on behalf of child/victims of sexual assault are
beliefs in the ideal of cohesive family units to provide safe and protected environments for children.

**Information Exchange**

[Crown]: "On [case], we took a position on sentencing that he would serve in county jail. [Defense counsel] was outside speaking to [CAS Team Leader] and they felt it was better that [offender] not be sent to Kingston.

(with head bowed forward and sadness in voice) Asking for jail doesn't always make guidelines right - look at all the children out of their homes now because of me."

[Detective]: "She seems a lot happier out of the environment with the mum. There's a marked improvement since she's gone into CAS care."

(.1) **External Resistance**

A. Medical Evidence

Since reporting of child abuse became mandatory for professionals in 1978, the medical profession's absence in terms of public policy response has left a gap in the lobby against child sexual assault (Finkelhor, 1986). Recently, in his insightful report and recommendations, Rix Rogers suggests that child sexual abuse/assault issues should be the mandate of the Canadian Federal Department of Health and Welfare (1990). This certainly has implications for the medical profession in addressing such a challenging social problem.

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The ensuing communications are included here to illustrate the current level of "unfreezing" as measured by observations of local medical perceptions and response to the situation faced by child sexual assault victims. The information also demonstrates the significance of medical evidence on behalf of child sexual assault victims.

**Information Exchange**

(1)

[Crown]: "We've been having a lot of trouble with doctors. To our great surprise, we've learned that doctors need as much preparation as children. They have no idea what their role is as a witness.

We've learned from doctors who are experts in this area that telling juries the hymen's partially intact because she fell off a bicycle or did it with masturbation is nonsense and that a lot of our local doctors are just not informed.

[V/W Director] brought this up yesterday - we're hoping to have Dr. [...] get some of these doctors together to tell them we've got hundreds of these cases now and we need you to start coming up to the mark on these things.

When we've had doctor's in a day or two ahead of trial, we learn that they're really nervous. They've never, ever been questioned by anybody. And I'm telling them that they're saying this little girl is a liar, your evidence is important. So what are you gonna tell us here and what is the basis of that opinion."

[CAS]: "We've got a protocol in place with the hospital emergency rooms. Dr. [...] is talking about getting someone from Toronto to do a day of training around examining, using measurements and using medication. I think he would really appreciate some input from the crown as part of the training if you could arrange it."

[Crown]: "Yeah, we'd really like to participate."
[CAS]: "I think he is really good and he has contact with people who are beginning to accomplish things with him. They aren't afraid to tell the parents what they think - he'll sit down and say 'Look this doesn't happen from smoking' and he goes through the list of different things that can. He can be just as supportive if he finds nothing - 'isn't this great, you've got a beautiful hymen'. That's important stuff to hear, you know."

[Crown]: "Being a doctor is one thing, but being a forensic doctor when you have to explain yourself to a jury and judge is a whole different skill. They have to be persuasive and they'll be listened to very carefully."

(2) [Crown]: "He faked a suicide attempt, in treatment programme now. He said he would plead guilty to the other victims if he didn't plead guilty to his daughter.

She had a bleeding, raw vagina. The doctor said, 'I'm not going to say she's been sexually assaulted' and gave her something specifically for sexual assault."

(3) [Crown]: "Twenty years ago the mother had taken the girl to the doctor. The doctor said, this is just preposterous, don't ever make an allegation like this. It destroys a man. And the child was bleeding."

B. Court Personnel

Two conversations with this researcher are included here to illustrate the level of denial and minimization toward child/victims' experiences from personnel who participate regularly in child sexual assault court hearings. The dialogues indicate the degree of resistance to accommodating new perceptions about child evidence or, to
use Lewin's terms, 'unfreezing old [perceptual] habits' (Lewin, 1952) still required among courtroom personnel.

**Information Exchange**

**[Court Personnel]:** "I have a son who is a professional and he agrees with me that it is difficult to believe that these children are telling the truth when they use words like vagina in court. They've been taught these words by social workers, haven't they.

I'm a mother and a grandmother and we never used those words. In fact we used 'ollygollypoopoo' to describe that. Now if a child used a word like THAT, she would be more believable!"

**[Researcher]:** "As far back as 1975, parent education classes at the local hospitals were teaching new mothers to use proper terminology to describe the perineal area.

After they went home, public health nurses taught new parents appropriate terminology during infant examinations and preschool assessments ... There are also children's books available which assist parents with this very subject, nowadays."

**[Court Personnel]:** "Don't you think it was just his finger? I still can't imagine a child's vagina being able to stretch that far."

**[Researcher]:** "Well, a good analogy might be the 'bungee' cord to help you understand how it can happen."

(2) **[Court Personnel]:** "Tell me, do all social workers hate all men?"

**[Researcher]:** "No, just men who con, lie and molest children."
[Court Personnel]: "Well, I'm not like that, I'll tell you and I wouldn't like someone who did that with CHILDREN. I don't go with that sort of thing."

C. Criminal Bar

Resistance from Windsor's criminal lawyers is explored through observations of information exchanged between members of the interorganizational innovation during an evaluative conference as well as during regular Child Abuse Review Team meetings. In addition, observations made during a focused interview provide data for this area of analysis. The themes of debate about legislative changes intending to simplify a child/victim's participation in criminal procedures polarize around the search for justice and the basic rights of an accused to a fair, public trial which includes the right to confront his accuser. There are a number of indicators which demonstrate the criminal bar's resistance to implementation of efforts permitting clearer perceptions of a child/victim's evidence during the legal process. For instance, it is suggested that defense lawyers attempt to elevate sexual abuse trials to a higher court where more senior judges tend to be more specific about legal technicalities and give less weight to a child/victim's evidence (Lipovenko, 1989). In keeping with this theme, one police chief suggests that criminal lawyers resist speedy trials for their clients. "...The best thing in the world for a defense counsel or a criminal is that the
trial is delayed. The longer the trial is delayed, the better for the criminal” (Bindman, 1991: D8). The following dialogues illustrate the local criminal bar's resistance to implementations made to achieve justice for child/victim's or 'unfreezing old [perceptual] habits' (Lewin, 1952).

Information Exchange

(1) [Crown]: "Defense lawyers are telling them to plead guilty only if they're in [offender treatment programme] and it's only fondling. Here they follow the letter of the law. And now they're telling their clients not to go to treatment [programme]."

[V/W]: "That's interfering with their client's rehabilitation."

(2) [Offender Treatment Programme Director]: "You have tough defense lawyers in Windsor."

[Crown]: "We've got a very competent, tough, litigious defense bar here in Windsor. Once a lawyer gets a' hold of them [accused], they get well protected.

I think the flip side of that is that we're probably all a little better in our job because we are put to the test all the time."

Interview

During an interview with defense counsel, he indicates that removing recent complaint from the Criminal Code was an error. In his opinion, it protected children by showing consistency in their allegations. He makes it very clear that it is a myth to believe that children are abused in
courts. "I have never seen a child in the courtroom who is not spontaneous and honest. The thought that they'll be tricked is very poor. The court can not approve if counsel abuses a witness."

His response to child/victim preparation and representation since implementation of Windsor's Victim/Witness Programme and Child Abuse Review Team: "Victim's are too prepared! Children sound suggestible because they're learning too many adult words" and "The Crown's still not as prepared as he could be."

D. Judicial Resistance

Among socially defined boundaries is the exclusion of any level of sexual misconduct between an adult and a child. Judicial decisions uphold society's laws about this boundary. One of the more difficult tasks for the judicial process involves implementation of rules of evidence to hear and evaluate information, in this case, about child sexual abuse. Although rules of evidence are designed to minimize personal bias, judicial resistance can manifest through administration of these rules. Judicial resistance to implementation of legal changes supporting procedures to simplify presentation of a child/victim's evidence is illustrated by the following information exchanges. They suggest ways in which the judicial process resists.
'unfreezing old habits' (Lewin, 1952) to perceive child/victim witness evidence accurately through age appropriate descriptions of their experiences.

Information Exchange

(1) Technical Supports

[Crown]: "Judge [...] states that videos are unconstitutional because the accused cannot be present when the videotape is made."

[V/W]: "From what I understand, other jurisdictions are having more success with the screen. It's ironic because we initiated that whole process and now we're being met with resistance. My counterparts from all over Ontario are not having any trouble getting the screen."

[Crown]: "This is just a stage we are going through. Five years from now all these things will be settled. But, that's my reluctance to using protective devices right now. I find it is very time consuming and it doesn't always help us."

(2) Child's evidence

[Crown]: "If you give Judge [...] corroboration, he'll convict and he'll sentence heavily, but he's very old-fashioned and thinks that kids make things up. With [four others], it's just a real struggle. That's one of the reasons they [accused] don't plead guilty - as long as there's no corroboration, they sit tight and hope they come up with one of these judges.

Some judges just have difficulty with kids. Judge [...] does not even LOOK at the child. He comes in with antiseptically clean hands, stares at his beautiful notes and - it's a formula. If there is a slight discrepancy, he says, 'I have to totally disbelieve the accused. I have to completely believe the victim. I don't find I can do that. Case dismissed.'"
"We had a case with Judge [...] sort of in chambers. You had a seven year old child and a thirteen year old babysitter — remember the chocolate incident? — He just couldn't accept the child's word alone. He said, 'If you had brought me the towel with the chocolate on it, then I wouldn't have a problem convicting.'

Even though it's not required to convict now, with Bill C-15, some of them still want corroboration.

'That's right. They're not gonna tell you that, but they just won't do it.'

(3) Expert Testimony

Judge [...] heard it [expert testimony] and he wouldn't let it in. He said it was just 'bow-stringer' testimony and I'm not allowing [expert] to give her opinion.

We're gonna call experts to testify a lot in the next year. Their evidence won't be allowed, but the judge will hear it. And that's step one.

When he hears about incremental disclosure and recantation in the next case he has, he won't disclose what that's making him think, but eventually, he may convict on what he previously ruled out.'

E. Social Constraints

This area is included to illustrate the impact of issues outside of the legal process which can influence the context for hearing evidence about child sexual victimization. Minimization of child/victim's experiences is viewed as social resistance, and a need for social thought to 'unfreeze old [perceptual] habits' (Lewin, 1952).
(1) Political

[Crown]: "She speaks three languages, her story is consistent, but there's no medical evidence. Her father was asleep on the floor right next to them. She says when she woke up gooey stuff was on her hands so she went to wash them. The sleeping bags have been sent to forensic."

[CAS]: "She has been traumatized since the disclosure. She didn't want to break up the friendship between the families."

[Detective]: "We've contacted Interpol and we're trying to arrange everything in French."

[Crown]: "Only the trial needs to be in French. Politically it is a hot potato. The Provincial government has given in to [defense counsel] to have an entirely French court."

(2) Sanctity of Motherhood

[Crown]: "Put a warrant out for him and keep him in custody. He was just discharged on intercourse at the preliminary hearing. Now he ties her up with cords.

[Police]: "The kids are out of the house now. They were put back into the home on condition the mother have no contact with [perpetrator]."

[Crown]: "We just can't start charging the mother."

(3) Social Priorities

[Crown]: "He just can't handle the guilt and wants help.

[Police services] went to [another province] to pick him up. He says he had sex with countless little girls and animals - he'll probably do more time for hurting animals."

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5. Overview: Responses to Interorganizational Conference

In the interim since this data was collected, in response to information exchanged at the interorganizational evaluation conference for the Child Abuse Review Team, it is notable that treatment groups for adolescent sexual offenders have been initiated through the Roman Catholic Children's Aid Society and the Regional Children's Centre. According to Kathleen Faller, a University of Michigan expert, early treatment for adolescent offenders results in a better prognosis; the longer the behaviour pattern persists, the less successful the treatment. Among professionals in the field, the current attitude is, "we don't assume it will disappear" (van Wageningen, 1990: A3).

With reference to concerns about medical resistance to providing evidence on behalf of child/victims of sexual assault, a report made to the Essex County District Health Council by Salvation Army Grace Hospital points out that twelve to fifteen per cent of reported child sexual abuse cases go to court and significantly less are prosecuted. In their proposal to institute procedures for examining child/victims of sexual assault on an emergency basis they propose, "Only by providing the best examinations and the closest involvement with the Children's Aid Societies and the Crown Attorney will this be changed" (van Wageningen, 1991: A5).
During a 1989 Oakland University conference a sexual offender expert, Nicholas Groth, suggests that society is more comfortable with aggression than with sexuality, "battering is much more acceptable than fondling" (Groth, 1989). With reference to interorganizational conference requests for application of a charge and treatment recommendations for alleged child sexual offenders, March 1992, brought a workshop with Nicholas Groth sponsored by the Essex County Children's Aid Society. Groth advises, "Punishment isn't enough. You have to lead sex offenders to more accountable behaviour." Along with denying that they have done anything wrong, sex offenders tend to minimize the impact of their victimization. Many insist that the child initiated the contact or that they were simply providing sex education (Finkelhor, 1986).

Paedophiles develop a sexual attraction to children which continues throughout their lifetime, whereas violent sexual deviants need to exert power over child/victims. Groth advises that sexual deviance fulfils many non-sexual needs in much the same way that alcoholics use alcohol for reasons other than quenching thirst. The key to assisting offenders is to facilitate internal and external supports for controlling urges through a number of treatment modes such as hormone medication, behaviour modification and group psychological counselling. In a similar vein, Dr. Patrick Carnes suggests a twelve-step approach to recovery for
sexual offenders who are seen as sexually addicted to the thrill of victimizing children (Carnes, 1983). Dr. A. Gordon, chief of psychology at a psychiatric centre affiliated with the Canadian federal correctional system, believes transition programmes are needed because 90% of convicted sexual offenders will be back on the street again. "Very often, our guys leave with the best of motives or intentions. When things do not go well, they slip back into their old patterns" (Taylor, 1991).
CHAPTER SIX

CONCLUSION

i. Microsociological Component

Historically, feminist and victimological research recognized the importance of the role of victims engaging the legal process. From this has come efforts to support and empower child/victims of sexual assault through The Victim/Witness Programme, Bill C-15, and The Child Abuse Review Team. A review of this study’s quantitative and qualitative data from a microsociological perspective demonstrates a correlation between legal outcomes and child/victim characteristics: sex, age and relationship with the accused. In essence, analysis of parallel qualitative and quantitative data suggest that the effects of child/victim’s sex, age and relationship with the accused seem to influence each other as well as legal outcomes. Variable inter-relationships are more closely analogous to the image of a "spiral" than to a direct causal chain.

Of these victimological attributes, cases involving ‘male’ child/victims have a higher proportional number of charges applied than ‘female’ child/victims. Likewise, cases involving ‘male’ child/victims generate a higher proportion of longer term custodies among convicted offenders than cases involving ‘female’ child/victims.
These results reflect a number of issues about the impact of gender on the legal process experienced by child/victims. They are indicative of increased social awareness about sexual assault of male children, increased reporting of sexual assault by male child/victims, and, of course, recommendations made in Bill C-15 permit a wider variety of gender-specific charges consistent with actual sexual perpetraions which tend to occur with child/victims. As well, however, these figures suggest that, throughout the legal process, sexual victimization of male children is perceived as more offensive than sexual victimization of female children.

Victimological quality, child/victim age, impacts the legal process in three particular areas: the severity of charges applied, plea submission by the accused and duration of custody sentences. In its association with the severity of charges applied all age groups experience a higher rate of more severe than less severe charges. Interestingly, cases involving both adolescent and school age child/victims encounter an equal percentage of more serious charges. When non-penetrating sexual perpetraions are taken into account, the highest rate of more serious charges occurs among cases including school age child/victims. Taking into account penetrating sexual perpetraions, cases involving both school age and adolescent child/victims reflect a higher and equal rate of more serious charges applied. The analysis of
this association certainly demonstrates an overall increase in reporting child sexual abuse/assault, and an increase in application and specification of charges in these matters. These outcomes support the contention that there is an increased community awareness of and response to child sexual victimization as a serious social problem. There are more community supports for child/victims and their families than ever before; victim/witness preparation enhances evidence provided by child/victims in the courtroom; and, of course, legislative changes brought about by Bill C-15 for defining sexual assault and hearing a child's evidence in court make it more feasible for social control agents to pursue the legal avenue on behalf of child/victims.

With reference to submission of pleas by the accused, cases involving school age child/victims experience more guilty than not guilty pleas. Cases involving adolescent child/victims experience more not guilty pleas submitted by the accused. Of the limited number of guilty convictions which generate the association between child/victim age and custody sentences, cases involving adolescent child/victims precipitate the highest rate of longer custody sentences. Perhaps because of their emerging sexuality, outcomes for these two associations suggest that the legal process responds to adolescent child/victims differently. Although legal outcomes for school age child/victims would be expected to reflect a higher measure of offensiveness
throughout the legal process, it is interesting to note that plea submissions and custody sentences indicate otherwise. In essence, the overall impact on the legal process of child/victim's age supports the contention that perceptions of court evidence varies with a child's ability to conceptualize details about time and language to describe details about the environments in which offenses occurred, clothing worn by the accused and, of course, specific sexual behaviours perpetrated. The level of cognitive development required in order to provide details expected for legal evidence is simply incongruous with the level of cognitive development of child victim/witnesses.

For this particular population, the influence of victim/offender relationship on legal outcomes differs from findings in other victimological literature and research which indicate that the highest incidence of reported child sexual abuse occurs in cohabitating family relationships. Perhaps the results of this research indicate increasing social awareness and reporting of sexual abuse by extended family members, neighbourhood friends, babysitters and people in positions of authority/trust. The lowest incidence of cases dismissed or withdrawn occurs among unrelated/known and extended family relationships which is consistent with outcomes in custody sentences and submission of pleas for this victim/perpetrator relationship - the fewest longer custody sentences and the most guilty pleas.
Consanguinous sexual perpetraions against children are
difficult to prove and difficult to accept. Among family
members, lower sentences and cases withdrawn or dismissed
due to incremental disclosure and recantation are
comprehensible when examined through Leon Festinger's theory
of cognitive dissonance (1957). Requirements for legal
evidence are incongruous with the extraordinary dissonance
experienced by a child/victim providing evidence 'against'
an abusive family member, family friend, or person in
authority who is simultaneously loved, feared and respected.

Despite increasing social awareness of the sexual
victimization of children, despite legislative changes which
address the issue more directly, despite rapidly improving
supports for child/victims and their significant others,
despite improved co-ordination of information resources for
the Crown Attorney's brief, despite victim/witness
preparation, for most cases the true substance of a child's
sexual victimization is still not being heard clearly within
the courtroom.

2. Macrosociological Component

Guba and Lincoln (1989) support a social constructivist
approach to evaluation. Because truth and reality are
socially and politically defined, effective evaluation
involves empowerment of "program stakeholders" (Posovac and
Carey, 1992: 27). As well, it is suggested that objective,
quantitative data are important but need to be interpreted using qualitative observations in order to form an integrated understanding of a programme and its effects (Posovac and Carey, 1982). In this instance, the formative evaluation aspect of this research perceives "program stakeholders" as those service organizations who provide service to child sexual assault victims and their families along with representation to The Child Abuse Review Team. This interorganizational innovation seeks to consolidate efforts to empower child sexual assault victims (a microsociological facet) through the legal process by creatively implementing legislative changes recommended by Bill C-15 (a macrosociological facet). This is achieved by facilitation of comprehensive information exchange.

Since its inception, qualitative and quantitative data analysis suggests that the legal process for child/victims has been enhanced in three areas, especially. After the Child Abuse Review Team was initiated, there is a proportional increased application of less serious charges, an increased number of charges applied for alleged perpetractions against male child/victims, a proportional increase in suspended sentences and an increase in specific conditions ordered during sentencing. Although these components of the legal process may have increased as a result of Bill C-15, the synthesis of qualitative and quantitative data suggests these results be defined as
"intermediate goals" (Posavac and Carey, 1992: 48) which recognize that an implementation is working well, but does not achieve the final goal intended. The final goal defined by this interorganizational innovation consists of achieving justice for child/victims as appraised by submission of guilty pleas by the accused (thereby curbing the need for child victim/witness courtroom testimony) and guilty convictions.

As well, successful implementation of The Child Abuse Review Team is implicated by findings of increased longer custody sentences and longer probation terms. These legal outcomes are additional indicators of intermediate goal achievement which signifies an increased awareness of specific family needs due to information provided by Victim/Witness Programme, Children's Aid Society and Police Services representation on The Child Abuse Review Team, improved preparation of victim/witnesses, implementation of a local treatment programme for offenders, comprehensive information for the Crown Attorney's brief, and the present working philosophy of the Crown Attorney's Office.

Qualitative and quantitative data analysis suggest that implementation and adaptation from within the Child Abuse Review Team, itself, employ success-producing principles of interorganizational innovation. For example, the type of organizational structure and processes are more open, less hierarchical and compatible with demands for comprehensive
information. During information exchange meetings, interpersonal contact and interaction is fostered thereby encouraging effective adjustment to the innovation by its members. Finally, the present leadership style encourages participative discussion and decision-making which enhances prospects for this innovation's intraorganizational acceptance (Tornatzky et al., 1980). Implementation of this particular interorganizational innovation also responds to research and theoretical recommendations for increased collaboration between prosecutors, police, mental health and child protective workers (Rogers, 1980; Finkelhor, 1986; MacFarlane and Bulkley, 1982; Giaretto, 1982).

Despite the rationale for adopting an innovation, McGrath points out that it always occurs within an prevailing context. Using his formula, The Child Abuse Review Team is, itself, "a consequence of preceding changes" brought about by increasing social awareness of victim's needs during the legal process and subsequent institution of the Victim/Witness Programme; "and conditions," such as the legislative response by Bill C-15 to social pressures for recognition of child/victim's needs during the legal process; "in its environment," the legal system (McGrath, 1985). Resistance by "workers" to changes in system processes have long interested social psychologists. In this instance, an extensive body of literature addresses aspects of innovation likely to incur resistance from
recipients of modification efforts (Johns, 1973; Zaltman and Duncan, 1977; McGrath, 1985). An outline of these aspects include such characteristics as an innovation’s complexity, relative advantage, and congruity with traditional values. Certainly, this last element has implications for achieving justice for child/victims of sexual assault.

"The disruptive nature of innovation ... is a fact of life. The implementation of innovations stirs things up in public service bureaucracies and arouses what we have loosely described as uncertainty. Change is difficult." (Tornatzky et al., 1980).

Traditional values in areas of the legal and social system continue to respond to a child/victim's reality from a model which clings to a premise which sanctifies family life and expects adults to provide for and protect children. Unfortunately, this is not as common as we would like to believe.

As well, interpretation and application of principles commanding rights of an accused to a fair and public trial and, particularly to confront 'the accuser' are firmly entrenched in jurisprudence. Most participants in the legal process forget that a child is not 'the accuser'. A child/victim of sexual assault simply wants it to stop. S/he is a child victim/witness who provides required information to the Crown Attorney. The 'accuser' consists of those who are mandated to protect the child; in this case, family members and provincial representatives, such as
Children's Aid Society social workers and police detectives. The Crown Attorney's Office represents those social control agents who make the formal allegation on behalf of a child/victim. Let the accused confront the appropriate accuser.

Only during the last ten years have adult survivors begun cultivating language to describe the meaning, and the impact of long term implications for living with the unspoken secret of sexual abuse experiences. Until language is specified in a manner meaningful to legal rationale, it may be some time before the truth spoken by a child sexual assault victim can be perceived accurately in a courtroom.

The proclivity for misconstruing a child's testimony is understandable when seen within this historical context. Dissonance between requirements by the legal process and a child/victim's level of cognitive and language development often obstruct perceptions of the meaning and implications of a child's testimony, and above all, a child's recantation or incremental disclosure. "The justice system is showing victims of sexual assault, forty per cent (40%) of whom are children under eleven years old, that telling the truth may not be enough." (Coleman, John, 1992: A6). In many instances, the spirit of the law has been forsaken for the letter of the law when hearing children's evidence.

Accompanying a pervasive social tendency to deny or minimize experiences with sexual victimization, within
existing medical and legal education curricula there is no sensitivity training concerning the effects of such trauma and subsequent implications and rationale for adaptations in legal procedures and requirements for child victim/witnesses. To date, there are no provisions for victim advocacy permitted through the Attorney General’s mandate for The Victim/Witness Programme.

Until medico-legal education and victim advocacy are incorporated on behalf of child sexual assault victims, a feasible alternative is enforcing the admissibility of expert testimony to interpret the child’s language and symbols in a manner which allows the truth of a child/victim’s ordeal to be heard accurately by the judiciary.

Examination of qualitative and quantitative data confirms resistance to changes intending to empower a child/victim’s case with comprehensive information and broader legal provisions for presenting necessary evidence during court hearings. Analysis of guilty pleas submitted by accused and of guilty convictions indicates a decrease in these component legal outcomes after implementation of The Child Abuse Review Team. A number of focused interviews and observations suggest that much resistance to this interorganizational innovation’s purpose comes from outside of The Child Abuse Review Team.

Only recently have treatment programmes for convicted sexual offenders emerged. From within as well as outside of
the Team concerns are expressed about the welfare and safety of imprisoned offenders. To date, there has been no outcry about harm toward sex offenders within the prison system. Perhaps it is a gender-promulgated myth that sex offenders are murdered and raped by other members of the prison population. Young offenders and adults who sexually victimize younger children need to be held accountable for their behavioral choices (Groth, 1992). Too many are not.

3. Recommendations

Perhaps a constructive means of increasing human personnel resources in the Crown Attorney's Office and Victim/Witness Programme could include consistent documentation of legal outcomes for cases processed through their offices. Representation from these offices provide exemplary leadership to The Child Abuse Review Team which very skilfully finds ways to work with imperfections in the legal process relevant to child sexual assault victims.

Computer summaries of hard data updates would provide justification to administrative levels in the policy sector which would increase funding for more personnel in both offices. It would also provide valuable feedback to the Provincial Attorney General's Office and the Federal Department of Justice concerning the efficacy of implementing legislative recommendations at the grass roots level.
Despite considerable support for child/victims through the Victim/Witness Programme and The Child Abuse Review Team, enhanced interorganizational communication and an unexpected increase in reported sexual victimizations of children the current working philosophy minimizes the extensive trauma sustained by children victimized by non-penetrating sex acts. This rationale provides a subtle social message that "a little bit of child sexual abuse" is acceptable. It is NOT. Licit acknowledgement is required to demonstrate that any level of sexual activity between an adult and a child is unacceptable and intolerable.

In his report 'Reaching for Solutions', Rix Rogers (1990) offers thirty recommendations for improving provisions and representation for child sexual abuse victims engaging Canada's justice system. Many are implemented in this jurisdiction. Other recommendations responding to issues raised by this research include an ethics code for dealing with children during the legal process, permission for witnesses to testify about out-of-court statements made by a child about abuse, encouraging provisions for technical supports and construction of facilities for hearing evidence which are sensitive to the needs of children and other vulnerable witnesses. For example, perhaps a room with a two-way mirror could be provided in order for defense counsel, the accused and, if requested, the appointed judge for the case to observe, in a concealed manner, the
interview of a child/victim about the sexual assault allegations. Following this, it is the interviewer who could be cross-examined by defense counsel. This supports the search for truth, the principle of the accused's right to 'confront the accuser' and the concept that 'the accuser' is in fact those who are mandated to protect the child/victim. In this instance, the appointed interviewer would be cross-examined as 'the accuser'.

Until specialized legal and medical preparation is in place, there is a need for expert testimony on behalf of child/victims about the far-reaching and lifelong effects of sexual abuse. Perhaps a programme similar to 'The Gender Equality in Decision Making' programme created to enhance judicial awareness of women's issues (Macaluso, G., 1992: C1) could be developed and required before taking the bench in an effort to sensitize judges to more clearly perceive the truth and substance of a child's account of experiences with sexual victimization.

In order to facilitate workable ways to stop sexual victimization of children, there is a demand for judicial recognition of offender accountability as crucial to child sexual abuse/assault prevention and rehabilitation. Whether young offender or adult, once an allegation has been made, during bail hearings, orders for removal of accused from the home of the child/victim and nonassociation conditions for the accused are imperative. A younger offender may be
placed in a foster home or treatment facility on a temporary basis, if necessary. Means available to a judge for holding a convicted sex offender accountable include options such as prison sentences, conditions recommending community service, nonassociation with children below a certain age, supervision orders, treatment recommendations for a minimum of one year and financial compensation for a child/victim's long-term treatment. Accountability is an act of compassion toward those who are unable to control expression of their sexual preference for children.

Perhaps the most important recommendation arising from results of this particular research is for legislation which provides the judiciary with a choice of 'not proven' beyond a reasonable doubt. This is a more gentle option which would permit legal recognition of the occurrence of sexual misconduct, though rules of evidence may preclude a guilty verdict.

As a matter of interest, during the data collection phase for this research, no cases of child sexual assault allegations which achieved courtroom hearings were fabricated. To elaborate, despite judicial verdicts, every case processed through the Child Abuse Review Team to the courtroom was, in fact, a legitimate sexual assault perpetration. Primarily, cases with the "best" evidence and the "best" victim/witnesses reach this phase of the legal process. An additional category, 'unproven' could provide
an opportunity for judicial rehabilitation recommendations for all parties.

4. **Comments**

As more knowledge, awareness and information become available, it seems the more a child/victim's journey through the legal process varies. One means for reducing the effect of social conditioning and personal bias abides in legislated rules of evidence crucial to the legal process. However, observations and participation in legal settings experienced by child/victims suggest that legal debates about the use of technological supports cloud the higher purpose of laws exemplifying our own culture's values. It is challenging to allow ourselves to hear what these children tell us—no one wants or likes to choose to believe what is being said. As one male defense counsel commented sadly, "Men are just so immature, sexually." The ability to perceive and respond appropriately to the substance of a child/victim's experiences with sexual assault demands acceptance and clarity about one's own personal sexuality.

On behalf of child sexual assault victims, the medical profession is being asked to develop more skills for providing legally significant evaluative medical evidence. The judiciary is being asked to let go of the choice to discount what they hear. Both professions are asked to use
their resources and authority to enable offenders — young and adult — to be accountable for socially and legally defined "unacceptable" sexual behaviours which overstep generational or positional boundaries. Even a "little bit" of sexual abuse is harmful to a child's world-view and needs to be prohibited and appropriately consequenced. In January 1991, during a speech I delivered to professionals in the field, I suggested that, "Sexual abuse is common — my hunch is that each one of us ... has been touched by it in a personal way — through a friend, a relative, perhaps yourself. It is a trauma which demands incredible resources to heal, in ways difficult to see." Most child/victims carry the scars from this crime alone — with neither social nor legal recourse.

Only within the past eight to ten years have treatment groups, and twelve-step programmes such as sex addicts anonymous for offenders become available. No socioeconomic group is immune from the effects of this social challenge. During a personal conversation with Dr. Patrick Carnes, he indicated that the majority of his clientele are respected professionals in positions of authority — doctors, lawyers, ministers and priests (February, 1988). Historically, we are at a place and time similar to that which nurtured the founding of Alcoholics Anonymous in 1935. Like responses toward alcoholism in the 1940's, responses today toward
sexual deviance with children are fraught with confusion, denial and shame.

The legal arena is called to empower the process of recovery from this endemic social problem. The process of recovery from sexual abuse and assault takes a long time - for victims, for significant others and for perpetrators.
APPENDIX

A
**CLIENT INFORMATION**

**INTAKE DATE:** / /

**CLIENT #:**

**CLIENT:**

- **Family name**
- **Given name**

**ADDRESS:**

**AGE:**

- **Sex:**
- **Phone:**
  - Home
  - Business

**STATUS OF CLIENT:**

- **W**
- **H**
- **Other**

**RELATIONSHIP TO ACCUSED:**

**DOMESTIC VIOLENCE:**

- **Y**
- **N**

**CHILD ABUSE:**

- **Y**
- **N**

**SEXUAL VIOLENCE:**

- **Y**
- **N**

**NAMES AND AGES OF DEPENDENTS:**

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**TOTAL # OF DEPENDENTS:**

**REPORTER:**

**Address:**

**Relationship to client:**

**CLIENT AWARE OF DISPOSITION:**

- **Y**
- **N**

**PROCESSING INFORMATION**

**CRIMINAL INJURIES:**

- **N/A**

**CONVERSATION CLAIM:**

- **Discussed w/Client**
- **Form given to Client**
- **Other (specify)**

**IF SENTENCE OVER 2 YEARS, HAS CLIENT BEEN NOTIFIED OF RIGHT TO MAKE EQUITABLE REPRESENTATION TO NATIONAL PAROLE BOARD:**

- **Yes**
- **No**

**CLIENT HAS USED VICTIM SERVICES IN THE PAST:**

- **Y**
- **N**

**INTERPRETER REQUESTED:**

- **Y**
- **N**

**LANGUAGE:**

- **En**
- **Sp**

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**CLIENT RECORD**

**COURT/ACCUSED INFORMATION**

**INFORMATION 1:**

- **Accused # of**
- **CROWN FILE NUMBER:**

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**CHARGES:**

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**COURT JURISDICTION(S) AND DATE(S):**

- **Court d m y**
- **Court d m y**
- **Court d m y**

**DISPOSITION:**

**Any Guilty Verdicts?**

- **Y**
- **N**

**DISPOSITION (note sentence type, amount, special conditions/treatment, etc):**

**SOURCE OF REFERRAL:**

- **Crown**
- **Police**
- **Legal Aid**
- **Self Help Agency**

**OFFICER 1/C OF CASES:**

**Name:**

**Badge No.:**

**Phone:**

**SPECIAL SERVICES PROVIDED:**

- **Courtroom Site Orientation**
- **Provided General Information on Criminal Justice System**
- **Met with Crown and Victim in joint session**

- **Provided Brochures**
- **Discussed Ministry Policy**
- **Other (please specify)**
ACCUSED:  
AGE:  LAWYER:  

VICTIM(S):  AGE(S):  

RELATIONSHIP:  

CHARGE:  

PARTICULARS: fondling, fellatio, anal, intercourse  

PRELIMINARY DATE:  

PRE-TRIAL DATE:  

TRIAL DATE:  

VIDEO:  YES  NO  

SCREEN REQUIRED:  YES  NO  

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APPENDIX

C
QUESTIONS TO BE ANSWERED BY WORKERS FOR CRIMINAL COURT REVIEW TEAM

1. Is the mother supportive of the child?

2. How traumatized was the child by the assault?
   (a) Will the child be able to tell his/her story in court?
   (b) Do you think the child will give a more complete account of the abuse if the accused is behind a screen in Court?

3. Do you think the child requires extra attention and preparation for court?

5. Does the accused have contact with:
   (a) mother
   (b) the children
   (c) both

6. Is there a supervision order?

7. Has the accused made admissions to you; the mother or the children since offence was disclosed?
8. Are there any family court or divorce proceedings pending?

9. Is the accused making threats to the family since disclosure?

10. Are there support systems in place for the child?

11. Anything else that you think the Crown and the Police should know?
Bill C-15 is subject to review in 1992. We need to collect information on its implementation for that review, as well as to facilitate the exchange of information between Crown Attorneys across the Province. With these two purposes in mind, would you fill out this questionnaire for each child complainant in a case involving sexual abuse and return it to:

Chris McGee
Assistant Crown Attorney
Victim/Witness Assistance Programme
9th Floor
720 Bay Street
Toronto, Ontario
M5G 2K1

Date Form Completed: ______________________

Age of Complainant: 

Sex of Complainant: 

Name of Accused(s): 1) __________________________
2) __________________________
3) __________________________

Age of Accused(s): 1) __________________________
2) __________________________
3) __________________________

Charges: [see list below & fill in appropriate letter(s)]

Accused #1: __________________________
Accused #2: __________________________
Accused #3: __________________________

Offence Charged:

a) Sexual Assault
b) Sexual Assault with a Weapon
c) Sexual Assault Causing Bodily Harm
d) Aggravated Sexual Assault
e) Incest
f) Anal Intercourse
g) Sexual Interference
h) Invitation to Sexual Touching
i) Sexual Exploitation
j)把
k) Parent or Guardian/Householder Permitting Sexual Activity
l) Juvenile Prostitution
m) Exposure

Accused's Relationship to Complainant: (i.e. parent, stepparent, relative, teacher, babysitter, acquaintance, stranger, other - please specify)

Accused #1: __________________________
Accused #2: __________________________
Accused #3: __________________________
Duration of Abuse: (i.e. once only, days, months, years)

Date/s of Offence/s:

Date/s Charge/s Laid:

Date Prosecution Concluded:

Disposition: [see charge list on page 1; fill in letter or write in lesser included offence, if applicable]

H/D

Not Guilty

Guilty

Sentence

Was victim impact information made available to the court? yes ___ no ___

If so, in what form? [i.e., submissions, written report, viva voce testimony]

Trial Procedure

1) Videotapes

Does your jurisdiction's protocol for the investigative interviewing of sexual abused children include provisions for videotaping these interviews? yes ___ no ___

Was this child's interview videotaped? yes ___ no ___

If not, why not?
If a videotape was done, was it shown to the accused before trial?  yes ___  no ___

If yes, did this have any effect on the case?  [i.e. If shown during investigation, did accused make any admissions or if during disclosure did it influence accused in pleading guilty?]

Did you attempt to introduce the videotape at trial?  yes ___  no ___

If not, why not?

If so, was the tape admitted?

If the tape was ruled inadmissible, why was this the case?

Comments:

2. Use of Screens or Closed-Circuit T.V.

Was an application made for the child to testify behind a screen?  yes ___  no ___

If so, was this application successful?  yes ___  no ___

If unsuccessful, why?

Was an application made for the child to testify by means of closed-circuit T.V.?  yes ___  no ___

If so, was this application successful?  yes ___  no ___

If unsuccessful, why?

Comments:
3) **Canada Evidence Act**

Was the child sworn or affirmed?  
- yes  
- no  

If not, was the child allowed to testify based on an ability to communicate and promising to tell the truth?  
- yes  
- no  

What standard was used by the Judge for this section?  

What weight was given to this unsworn testimony?  

4) **Other Issues**

Were any out of court statements of the child (other than those contained in videotaped interviews) introduced by you?  
- yes  
- no  

If so, on what basis?  

Did you call any expert evidence?  
- yes  
- no  

For what purpose?  

Were any non-legislative aids used during the trial to assist the child? (please circle)  
1) booster chair  
2) presence of supportive adult  
3) frequent breaks  
4) microphone  
5) diagrams, photographs  
6) dolls, props  
7) other, please specify  

If you feel the ruling in this case would assist other Crown Attorneys, please summarize the issues here and provide the necessary particulars for ordering the transcript as well as the approximate length (court time) of the transcript:  

Thank you for your assistance. This information is vital to Bill C-15 review and to enhancing our prosecution of these cases!
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Duncan, R.  
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VITA AUCTORIS

Kerry Anne Mahoney

The author was born in 1944 in Windsor, Ontario. At the age of sixteen she graduated from St. Laurent High School, Montreal, Quebec. In 1966, she graduated from Montreal's Royal Victoria Hospital School of Nursing. Following this she was employed as a registered nurse in Vancouver and Alert Bay, British Columbia, and Moose Factory, Ontario. In 1969, the author graduated from McGill University, Montreal with a Baccalaureate Degree in Nursing. From here, she worked as nurse-in-charge for Yarmouth, Nova Scotia's Victorian Order of Nurses and, in 1970, began a lengthy career as a Public Health Nurse in Windsor, Ontario. As well, she has studied and received certification in Gestalt psychotherapy methods with Neil Lamper (1986), The Gestalt Group of Michigan and Ontario (1988, 1989), and The David Grove Metaphor Method (1988). She is currently a candidate for the Master's degree in Sociology and Anthropology at the University of Windsor and hopes to graduate in Fall 1992.