

----- T H R E E -----
THE CHILD WITNESSES

Our goal was to re-interview as many as possible of the 126 children who had participated in the evaluation study.⁴⁸ These 126 children, in turn, constituted a subgroup of the 204 child victims of sexual assault who had been referred to the Child Witness Project between the proclamation date of Bill C-15, January 1, 1988, and January 1, 1990.⁴⁹ All had come under the mandate of the Child Witness Project because:

- 1) one or more charge for a sexual offence was laid on their behalf; and,
- 2) they were under the age of 18 when the case was heard.

Not included, therefore, were victims who were children when abused but adults when testifying. There were 125 adult defendants and 19 youth defendants associated with the cases of these 204 children. Each case involved from one to eight child complainant.

At the charging stage, the parents/guardians of all complainants falling under the Project's mandate had been informed about the Child Witness Project by the investigating police officers. The parents could indicate their initial consent to involvement with the Project by signing a form that gave Project staff permission to contact them. Participation involved being randomly assigned to one of three groups representing different levels of court preparation. Cases which were concluded or terminated early in the court process were dropped from the study because the children did not face the prospect of testifying and so did not need preparation for court. Therefore, the exclusionary criteria were:

- 1) refusal of guardian to child's participation in court preparation; or,
- 2) early guilty plea or early termination of charges.

The 126 children in the evaluation sample constituted 62 percent of the total number of children whose cases were prosecuted in Middlesex County during 1988 and 1989.

BACKGROUND DATA

The first stage in the court preparation was participation by the child and a guardian in an in-depth intake procedure. In addition, all cases were tracked through the criminal justice system by Project staff using file data collection and court observation. Therefore, we had an enormous amount of information on the 126 children.

⁴⁸ The evaluation also included 16 child witnesses who were not themselves victimized and a girl who was the victim of attempted murder. These children have been dropped from consideration here as the focus is upon child victims of sexual abuse. One other case was dropped because there remained an outstanding bench warrant.

⁴⁹ Regardless of whether the child participated in the evaluation, we were able to track the case through the court system, true for 135 cases involving 195 victims. Unfortunately, we were not able to follow seven cases of the original 204, referred near the end of the window period. In addition, one case was dropped from the sample because the defendant died soon after arrest.

DEMOGRAPHIC DATA

The evaluation sample had consisted of 100 girls and 26 boys, who were on average 12 years old at referral. All attended school. The group was culturally and racially homogeneous, being almost entirely Caucasian and Canadian-born. The full spectrum of social classes was represented. In addition, we knew that:

! when the abuse was discovered 31 percent of the children lived in an intact nuclear family, an equal proportion lived in stepfamilies, and another third (34 percent) in single-parent families (see Table 2);

Table 2
Family Status at Time of Disclosure/Discovery of Abuse

	Number	Percent
Intact Nuclear Family	39	31.0
Single Parent — Mother	41	32.5
Single Parent — Father	2	1.6
Mother and Stepfather	31	24.6
Father and Stepmother	8	6.3
No Parental Involvement	5	4.0
TOTAL	126	100.0

! at intake, the majority continued to live at home (86 percent) but three had moved to live with relatives, 11 children were in foster homes, one was institutionalized, one lived in a group home, one lived with friends, and one was living independently;

! 12 percent had a learning disability or were developmentally delayed; and,

! 29 children (23 percent) were living with financially-challenged parents, although in an equal proportion of cases we did not have any indicators of financial status.

CHARACTERISTICS OF THE SEXUAL ABUSE

Although we never discussed the abuse with the children during court preparation, our court observation and file data collection enabled us to learn the details of the abuse which were alleged to the police:

! all defendants but one were male;

! 38 percent of the victims alleged abuse by someone in their family;⁵⁰

⁵⁰ Intrafamilial abuse was defined as abuse that was perpetrated upon a child by someone related to him/her by blood, marriage or adoption. A common-law partner of a child's mother was considered a member of the family if he had greater than one year's residency. Likewise, abuse by a foster parent was intrafamilial if the child had some expectation of permanency with the family or if he/she had been living with the family for more than one year.

- ! 14 children (11 percent) disclosed abuse by their biological fathers;
- ! of the alleged victims of intrafamilial abuse, 48 percent involved a victim and perpetrator who were related by blood while the remainder involved step relatives or those related through marriage or adoption;
- ! 34 percent of the children had lived with their alleged abuser;
- ! less than nine percent of the cases involved abuse by a stranger while the largest category was "acquaintance," including neighbours, professional caregivers, and family friends;
- ! the boys were less likely to have been abused by someone within their family (35 percent) than were the girls (54 percent);
- ! in 44 percent of cases, the children alleged one abusive incident while 25 percent of children described abuse that had occurred for more than one year;
- ! the abuse of 30 percent of the children involved digital or penile penetration of either the vagina or anus;
- ! almost one third of the boys (31 percent) alleged that they had experienced anal penetration and 21 percent of the girls alleged vaginal or anal penetration;
- ! in order of descending frequency, the most intrusive abuse experience reported by the victims were fondling, vaginal intercourse, anal intercourse, oral/genital contact, digital penetration, simulated intercourse, masturbation, invitation to touch the abuser, and exposure of the abuser; and,
- ! the abuse most commonly took place in the child's home (38 percent) or in the defendant's home (25 percent).

In sum, these children has typically been abused by men they knew and in familiar surroundings.

It should be stated at the outset that we make no assumptions concerning the veracity of the abuse allegations. Each case had been thoroughly investigated by the police and, in most cases, the Children's Aid Society as well. At the Child Witness Project, it is not our role to ascertain the validity of the allegation. It is, instead, our mandate to prepare these children for their role as witnesses in court. However, it has been our experience that children are more likely to minimize the severity of the abuse they suffered rather than to exaggerate it.

DISCOVERY OF THE ABUSE BY AUTHORITIES

We found that the children either disclosed soon after the first abusive incident or they waited a very long time. In 16 percent of the original 126 cases, the children immediately had told someone about the abuse and 11 percent had pondered a short time before disclosing. These disclosures were all followed by the notification of authorities by the recipients of the disclosures. Seven children (six percent) had made immediate disclosures but they had not been believed and/or the recipients of the disclosures had chosen not informed the authorities. The largest group (63 percent) had not told anyone the first time they had been abused and, for many, the abuse had continued. For half, the disclosure had come more than one year after the first abusive incident. Therefore, the majority of the disclosures were delayed and most of these were delayed by more than one year.

Table 3
Breakdown of How Abuse Discovered by Authorities

	Number	Percent
Child-Initiated Disclosure	75	59.5
Confronted Disclosure — Police	12	9.5
Confronted Disclosure — Other Person	17	13.5
Confronted After Abusing Child	2	1.6
Unintentional Disclosure by Child	12	9.5
Abuse Witnessed/Other Discovery	6	4.8
TOTAL	126	100.0

As can be seen in Table 3, about five percent of the children never disclosed at all and the abuse was discovered only after being witnessed by a third party. In the majority of cases, however, the abuse was discovered by the authorities following a child-initiated disclosure. This category included when a child had sought someone out with the intention of disclosing and when a child had told of sexual abuse when asked about anomalous behaviour or mood.

Almost one quarter of the children disclosed after being directly confronted about the possibility of abuse; for example, after a neighbour or their teacher had been charged. Two boys disclosed after being confronted about their own abuse of younger children. Twelve children had told someone, usually a peer, in confidence but that person had initiated the process whereby the authorities were notified. We have characterized this type of disclosure as unintentional.

Disclosure patterns were different for boys versus girls. Boys appeared to have been more reluctant to disclose sexual abuse. More than half (54 percent) of the boys disclosed only when confronted about the possibility of abuse or about their abuse of younger children. In contrast, girls initiated their disclosures in 68 of the cases ($\chi^2=20.3$, $df=4$, $p=.0004$). There were also differences in the way children disclosed depending upon whether they were abused by someone within or outside the family. Victims of intrafamilial abuse were less likely to have initiated a disclosure (48 percent) than victims of extrafamilial abuse (67 percent).

Disclosure patterns varied little by the type of abuse the children reported, with one exception. When the abuse involved force, the children were more likely to have initiated a disclosure (72 percent) than when force was not used (48 percent) and less likely to have disclosed after being confronted (17 percent versus 29 percent; $\chi^2=13.5$, $df=4$, $p=.009$). These findings suggest that the more subtle approaches to securing the silence of children — presenting the behaviour as legitimate, threatening maternal rejection, etc. — may be more effective in delaying disclosure.

Prior Dead-End Disclosures: Prior to the occasion when the authorities had been informed about the sexual abuse, at least 23 percent of the children had told someone about the abuse, either in confidence or in a futile attempt to get assistance. Excluding those who had made immediate disclosures, this represents 30 percent. Among those children who had made dead-end disclosures, boys were slightly more common (86 percent) than girls (67 percent). However, intrafamilial abuse victims were no more or no less likely to make dead-end disclosures than were victims of extrafamilial abuse; and the type of abuse was not associated with the existence or type of dead-end disclosures among those children who did not disclose immediately.

These dead-end disclosures had most often been made to a parent (48 percent), who either did not believe the disclosure or who opted not to notify authorities. In fact, 13 children had previously disclosed the abuse to a parent who took no further action or did not believe the child. Same-age peers were recipients of these dead-end disclosures in 41 percent of cases. In the remaining three cases (11 percent), allegations of sexual abuse had been investigated by the Children's Aid Society. In the case of two children, insufficient evidence of abuse meant that the abuser had been permitted to remain in the home. In the other case, the abuser was attending a treatment program for sex offenders and, therefore, had been permitted to remain in the home.

Immediate Changes to Family: Disclosures may end a painful period for the child, but they can result in tremendous upheavals within the family. The most significant change to the structure of each child's family is reported in Table 4. Perhaps predictably changes to the family that followed from disclosures were more likely to have occurred for victims of intrafamilial abuse than extrafamilial abuse ($\chi^2=11.4$, $df=3$, $p=.01$). Excluding from the calculation those children who had no family contact, 96 percent of victims of extrafamilial abuse experienced no change to the family as a consequence of the disclosure.

Parental Reaction to Disclosure: For two thirds of the children, their (non-offending) parents believed the abuse allegation and supported the children through the court process. The parents of 18 percent of the children were ambivalent in their response to the disclosure, six percent were hostile and rejected their children, and in six percent of the cases the two parents differed dramatically in their reactions. Boys were somewhat more likely to have experienced parental support (87 percent) than were girls (64 percent) and no boys experienced a hostile response although this was true of seven percent of the girls. Predictably, parental reaction to the disclosure (excluding offending parents) varied according to the identity of the alleged abuser ($\chi^2=19.6$, $df=2$, $p<.0001$), as can be seen in Table 5.

Table 4

Most Significant Immediate Change to Child's Family At Time of Sexual Abuse Disclosure

	Number	Percent
No Change to Family	84	66.7
Father Left Home Recently, Prompting Disclosure	11	8.7
Child Left Home Before Disclosing	2	1.6
Father Arrested, Removed from Home	11	8.7
Child Left Home After Disclosure	10	7.9
Both Child and Father Left	1	0.8
Other Family Member Removed from Home	2	1.6
No Family Involvement with Child	5	4.0
TOTAL	126	100.0

Table 5
Post-Disclosure Parental Support by Nature of Abuse

	Intrafamilial	Extrafamilial
Hostile to Child	7 (14.6)	--
Ambivalent/Parents Differ	18 (37.5)	13 (18.1)
Supportive	23 (47.9)	59 (81.9)
TOTAL	48 (100%)	72 (100%)

PSYCHOLOGICAL ADJUSTMENT AT INTAKE

As part of the court preparation process, a battery of psychological tests was administered to each child. These included standard psychological inventories and some measures specifically designed to measure sexual abuse and court-related fears. A large majority of the children were having dreams and nightmares related to the abuse, were experiencing intrusive thoughts, were actively trying to avoid situations that reminded them of what had happened, and were trying not to think of what had happened. Although aggregate scores were within the normal range on self-report measures of depression and anxiety, there was a group, about 20 percent, who scored within the clinical range. Elevations on both internalizing and externalizing problem scales were found on parent-report measures for the group overall. In addition, parents described behavioural and mood changes, self-imposed social isolation, and increased levels of generalized fears and mistrust among the children. It was clear that, as the trial date approached, these children were struggling with many personal issues above and beyond the typical anxiety over being a witness in court.

COURT PROCESS

Although all children faced the prospect of testifying, more than one third were never called upon to do so:

- ! 39 percent of the victims never testified, either because guilty pleas were entered or the charges were withdrawn by the Crown;
- ! eight percent testified at a preliminary hearing that was followed by a guilty plea or withdrawal of charges; and,
- ! 38 percent of the children testified at both a preliminary hearing and at a trial.

There were differences between the testifiers and non-testifiers. Interestingly, age was not a factor, but sex of the child was. Boys had a greater likelihood of testifying, as 73 percent of the boys testified at least once compared with 58 percent of the girls. Victims of intrafamilial abuse were significantly more likely to have testified than victims of extrafamilial abuse ($\chi^2=5.7$, $df=1$, $p=.01$). Seventy-five percent of victims of intrafamilial abuse testified compared with 52 percent of extrafamilial victims. In addition, testifiers had experienced significantly lower levels of maternal support following the disclosure ($t=2.5$, $df=68$, $p=.015$).

At the preliminary hearing, we observed that 90 percent of the children were determined by the judge to be able to take an oath before testifying. The same was true for all of the children who testified at trial. Children were rarely able to testify in a closed court room, only two children (three percent) being permitted

this concession at the preliminary hearing and three children (five percent) at trial. However, all children who testified at the preliminary hearing saw the judge issue a ban on the publication of information which would identify them. The same was true for 90 percent of children at trial.

It is worth noting that those children who did testify typically did so without the testimonial aids provided for by the Bill C-15 amendments. No cases involved the use of closed-circuit testimony or admission of video-taped statements as evidence. Six children, however, were permitted to use a sequestration screen when testifying. The use of the screen by one boy at trial was unsuccessfully appealed by the offender to the Supreme Court of Canada,⁵¹ where it was ruled that the provision did not violate the *Canadian Charter of Rights and Freedoms*.

COURT OUTCOME

For the 126 child victims, the case outcomes are listed in Table 6. As can be observed in this table, the cases of about two thirds of the child victims ended in an adjudication of guilt, either with a guilty plea or a conviction after trial.

Table 6
Court Outcome for the Cases of 126 Child Victims

OUTCOME	Number	Percent
Withdrawal of Charges	6	4.8
Acquittal/Not Committed to Trial	34	27.0
Conviction at Trial	37	29.4
Guilty Plea	49	38.9
TOTAL	126	100.0

Interestingly, the age of the child was entirely unassociated with case outcome. Intrafamilial cases were more likely to proceed to trial and more likely to end in an acquittal ($\chi^2=8.6$, $df=3$, $p=.04$). Overall, intrafamilial cases ended in either a guilty plea or conviction in only 58 percent of cases compared with 75 percent for extrafamilial cases. Among cases which went to trial, more of the children who were prepared for court (55 percent) saw the case end in a conviction than the children who had not received court preparation through the Child Witness Project (45 percent).

The type of sexual contact alleged by the complainants was associated with outcome. When children reported vaginal intercourse, only 41 percent of the cases ended with an adjudication of guilt. This was a significantly lower rate of adjudication than in the cases where victims alleged anal intercourse (75 percent adjudicated guilty) or other types of abuse (72 percent adjudicated guilty) ($\chi^2=6.7$, $df=2$, $p=.03$). It is important to note that medical evidence was rarely available as corroboration, for a variety of reasons. In the absence of such evidence, triers of fact may have felt that allegations of vaginal intercourse were not credible. In any event, it is a paradox that victims who alleged fondling were more likely to see their abusers adjudicated guilty than were victims who alleged rape.

⁵¹ *R. v. Levogiannis* (1990), 1 O.R.(3d) 351, 2 C.R. (4th) 355 (Ont. C.A.) affirmed June 15, 1993 by the Supreme Court of Canada.

Guilty Pleas: As noted above, the cases of more than one third (39 percent) of children ended with a guilty plea.⁵² Extrafamilial cases were more likely to end in a guilty plea than intrafamilial cases ($\chi^2=3.8$, $df=1$, $p=.05$), although having a blood relationship between the defendant and the child had no bearing. This was because stepfathers were the category of defendant most likely to go to trial.

The timing of guilty pleas is an important factor to be considered from the child's point of view, as it affects the length of time the case is in the system. Our evaluation showed that pre-trial waiting was one of the most stressful aspects of being a child witness. Of the guilty pleas entered for the project cases, 45 percent were entered on the day of trial. In many cases, this meant that the children had been subpoenaed and were in the courthouse expecting to testify.

Trial Outcomes: For 71 children, the not guilty plea was never changed and the charges were not withdrawn by the Crown. These cases proceeded to trial, where the chance for acquittal was about 50/50 in criminal court. In the seven youth court trials, acquittals were slightly more common (57 percent). The outcome of the trial was not associated with the age of the child, if there had been a jury, or whether the accused was a stranger or known to the child. However, intrafamilial cases (56 percent) were somewhat more likely to end in an acquittal than extrafamilial cases (40 percent). About one half of the girls saw their trial end in an acquittal, slightly more than was the case for boys (31 percent). The type of abuse alleged by the child had some bearing on the outcome of trials. For seven of the nine victims who had alleged vaginal intercourse, the outcome of the trial was an acquittal.

Corroboration is no longer necessary for a conviction as long as the child complainant testifies. Indeed, the testimony of the child was the only evidence put forward in the vast majority of cases. The trial outcomes, therefore, typically hinged on the issue of credibility of the complainant versus that of the defendant. Having multiple complainants may have influenced trial outcomes in that children who were the only alleged victim in a case had a significantly lower likelihood of conviction than did children who were testifying as one of a group of victims ($\chi^2=4.2$, $df=1$, $p=.04$). Having multiple complainants may increase the credibility of the testimony of individual children, although there were cases where one or all of the complainants in multiple-victim cases saw an acquittal after their testimony.

Table 7

Sentences Handed Down in the Cases of 75 Victims of Adult Offenders

SENTENCE TYPE	Number	Percent
Penitentiary Term (\geq 2 yrs.)	18	24.0
Reformatory Term ($<$ 2 yrs.)	46	61.3
Probation	10	13.3
Fine	1	1.3
TOTAL	75	100.0

⁵² The actual guilty plea rate for child sexual abuse victims during this period was higher, as cases were dropped from this study because of early guilty pleas. If we consider all 195 child victims, and switch to case as the unit of analysis instead of victim, we find that 41.4 percent of the adult defendants and 52.6 percent of young offenders entered guilty pleas during the period under study.

SENTENCING

Of the 126 child victims, 88 (70 percent) saw their cases proceed to the sentencing stage. The breakdown of sentences (excluding young offenders) can be seen in Table 7. Victim is the unit of analysis and we are examining the sentences handed down for each child victim rather than the sentence for each offender in total.⁵³ In the criminal courts, the majority of victims (85 percent) saw the person convicted of abusing them sentenced to a period of custody. For the 12 children abused by young offenders, the rate of custody was much lower (37 percent). This included one boy who was sentenced to a period in a psychiatric hospital.

The fact that a child was abused by a man with a prior criminal record,⁵⁴ for any offence, was not associated with sentence type. However, a prior conviction for a *personal* crime significantly elevated the chance that the child's abuser would receive a penitentiary term. Where there was no such history of personal crimes, the child's abuser was more likely to receive a reformatory term ($\chi^2=13.3$, $df=2$, $p=.001$).

Girl victims were much more likely to see their cases end with a sentence of probation handed down to the offender than were boys; and, much less likely to have their cases end with a penitentiary term (10 percent) than were boys (63 percent) ($\chi^2=22.4$, $df=3$, $p<.05$). Where cases involving boys resulted in a custody term, half of adult defendants were sentenced to the penitentiary compared with 15 percent for girls. The relationship holds true when considering intrafamilial ($\chi^2=11.8$, $df=2$, $p<.05$) and extrafamilial ($\chi^2=13.4$, $df=2$, $p<.05$) cases separately.

When the abuse did not involve penetration, the chance of a penitentiary term was low. However, when children were the victims of vaginal intercourse, the abuser typically received a reformatory term and when the abuse involved anal intercourse the abuser almost always received a penitentiary term ($\chi^2=25.9$, $df=6$, $p=.0002$). For boys, the intrusiveness of the abuse was not associated with sentence type, probably because all the abusers but one received a prison term. For girls, however, there was a connection because anal intercourse always drew a penitentiary term and vaginal intercourse a reformatory term ($\chi^2=29.6$, $df=6$, $p=.00005$).

Victim Impact Statements: During the period under study, victim impact statements were used in about half of the cases, almost always at the request of the Crown. There seemed to be no association between the offender's criminal history and request for a victim impact statement. Victim impact statements were slightly more common for intrafamilial victims (61 percent) than for extrafamilial victims (42 percent); and significantly more common for boy victims (77 percent) than for girl victims (38 percent) ($\chi^2=7.3$, $df=1$, $p=.02$). When a victim impact statement was admitted, the child was less likely to see the offender sentenced to probation and 81 percent of the penitentiary terms followed the submission of a victim impact statement ($\chi^2=11.0$, $df=2$, $p=.004$). These findings suggest that courts may not request victim impact statements in the cases of less serious abuse. Conversely, victim impact statements may be used in the more serious cases to seek or to justify the imposition of more onerous dispositions.

Incarceration vs. Community-Based Sanctions: Sentencing decisions involve two stages. Before determining the quantum of a sentence, the judge first decides whether the offender should serve a period of custody or whether a community-based disposition is more appropriate. This is sometimes referred to as the in/out decision. Perhaps because the incarceration rate of the offenders in this sample is so high, we were not able to

⁵³ If there were two complainants associated with one offender, that offender would be counted twice. Therefore, the 18 penitentiary terms represent ten offenders, some of whom had multiple victims. Most sentences were concurrent rather than consecutive but the distinction was not important for our purposes because we recorded the sentences for each victim. It is important to note that, during the period of study, all cases of child sexual abuse were proceeded with by indictment (con't) except where the charge was exposure (s. 173), a summary conviction offence. Where sentences were successfully appealed, the original sentence was used in these calculations.

⁵⁴ Information on the prior record of the offender was available only for those cases that proceeded to sentencing in adult court. For 10 of the 75 cases, we could not learn any information on prior record. However, in the remaining cases, 57 percent of the children were abused by a man with a prior conviction for a criminal offence of any kind. Eleven children were abused by a man with a prior conviction for a sexual offence and all but one of these involved sexual contact with children.

isolate any factor significantly associated with the in/out decision.

Contrary to expectation, the existence and nature of a criminal record was not associated with the in/out decision. Having a criminal record did not make the offenders much more likely to be incarcerated (87 percent) than the men without a record (82 percent). The number of previous convictions had no effect either. Those with prior convictions for a personal offence (including sex offences) were equally likely to go to jail as those with no such record (82 vs. 84 percent). Having a prior conviction for a sexual offence involving children only slightly elevated the chance of an offender going to jail (90 percent vs. 84 percent) and did not guarantee a penal term. Previous imprisonment for child sexual abuse was not associated with the in/out decision, nor did it guarantee a prison term. Two victims abused by men with prison experience for child sexual abuse saw the offenders sentenced to probation.

Whether the offender was sentenced to a period of custody or to a community disposition did not vary significantly by whether the abuse was intrafamilial or extrafamilial, but victims of intrafamilial abuse were slightly more likely to see their abusers go to jail (89 percent) compared with victims of extrafamilial abuse (73 percent). Of note, however, was that all cases involving male victims ended in a penal term except one, where the offender received probation. That man re-offended during the study period and was sentenced to a reformatory term for abusing another boy.

The in/out decision varied little by the system variables which were recorded for each case. Specifically, custody outcomes were not associated significantly with type of plea or whether the victim had been called upon to testify. Pleading guilty did not significantly reduce the likelihood of a prison term but, as noted below, the prison term was much shorter. For victims whose cases ended with a conviction after trial, having a jury was associated with a somewhat higher likelihood of custody (91 percent) than having a trial by judge alone (79 percent).

Sentence Length: The length of prison terms handed down in adult court, for each victim, ranged from one month to five years. The average was 15 months. The longest consecutive sentence was 15 years, for four child and two adult victims. In the 64 cases where the matter ended in an adult penal term, we observed that the mean number of months of the prison sentences was significantly longer when:

! the offender had a prior criminal record of any type (20.0 months vs. 9.5 months, $t=-2.53$, $df=51.3$, $p=.015$);

! the offender had a prior conviction for child sexual abuse (25.6 months vs. 11.5 months, $t=-2.37$, $df=52$, $p=.002$);

! the victim was a boy rather than a girl (24.8 months vs. 11.3 months, $t=2.43$, $df=21.2$, $p=.024$);

! the abuse was intrafamilial rather than extrafamilial (24.4 months vs. 9.1 months, $t=3.5$, $df=32.1$, $p=.001$);

! the abuse involved penetration rather than fondling (25.4 vs. 9.5, $F=5.5$, $p=.0021$);

! the abuse involved anal penetration rather than vaginal penetration or any other type of abuse (40.0 vs. 18.8 and 10.2, $F=19.5$, $p<.0001$); and,

! the child was called upon to testify (21.1 months vs. 9.2 months, $t=-3.02$, $df=47.6$, $p=.004$).

The differences were even more pronounced when we considered all 75 adult court cases and coded zero months when a probation term was given.

In cases where the preparation of a victim impact statement was requested, the average sentence was significantly longer (18.4 months) than the rest (7.6 months, $t=-3.67$, $df=41.6$, $p=.001$). This may have been because victim impact statements were used more often for boys and for intrafamilial abuse victims. In addition, as noted above, they may have been requested in the cases of more serious abuse.

Factors that were not associated with the length of prison sentences included whether the abuse had involved violence or threats, the age of the victim at court, and the level of maternal support following disclosure. It is interesting to note that there was not a significant difference between the average sentence length for vaginal intercourse and the average sentence for fondling.

Gender Bias in Sentencing: We were particularly alarmed to discover that the victimization of boys attracted such longer sentences compared with the victimization of girls. Boys and girls were equally likely to have been abused by a man with a prior record, and there was no sex difference by the number of prior convictions of the abuser. Girls were more likely to be abused within the family but the sex difference in sentence length is even more pronounced in the intrafamilial cases where the mean for boys was three times the mean for girls. There was a trend for more boys to be abused by a man with a prior record for child sexual abuse (31 percent) than girls (13 percent), although this was not significant. However, controlling for the existence of a prior conviction for a sexual offence, sex of victim still emerged as a significant variable and girls saw sentences an average of 12 months shorter than did boys.

When intrusiveness of abuse was controlled for, the difference was less pronounced. Anal intercourse attracted much longer sentences no matter what the sex of the victim. However, even controlling for intrusiveness, girls saw shorter sentences, eight months shorter on average. Together, these two variables explained 45 percent of the variance in sentence length.

An analysis of variance was performed using the five independent variables that had the greatest association with sentence length: prior history of child sexual abuse; sex of victim; intra/extrafamilial abuse; intrusiveness of abuse; and, method of adjudication (guilty plea or conviction). These five variables explained 64 percent of the variance in sentence length, with intrusiveness of the abuse emerging as the variable with the greatest influence. However, a multiple classification analysis revealed that, controlling for all the other variables, the average sentence length for girls was seven months less than that for boys.

The homosexual nature of the abuse where boys are the victims may be posited as an explanation for the variance. Homosexual assaults may be perceived by judges as having a more negative effect than heterosexual assaults. Certainly, if this were true, the views of sentencing judges may be a reflection of prevailing opinion. As clinicians, we would vigorously disagree with the suggestion that a homosexual assault is intrinsically more traumatic than is a heterosexual assault. However, the sentencing judges — all of whom were men — may well hold the contrary view. Moreover, they may have the ability to be more sympathetic to boy victims rather than girl victims by virtue of the fact that they themselves are men. Investigation of this possibility must wait until more women are appointed to the bench and we eagerly await a chance to pursue this line of analysis. The possibility of a sex bias in sentencing for child sexual abuse is an issue which we shall monitor in our on-going analysis of child sexual abuse cases.

APPEALS

Once a case was concluded, the active role of the children and their families ended. The offender could choose to appeal, however. Information on this part of the process was more difficult to retrieve as such proceedings could evolve over many years. We were able to learn that at least five offenders, representing the cases of 12 of the 126 child victims, appealed their convictions and sentences. One man was released on bail from federal custody soon after sentencing, pending appeal. Ultimately, his sentence was reduced from a penitentiary to a reformatory term. The appeals of three others were entirely unsuccessful. However, in June of 1992, three years after sentencing, one offender was successful in having his penitentiary term reduced from 15 years to 11 years.

PAROLE

Incarcerated offenders would typically not serve their entire sentence because they would be eligible for parole after serving one third. We were able to track the cases of all nine federal offenders (not including the man who appealed down to a reformatory term) to May of 1992, partway through the follow-up interview period. At that point, one was in a minimum security camp and five were in a medium security institution where sex offender treatment was available. One of the latter group had been denied mandatory supervision and was to be held almost to his warrant expiry date because he was judged by paroling authorities to represent a danger to his family. Two men had been denied full parole and were released on mandatory supervision after serving two thirds of their sentences. Another had been released on day parole after serving eight months of a four year term. In general, therefore, those sent to the penitentiary were serving a good proportion of their sentence and the paroling authorities were cautious in releasing these sexual offenders.
