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C H I L D R E N ' S O V E R A L L R E F L E C T I O N S

After reviewing with the children their involvement with the criminal justice system — from the first police contact to court outcome — and the changes in their lives since they had gone to court, we asked them to reflect on the overall experience. Now that several years had passed since the prosecution, the children who returned were asked about their rationale for cooperating with the prosecution, their willingness to reinvolve the criminal justice system in hypothetical revictimizations, their actual response to any actual revictimization, any subsequent experiences as witnesses, and if there had been any lasting effect of the prosecution on their lives.

OVERALL RATIONALE FOR COURT INVOLVEMENT

We were interested in understanding the motivation and circumstances that propelled people through the criminal justice system despite the strain, the wait, and the uncertainty. Unlike most adults, child complainants do not see the criminal justice "system" as a monolithic entity. They encounter and experience each component one stage at a time. We approached the interviews with that understanding and walked them through the legal process, from police investigation to sentencing. We were able to see, therefore, that their feelings and opinions could change as they were swept along from one step in the process to the next. At the time of police investigation, the majority of the children had been ambivalent about — even hostile to — the laying of charges. At that stage, they had expressed either the wish for the offender to be held accountable for his behaviour or a concern about protecting themselves from further abuse or retaliation.

Despite the initial reluctance, there were no children in this group who overtly refused to cooperate in the prosecutions. As we noted previously, few felt that they had the option of backing out once charges were laid. Rather, they endured the long wait for court, typically about one year. We had observed during the court preparation process that the children developed rationalizations to accommodate to their role in the criminal justice system process. This may have been reflected in their hypothetical sentencing decisions. Their stated rationales for their sentencing choices reflected a broader concern with the prevention of the abuse of other children, in addition to a concern with their own personal safety. The need for the offender to be punished to balance the harm done to them seemed to have declined in importance for the group, although a few children still held punitive thoughts.

Toward the end of the interview, we asked the children to reflect upon the entire experience to identify their motivations for cooperating with the prosecution. When asked, each child acknowledged that the protection of future victims had been an important motivating factor for them. Some of them were thinking specifically of their younger siblings or other children they knew, while others were speaking of children generally. Each child also acknowledged, in retroactive reflection, that it had been important for them to send the defendant a message that what he had done was wrong. For this court sample of children, the defendants had all pleaded not guilty and were appearing to deny any wrongdoing, at least at first.

Other reasons less commonly acknowledged by the children were sticking up for themselves (92 percent), just deserts (87 percent), getting the defendant some help with his problem (74 percent) and exposing the defendant to the public as someone who abuses children (44 percent). When asked to identify the most important of all those reasons, half said that they pursued the prosecution primarily to prevent the abuse of future victims. Therefore, although initially angry, scared and somewhat vindictive, over time they developed a broader conception of their roles as witnesses against sexual abusers. However, these results need to be viewed within the context of the finding that most children felt that they had no option but to testify, once the charges

were laid.

Among the parents, the rationale most frequently acknowledged (92 percent), in retrospect, was that they wanted to prevent the future victimization of other children. Many said they supported the goal of prosecution and felt it taught their children to stick up for themselves, as well as reinforcing the lesson that there are consequences for bad behaviour (85 percent). In a related sentiment, 78 percent said just deserts, or accountability, was an important factor. To send the defendant a message that his behaviour was wrong was a factor for 76 percent of the parents and to force him to get help for his problem was important for 70 percent of parents. The reason endorsed least frequently by the parents was that the prosecution would expose the defendant to the public as a child abuser (63 percent).

WILLINGNESS TO REINVOLVE THE JUSTICE SYSTEM

One indicator of how the court experience affected the child victims and their parents would be the extent to which they would be willing to initiate another prosecution were the children to be abused by another person. One could speculate that if the experience of going to court had been so difficult that they would never again disclose a victimization, then we are surely defeating one purpose of prosecuting these cases: that is, to protect children from abuse. The majority of the children (78 percent) said that they would call the police if they were victimized again but that leaves a large proportion (22 percent) who said they would not. And, the children were not as enthusiastic about police involvement as the parents. Asked if they, confronted with a sexual abuse disclosure from one of their children, would phone the police, 83 percent of the parents said "yes" and thirteen percent said "maybe." Two parents unequivocally said "no."

CORRELATES OF CHILD WILLINGNESS TO CALL POLICE IF REVICTIMIZED

There were several variables that were statistically associated with the children's stated willingness to reinvolve the justice system in the event they were abused again. Children who said that they would not call the police if revictimized:

- ! had experienced lower levels of maternal support as measured by the PRADS ($t=-2.89$, $df=52$, $p=.006$);
- ! had lower total PRADS scores ($t=-2.08$, $df=52$, $p=.04$); and,
- ! were more likely to have been exposed to violence within the home ($P^2=3.8$, $df=1$, $p<.05$);

Where the perpetrator had been a father figure who was violent within the home, 39 percent indicated that they would not call the police compared with only eight percent of those who had never been exposed to violence in their homes.

There were also some trends that were notable, although the differences fell short of significance. Specifically:

- ! victims of intrafamilial abuse were somewhat more likely to be against calling the police (33 percent) than were victims on extrafamilial abuse (13 percent);
- ! children who testified were somewhat more likely to be against calling the police (25 percent), compared with those who had not (18 percent).

It would appear that the nature and level of maternal support may well affect whether the children were willing to reinvolve the criminal justice system. In addition, we found that the presence of a father figure may

also be related to the children's views on this topic. All but one of the children who lived within an intact nuclear family (94 percent) indicated a willingness to call the police if revictimized as did most who were living with a stepfather at follow-up (78 percent). Only two thirds of the children who did not have involved fathers or whose father figures were the sexual abuser expressed a willingness to call the police. Again, we see the role of fathers as a potentially important area that bears further examination. And, this is another finding that suggests we should focus more attention on the healing and protective features that a good parent/child relationship offers.

Among the variables that were statistically unassociated with the children's stated willingness to reinvolve the criminal justice system were: age of the child, sex of the child, outcome of the court case, level of depression at follow-up, history of sexual abuse before referral to the Child Witness Project, type of court preparation, whether the child received therapy for the abuse, and whether the child appeared before the youth courts. In addition, self-reported fears of talking to police, not being believed, telling on someone and going to court, as measured by the SAFE at time of follow-up, were not at all associated with stated willingness to reinvolve the police.

IF THE SAME THING WERE TO HAPPEN TO YOU AGAIN, WOULD YOU WANT THE POLICE TO BE CALLED?

"I'd call the police as soon as it happened."

"I don't know. I can't think about ever being abused again — it's too painful."

"I'd probably move to another country."

"I wouldn't be able to handle it."

"I'd deal with it myself, stop it before anything started."

IF THE SAME THING WERE TO HAPPEN AGAIN, WOULD YOU WANT THE POLICE TO BE CALLED? (PARENTS)

"Yes. I'm not happy with the sentence, but the publicity was good, his [the offender's] picture was on T.V."

"Reluctantly, but I know I'd do it. I've talked with other parents who have been through the same thing and we wonder if it's worth it. They treat the kids so rotten and [the offender is] mollycoddled. Sentence is so low."

ACTUAL RESPONSE TO SUBSEQUENT VICTIMIZATION

Recognizing that intentions do not always translate into actions, we investigated the extent to which the children and their families actually did reinvolve the criminal justice system in response to subsequent victimizations. In more than half of the cases where a child had experienced at least one physical assault, including assaults that occurred in abusive dating relationships, the police were not notified. In two cases, the police were called but took no action and in two cases the police were called and charges were laid. The

Children's Aid Society was involved in some of the cases, perhaps obviating the need for police involvement.

In addition, as noted previously, 15 children had experienced a sexual victimization by another perpetrator since court. In the case of nine children, the police were not notified. It would appear that many of the children or their families were reluctant to choose prosecution as a means of responding to the sexual offences.

Kathy's adoptive father, whom she regarded as her biological father until her parents' separation, was acquitted of sexually assaulting her after she testified at trial. She reported that she continued to feel afraid and vulnerable and doubted whether she would ever feel entirely safe from him. She avoided going downtown during the day lest she meet him on the street. Kathy's father had also been physically abusive of her and the entire family. During the period that he was sexually abusing her, he cautioned her repeatedly not to tell. When she did disclose, after her parents' separation, Kathy believed that she had jeopardized her safety and at follow-up she continued to be scared. The loss of the relationship with her father was compounded by the anger and frustration that her disclosure elicited from her half-brother, the accused's son. Kathy's mother, while attempting to be supportive, was pre-occupied with her own issues and losses in that she had started to address her childhood sexual victimization and had initiated the prosecution of a family member. Following the conclusion of the court process, Kathy started highschool, only to be greeted by jeers such as: "Go fuck your father." Not surprisingly, she missed a lot of school and eventually dropped out. In addition, Kathy was enraged by her father's acquittal. For about two years she drank heavily and used drugs. She was raped by an acquaintance and was adamant that her negative experience with the criminal justice system influenced her decision not to report this assault to the police.

We contrasted the children's stated intention to call the police should they be revictimized, as reported above, with the actual response to subsequent sexual victimization, among those who had been revictimized. Although the numbers are small, this crosstabulation would seem to indicate that stated willingness did not always translate into an actual decision to call the police. Five children who had said, when asked by us, that they would call the police if they were revictimized, had not actually done so. In fact, stated intention to call the police was not at all associated with actual response to a subsequent sexual victimization (i.e., $P^2=0$). Of course, among the younger children, parents would likely make the decision, but parents' stated intention was also not associated with actual response.

SUBSEQUENT EXPERIENCES AS WITNESSES IN COURT

By the time of follow-up, 14 children (19 percent) had been called upon to testify again in a criminal matter. Six testified as witnesses to a crime and one had expected to testify but a guilty plea was entered. Three children had testified in court about their own subsequent victimization and four had been expecting to, until guilty pleas were entered and it was no longer necessary for them to provide testimony. The fact that almost one fifth of this group was expected to testify again during such a short period attests to the expanded role of children as witnesses in criminal courts.

LOOKING BACK, IS THERE ANYTHING YOU WISH YOU HAD DONE DIFFERENTLY?

"Yeh — I wish I'd done nothing, not disclose to anyone or if I'd have been older handled it alone. I just don't think the court was the way to go."

"I should have called the cops, taken charge, instead of my mum."

"Sometimes I wish I had never told. I hoped deep down he would have stopped."

"No, not really. I told and then other people pushed me along."

RETROSPECTIVE MODIFICATIONS

With the benefit of hindsight, the children and the parents were asked if they would have done anything differently knowing what they know today. Most children said they could not identify any change that they would make in how they acted, although a few said they would have disclosed sooner or taken a greater role in the decision making.

Several children regretted that they had ever told anyone about the abuse because they were not happy with how things had turned out for them. We noted in Chapter Seven that, after hearing the verdict, some children regretted having gone through the prosecution but that this sentiment was only observed in cases that ended without an adjudication of guilt. Among the children who experienced an acquittal, sentiments of resignation and some bitterness were carried through to the present.

HOW DO YOU FEEL ABOUT [THE ACQUITTAL] TODAY?

"I still ask myself how a kid or child is supposed to prove it."

"It was the judge's decision. No matter what I say you can't change it. Something I have to deal with."

"Now I'm just angry at the system and angry at him. It makes me sick, how he must be laughing."

"Actually today I'm really happy — it turned out for the best. [My father and I are] closer today. He got more than enough punishment during the waiting time and we all suffered."

Parents were more likely to identify something that they would have changed, although many of the issues that they mentioned were factors that were largely beyond their control. For example, one mother regretted that she did not appeal the sentence. It was also common for parents to say that they wished they had taken a more active role in the preparation of the case for the prosecution, making more suggestions and requests. A father, who was particularly angered at the sentence, said that he would have demanded a trial because the guilty plea was used in mitigation to justify a shorter sentence. Among the changes that were more in their power to effect were making themselves better informed about the criminal justice process and

communicating more with their children.

IS THERE ANYTHING YOU WOULD HAVE DONE DIFFERENTLY? (PARENTS)

"Believed [my son] right at the beginning."

"Maybe delayed telling [officials] until [my daughter] was more comfortable with that idea."

"Pressed them to lay charges [for the abuse of my other daughter]."

"More public awareness, get petitions signed and do newspaper interviews."

"Lots. I'd try and handle it myself, keep an eye on [the abuser and not inform authorities.]"

LONG-TERM IMPACT OF PROSECUTION ON CHILDREN

Going to court was a difficult experience for most of the children. A certain amount of anxiety and fear appears to have been the norm and few would say that their lives were not affected by the prosecution, at the time. However, had there been any lasting consequences, good or bad? Widespread criminal prosecution of child sexual abuse is a relatively new phenomenon. In days gone by, many abuse disclosures would be responded to by a police warning of suspects or other informal actions, or hearings in family court and other child welfare measures. It was more common to have children removed from abusive homes rather than have the abusers removed to let the children stay. Accordingly, we were interested in learning how the children's lives had been changed by having their cases go to court.

PARENTAL ASSESSMENT OF BENEFITS AND DISADVANTAGES OF PROSECUTION

We asked the parents to reflect on any long-term or lasting consequences for the children of having the case go to court. Many could identify enduring repercussions of the sexual abuse. However, 22 percent could not identify any lasting consequences of the prosecution. One third cited only advantages to the prosecution, 19 percent said there were only disadvantages, and one quarter were able to identify both benefits and drawbacks.

Not surprisingly, parents of intrafamilial abuse victims were more likely to say that the prosecution had led to some lasting negative consequence, two thirds saying that this was true ($P^2=16.5$, $df=3$, $p<.0009$). In contrast, 41 percent of parents of extrafamilial abuse victims said that there had been no lasting consequences and only 19 percent could identify a negative consequence. Case outcome was somewhat associated with these assessments as parents whose children's cases ended in an acquittal were less likely to be able to identify any benefit.

An advantage commonly cited by the parents was that the court experience had been a valuable lesson in self determination and assertion of rights. The children had spoken out about something that was wrong and the criminal justice system had responded. Others recognized the benefits of having the issue out in the open, rather than kept a secret. These parents were able to reinforce to their children that they should not be embarrassed about being abused because they were not the ones who had done something wrong. Some felt that the experience had been educational because the children had learned about the legal system. For some, the incarceration was seen as beneficial for the children because it made them feel safe, at least for the period that

the abuser was in jail. For the children whose abusers were given a period of incarceration, it was also tangible evidence that the abuser was held accountable for his actions. Where the intention of the child and the family was to terminate contact with the abuser, the incarceration also facilitated this.

WHAT WERE THE ADVANTAGES OF PROSECUTING? (PARENTS)

"Taught [my daughter] that she has a right to say 'no,' to protect herself, to speak up so they [abusers] don't always get away with it."

"[My daughter] has higher self-esteem, more assertive. We demonstrated our own indignation. She has grown from the court. She knows she has a right to be angry."

"It's made her stronger, proved that she could do it and it helped end her relationship with [her stepfather]."

"None, but it could have been worse."

"Seeing [the abuser] punished and off the streets."

"It got everything into the open, started the healing process, otherwise it would have festered."

"Knowing that people were behind her was good. Knowing that she wasn't alone, that other people go through this."

Mothers also mentioned advantages for them, especially that the prosecution enabled them to end a relationship with an abusive partner. Others felt that involving the criminal justice system had obviated the need for them to take defensive or offensive action against the abuser. For example, a few described feeling murderous toward the abuser after the disclosure and suggested that they might have acted on that urge had an arrest not been made.

WHAT WERE THE DISADVANTAGES OF PROSECUTING? (PARENTS)

"[The process] was too long. We lived in constant fear of him showing up."

"Most people know about it."

"She would be reluctant to disclose again and she was disappointed with the verdict [acquittal], felt nobody believed her."

"There are more reminders, things to trigger bad thoughts."

Almost half of the parents were able to identify a lasting, negative consequence of having the case go to court. For intrafamilial cases, loss of relationship with the extended family members who supported the offender was a common occurrence. Families often became divided, with forced allegiances to either the

offender or the victim. It often seemed that it was the prosecution specifically that angered the relatives, who were typically anxious to have the matter handled informally. And, because children typically had no contact with father-figure abusers at the time of follow-up, they had in effect lost one parent. The parents reported that the children did not miss contact with the abuser, but they did miss having a father and sometimes had periods of self-recrimination over this loss.

A few parents indicated on-going safety concerns because of the fear of retaliation by the abuser. They identified the prosecution as having angered him to the point that he might seek revenge while, at the same time, they saw the justice system as being unable to protect them. Fear of his reaction was the reason that one mother was relieved to learn of the acquittal: "If he'd been convicted, we would have had to leave town." As it was, she continued to live under an assumed name because of fear of her violent ex-husband. In fact, in most cases where the father-figure abuser had been violent within the home, the children were fearful of retaliation, to some extent. One boy, upon learning that his father had a parole hearing scheduled for that day, came home from school and barricaded himself in the house.

One of the most common consequences of prosecution was that the public learned of the abuse. Some parents saw this as a benefit, as discussed above, while some saw it as a disadvantage. They would have preferred to keep the abuse a secret. Again, the identity of the abuser was a factor in this opinion, but it was an issue even for some extrafamilial abuse victims. Regarding the abuse of her son by a fellow parishioner, one mother said:

In general, this was a terrible experience for us because of the tight knit community that it happened in. We are trying to be at peace with the issue, but can't seem to forget it. Most people in our circles who know about it think it's all over but we are still hurting. It may not seem right, but eventually it may disappear. Because of the type of issue that this is, it's not good to talk about it openly to anyone for various reasons (embarrassment, misunderstanding, etc.). When ever we meet the abuser on the street we tremble, but we try not to.

This quotation also reveals a sentiment underlying the comments of many. The prosecution had not resulted in the emotional resolution that some had expected it would. The verdict and the handing down of a sentence did not in and of themselves make the situation much easier to live with. There could continue to be unresolved issues and on-going contact with the abuser, as we presented in Chapter Seven.

Another outcome that could be variously interpreted as an advantage or a disadvantage was the dissolution of a marriage. While most mothers saw this as a benefit, one mother continued to regret that her husband was forced by the police to leave the home and that he was so angered by his conviction and imprisonment that he did not seek a marital reconciliation. After his release, he harassed the family into vacating the matrimonial home and promptly moved in. The mother and her younger children were forced to leave their small community and were living on social assistance in a subsidized housing unit in an unfamiliar city. Her elder children continued to support the father and even before the trial she had been ostracized by her neighbours and much of her family. In this case more than most, the child and non-offending parent were penalized more than the abuser himself and this woman was well justified in having reservations about the utility of the prosecution for her daughter.

CHILDREN'S ASSESSMENT OF IMPACT OF PROSECUTION

The children were asked a general question about what effect the entire experience had on their lives. Only 17 percent said that they had not been affected in some way. One quarter identified a positive consequence, usually that the experience had been educational, that they had developed a better sense of self-determination, or that their family had grown closer. Almost one third identified a difficulty in trusting and said that they were now more cautious and had lost their childhood sense of security. Six children (15 percent) said that their lives had been completely altered for the worse and one child felt herself to have been penalized. Among this group who could identify negative consequences were children who had been ostracized and set

adrift from their family systems.

LOOKING BACK ON IT, WHAT HAS BEEN THE RESULT OF ALL OF THIS FOR YOU?

"It brought my mum and I [sic] closer."

"You can never come to full trust in someone male. With females I have trust, with males I don't."

"I stick up for myself a little bit more than I used to."

"It makes me more aware of things, like you hear about it and it's hard to believe it's true, but it happened to me."

"I don't think it changed me, it just put me off a bit from going on with my life at the time."

In final reflection, the majority of children (76 percent) said that their lives were better now than they had been before court and the majority (78 percent) indicated they were happy with themselves. Most (64 percent) reported that they were no longer sad about what had happened to them but half were still angry about it. Compared with the time of their disclosure, 43 percent said they were enjoying life more and 36 percent said that there had been no change. As these figures indicate, most children felt that they had moved on, to varying extents, to new phases in their lives. However, there was a group of children who continued to be troubled by their experiences and who felt that their lives were not happy or had not improved. This finding parallels our clinical observations that there was a subgroup of children who were manifesting worrisome levels of depression and emotional distress. For example, the following teenaged girl was one of those assessed as being in need of therapy:

Ingrid was adamant that she regretted ever having made the disclosure. She believed the disclosure and the prosecution changed her life irrevocably. She saw herself as being more reserved, suspicious and mistrustful. She did not like herself and saw herself as unattractive and uninteresting. Her disclosure and her stepfather's removal from the home led to a change in their standard of living which Ingrid has not been allowed to forget. Her mother's constant and irritable reminders of their reduced circumstances have made Ingrid feel responsible and blameworthy. Moreover, she was still not certain whether her mother believed any abuse had taken place and it was never talked about.

As illustrated by Figure 1 in the first chapter, identifying the attribution for current emotional well-being and psychological adjustment among this group of sexual abuse victims involves an understanding of many variables: individual and family characteristics, abuse characteristics, familial response to disclosure, experience within the justice system, and intervening life events. In the next chapter, we will address this issue.

SUMMARY

Testifying had been a difficult experience and almost no one had anticipated the task with much enthusiasm. Yet, these children and their families had endured the wait for court and cooperated with the prosecution. Upon final reflection over the entire experience, the children identified a concern for future child victims as the overall motivation for them. They felt that the prosecution would somehow prevent or deter the subsequent abuse of other children by the same perpetrator. The parents voiced similar sentiments but were also focused on perceived benefits for their own children.

The majority of the children said that they would be willing to prosecute should the same thing happen to them again, hypothetically. However, 22 percent of the children said that they would not. The parents were far more likely to say they would pursue a prosecution than the children. The stated willingness of the children to reinvolve the justice system was associated with extrafamilial abuse, higher levels of maternal support following their disclosure, and non-exposure to family violence. However, stated willingness may be an overestimate of how many of these children actually would call the police again. Stated willingness was not associated with actual response among those children who had been sexually revictimized since their disclosure. This apparent reluctance to call the police was sometimes directly attributed to their experiences as witnesses.

In reflection, few children could identify anything they would have done differently now that they are able to look back on the experience. Some regrets were voiced but for the most part the children, now three years older, wished they had been more assertive or taken a more active role in the decision making. The same was true of the parents.

Most parents were able to identify some legacy, negative or positive, of their experience in the court system. Advantages included: the children had learned to assert their rights, they saw the abuser held accountable for his actions, the experience was educational, the fact of the abuse was out in the open, they were better able to terminate a relationship with the abuser, and some children gained an increased sense of safety from knowing that the abuser was in jail. Disadvantages included damaged, strained or lost relationships with relatives, fears of retaliation, and the publicity of the case. Overall, a theme commonly heard was that the conviction — even imprisonment — of the abuser had not prompted a resolution to the emotional, social and familial consequences of the sexual abuse.

HIGHLIGHT

- ! 22 percent of the children and four percent of the parents said that they would not want the case prosecuted if they again faced a similar situation;
 - ! the children's stated willingness to call the police if victimized again was statistically associated with levels of maternal support after the disclosure and history of exposure to domestic violence;
 - ! the stated willingness of the children and the parents to call the police bore no association with their actual behaviour among those who had been sexually revictimized since court;
 - ! for those who had been sexually revictimized since court, the police were typically not notified;
 - ! victims of intrafamilial abuse were less likely than victims of extrafamilial abuse to report a willingness to call the police if they were to be revictimized;
 - ! nearly one fifth of the children had been called upon to testify in criminal court again;
 - ! more than half of the parents identified an advantage for the children in having the sexual abuse prosecuted in criminal court;
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! almost one half of the parents identified a lasting negative consequence for the children: loss of relationship with family members, publicity and resultant feelings of stigma, and ongoing fears of retaliation by the abuser;

! parents of intrafamilial abuse victims were more likely to identify a lasting negative consequence than were parents of extrafamilial abuse victims;

! almost all children said that the experience had had an impact on their lives, the stated effects ranging from positive to extremely negative;

! the majority of children reported that their lives had improved since court and that they were happy with themselves, but there was a subgroup who voiced negative opinions about themselves and their lives.