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ABSTRACT

Described in this executive summary is a study attempting to identify and analyze all cases of sexual abuse in day care settings that were reported in the United States from January 1983 through December 1985. The study described the problem of sexual abuse in day care in terms of its incidence, perpetrators, victims, dynamics, disclosure, impact on children, and risk factors. It also documented the experiences investigators and prosecutors have had in responding to the problem. In addition to general recommendations concerning ways to respond to sexual abuse of children, specific recommendations are offered for prevention, detection, investigation, and intervention. (RH)

Sexual Abuse in Day Care: A National Study

Executive Summary
March, 1988

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NOTE

All the names, locations and other identifying characteristics of the respondents mentioned and/or quoted in this report have been changed except for some information from nationally publicized cases

EXECUTIVE SUMMARY

Introduction

This study describes the problem of sexual abuse in day care: its incidence, dynamics, and impact on children. It also documents the experience that investigators and prosecutors have had in responding to the problem. The study was prompted by rising alarm among the public and professionals in the mid-1980s, as reports of such abuse grew in number and cases such as the notorious McMartin preschool in Manhattan Beach, California began to receive substantial publicity.

The study attempted to identify all cases of sexual abuse in day care reported nationwide during the period January 1983 through December 1985. To do so, researchers contacted high-level licensing and child protection officials in all 50 states, four dozen specialists in the field of sexual abuse, and conducted a search of newspaper clippings.

Cases were defined as within the scope of the study if:

-- they were reported within the specified time period

-- they involved a facility caring for at least six children

-- they involved at least one child under the age of seven

-- they concerned a day care (family, center based) or preschool, but not a residential facility

-- the abuse had been substantiated by at least one of the agencies assigned to investigate the report.

Data were collected on all identified cases and an in-depth study of a random sample of 43 of these cases was conducted.

Incidence

The study identified 270 "cases" of sexual abuse in day care. meaning 270 facilities where substantiated abuse had occurred. involving a total of 1639 victimized children. However, some cases were missed due to problems in our reporting system. So we calculated the number of substantiated cases based on an extrapolation from the states with the most complete data. This yielded an estimate of 500 to 550 reported and substantiated cases and 2500 victims for the three-year period. Although this is a large number, it must be put in the context of 229,000 day care facilities nationwide serving seven million children.

The numbers can be placed in perspective when expressed as a rate (Table 1). For day care centers (estimates are unavailable for family day care) we estimate that the risk to children is 5.5 children sexually abused per 10,000 enrolled. Interestingly, this is lower than the risk that children run of being sexually abused in their own households, which we calculate from national reporting figures to be 8.9 per 10,000 for children under six (based on 1985 data).

Thus, the study concludes that although a disturbing number of children are sexually abused in day care, the large numbers coming to light are not an indication of some special high risk to children in day care. They are simply a reflection of the large number of children in day care and the relatively high risk of sexual abuse to children in all settings.

Table 1: Rate of Reported Sexual Abuse for Children in Day Care Centers and Children in Families

RATE OF CHILDREN SEXUALLY ABUSED IN DAY CARE CENTERS

418 children sexually abused in 96 centers from best estimate states

= 4.4 children abused per day care center case
x 187 reported centers per year
= 823 abused children per year in day care centers
÷ 1.5 million children enrolled in day care centers (1984)

= 5.5 children sexually abused per 10,000 enrolled in day care centers

RATE OF CHILDREN SEXUALLY ABUSED IN HOUSEHOLDS

76,000 children sexually abused by family and household members

x 25% of all cases of sexual abuse is to children < 6
= 19,000 children < 6 abused by family and household members
÷ 21.3 million children < 6 living in households

= 8.9 children < 6 sexually abused per 10,000 in households

Perpetrators

Children are sexually abused in day care both by the caregiving staff and by others, including family members of staff, volunteers,

janitors, bus drivers and, in a few cases, outsiders. We found cases could be classified into four major types according to the number and identity of the perpetrators (Table 2). It is noteworthy that in 38% of the cases, the perpetrator was not a child care worker.

Table 2: Typology of Perpetration -- Full Sample

Type	% Cases (N=270)
Child care worker - alone (Director/teacher/aide)	35%
Peripheral person - alone (Janitor/bus driver/outsider)	13%
Family member - alone (Husband/son)	25%
Multiple perpetrator	17%
Unclassifiable/missing information	9%

In contrast to the image of the McMartin case, the vast majority of cases (83%) involved only a single perpetrator. However, the multiple perpetrator cases are clearly the most serious ones, involving the most children, the youngest children, the most serious sexual activities and the highest likelihood of pornography and ritualistic abuse.

Women constituted 40% of the abusers in day care, a proportion much higher than in other sexual abuse. This relatively high proportion is explained by the very infrequent presence of men in day care settings. It is actually remarkable that men were still responsible for the majority of abuse in day care, when they account for only an estimated 5% of the staff.

Unfortunately, the study did not find that abusers had characteristics that would distinguish them easily from other staff or other people. In particular, most abusers did not have characteristics that one would associate with pedophilic child molesters and only a few (8%) had a prior arrest for a sexual offense. Neither were the abusers who were staff members poorly trained (50% had some college education), nor inexperienced (two-thirds had been employed two years or more). Abusers in day care do not fit prevalent stereotypes about sexual abusers.

Victims

One alarming aspect of sexual abuse in day care is the large number of children who can potentially be subject to abuse in a single case, such as in the McMartin case, in which there were over 300 alleged victims. However, half of all cases involved only a single reported victim and two-thirds of all cases only two victims or fewer. Unfortunately, there are often suspicions about other victims who are not questioned or do not disclose. But, nonetheless, evidence suggests that in most cases, unlike the McMartin case, there are relatively few victims.

Girls are abused more frequently than boys (62% vs. 38%), but boys are abused more frequently in day care than in other kinds of sexual abuse. The most common ages for victims are three and four, reflecting the most common ages for children in day care.

Few things about the children or their families predicted who would be victimized. Children were not any more vulnerable if they were poor or rich, White, Black or Hispanic, immature or mature, popular or unpopular. Children did appear to be at somewhat higher risk if they were more physically attractive. In general, however, our judgement is that characteristics of children are not a major factor in determining who will be abused at a facility where abuse is occurring.

Dynamics

One of the most important findings of the study concerns the large amount of abuse that occurs around toileting. In two-thirds of all cases, abuse occurred in the bathroom of the facility. This is a locale where abusers can be alone and unobserved with children who can be tricked into undressing and allowing their genitals to be touched.

The most common form of abuse is the touching and fondling of the children's genitals. Penetration (including oral, digital and object), however, is remarkably frequent considering the young age of the victims; it occurred to at least one child in 93% of all cases.

Other extreme forms of abuse were also present in disturbing frequencies. Children were forced to abuse other children in 21% of the cases; there were allegations of pornography production in 14% and of drug use in 13%.

Allegations of ritualistic abuse ("the invocation of religious, magical or supernatural symbols or activities") occurred in 13% of the cases. After studying the ritualistic allegations we decided that they needed to be subdivided into three categories: 1) true cult-based ritualism, where the abuse was in service to a larger spiritual or social objective, 2) pseudo-ritualism, where the goal was primarily sexual gratification, with ritual being used only to

intimidate children against disclosing, and 3) psychopathological ritualism, where the activities were primarily the expression of an individual's obsessional or delusional system.

It is our overall impression that children in day care cases were more threatened, coerced and terrorized than in many other kinds of sexual abuse. This may be because young children are unpredictable, and perpetrators believed they needed to use "overkill" to avoid disclosures.

Disclosure

Abusers were relatively successful in preventing disclosure. In one third of the cases, abuse went on for more than six months before a child told. In over one-half, it took at least a month. However, not all children were intimidated. Immediate disclosure occurred in about one-fifth of all cases.

Disclosures came about primarily in two ways. Most of the time, parents noted something suspicious about their child--physical symptoms, pains, fears, or sexual behavior -- and this prompted them to question their child in a way that eventually led to a disclosure. But 37% of the cases were disclosed when a child simply told what happened spontaneously without prompting.

Most important and disturbing, there were extremely few cases in which staff members at the facilities were the source of disclosures. We doubt that this is because staff members never had suspicions or never received disclosures from children. Rather, we believe this indicates that there are many disincentives, a great deal of reticence and reluctance to report, massive ignorance and inattention, as well as a few cases of actual covering up of abuse, on the part of staff.

We also noted some disturbing patterns of behavior on the part of some parents. In some notable cases, for example, parents failed to believe their own children's allegations. In other cases, parents who believed their children's disclosures tried to arrange informal solutions with operators that would avoid the need for a formal report or an investigation. These patterns helped explain why so much time often elapsed before abuse was reported.

Victim Impact

The children who had been abused manifested a variety of symptoms and problems, the most common of which were fears and sleep disturbances. Regressive behavior and inappropriate sexual behavior were also frequent. In 62% of all cases, at least one child sustained a physical injury. Children had more symptoms when they were abused by caregivers (i.e. teachers as opposed to outsiders), when the abuse involved force or ritualistic activities, and when their own mothers

had some kind of impairment that limited the kind of support they could give.

Most professionals stressed the importance of family response in predicting how well a child would recover from the abuse.

Risk Factors

The study was unable to identify categories of child care facilities that were either immune from the threat of abuse or extremely vulnerable. In general, the traditional indicators of quality in day care were not also indicators of low risk for abuse. Facilities with excellent reputations, well-qualified directors and years of operation were just as likely to harbour individuals who sexually abused children. Several unexpected factors were associated with less severity -- being in a high crime, inner-city neighborhood or having a large staff -- suggesting that more supervision and general wariness about suspicious activities may act to protect children. The study also found that in facilities where parents have ready access to their children, the risk of abuse is reduced.

Investigation

A number of different agencies crossed paths, sometimes co-operatively, sometimes uncooperatively, in the investigation of day care sexual abuse. Child protection agencies are most universally involved, followed by police, state licensing agencies and then prosecutors.

There is a very low rate of substantiation (21%) for initial allegations of day care sexual abuse. (This does not mean that most allegations are false or fictitious, simply that investigators could not amass enough evidence to confirm the abuse. Many of the cases that were later substantiated had had earlier unsubstantiated investigations). All the cases in the current study were substantiated cases, so not much can be said, unfortunately, about unsubstantiated cases.

We identified three main types of investigations: 1) In child welfare solo, the whole investigation was carried out by child protection agencies; 2) in parallel investigation, two or more agencies (most commonly child protection and police) conducted simultaneous, often overlapping investigations with frequently conflicting goals and methods; 3) in multi-disciplinary teams, agencies worked together and established goals and methods collaboratively.

The evidence from the study is very clear that multi-disciplinary teams were much more successful, in terms of objective outcomes, the satisfaction of investigators and the impact on the children.

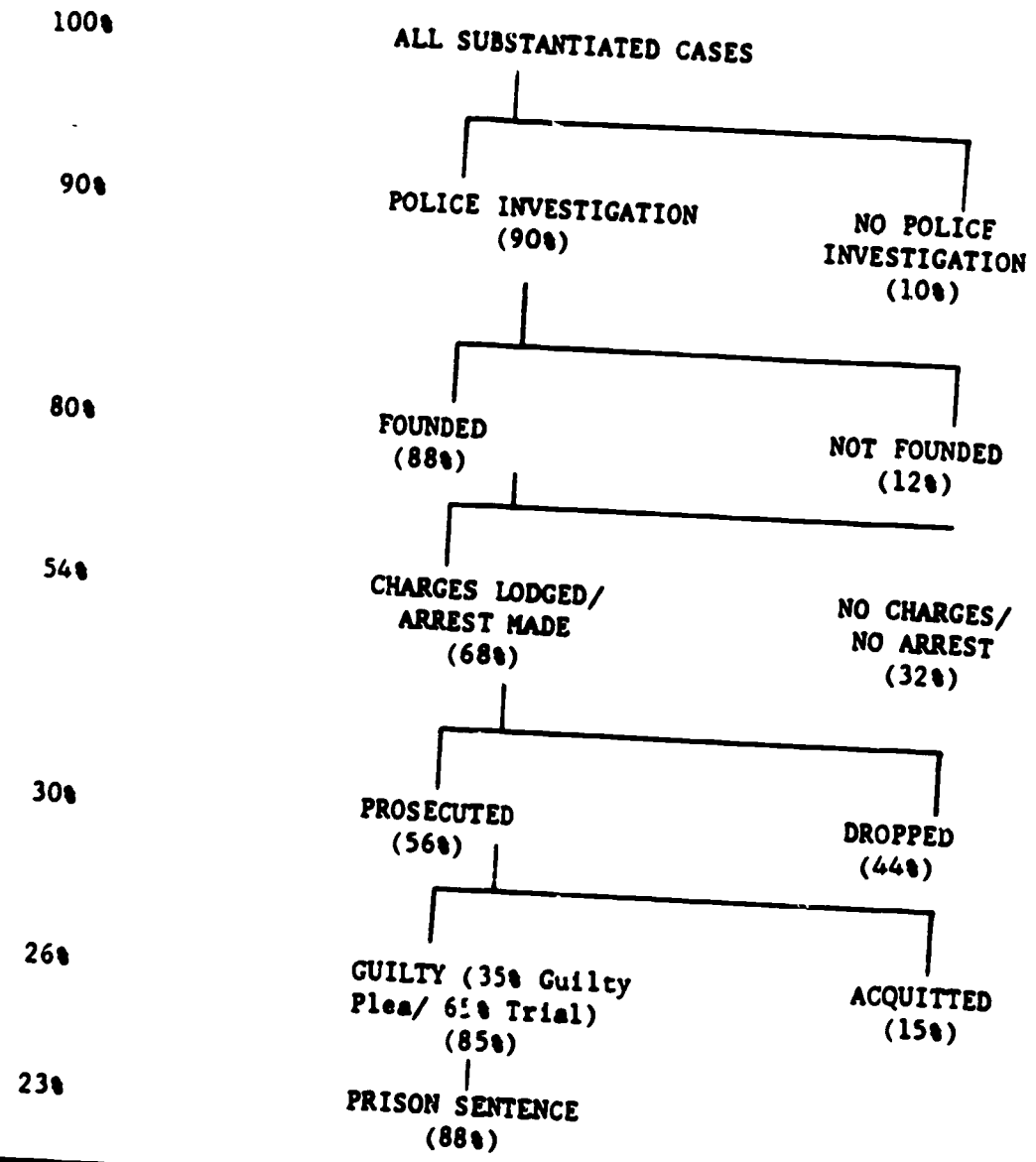
Investigators in day care abuse cases confronted a common set of problems. One was ambiguity or imprecision in the children's statements, together with professional and public prejudices about children's credibility. A second was their relationship to the parents of victims. While both investigators and parents sought to protect children and see justice done, frequently they found themselves in an adversarial relationship. Third, investigators frequently encountered intransigence and lack of cooperation on the part of the facility under investigation. Fourth, media attention and publicity often complicated their work. Finally, most investigators were strapped by organizational problems and lack of resources, training and experience in the type of abuse they were confronting.

Intervention - System Response

Even among the substantiated cases, there were many in which legal or regulatory action was not successful. Licensing actions were somewhat more successful than criminal prosecution. In one-third of the cases the operating license was revoked and in another third the license was provisional and would be revoked unless changes occurred. It may come as a surprise that 54% of all facilities with substantiated cases of abuse remained open after the investigation was terminated. It must be kept in mind that many cases involved single perpetrators, who were either not employees or were dismissed from employment in the wake of the disclosure. In many of these cases, licensing agencies judged that the facility was not at fault or that it could continue if measures were taken to prevent reoccurrence.

Law enforcement, for its part, pursued day care abuse cases with different degrees of intensity, but overall its record on day care cases was similar to its record in other types of sexual abuse. Almost all substantiated cases were investigated by police. But only 60% of these police investigations led to an arrest. Moreover, only 56% of the arrests led subsequently to a trial. Unfortunately, between arrest and trial, prosecutors, for a variety of good and bad reasons, lost confidence in the cases, while child witnesses sometimes became reticent or unavailable. Of the cases that went to trial, however, the conviction rate (including the guilty pleas) was very high (85%) (Figure 1). It was particularly noteworthy that day care cases had a conviction rate comparable to other sexual abuse in spite of a much higher rate of cases that actually required jury trial. The high conviction rate is probably due to the fact that so many day care cases that went to trial involved multiple victims who could corroborate each other's testimony, offsetting the fact that the children were so young. The study clearly shows that, perceptions to the contrary notwithstanding, day care cases do not necessarily fare badly once they reach the criminal justice system.

Figure 1: Criminal Justice System Outcome of Substantiated Cases of Sexual Abuse in Day Care[a]



[a] The figures used to calculate case attrition are based on both the in-depth sample (N=43) and the total sample of cases collected from 1983-1985 (N=270). For most figures the total sample was used. The in-depth sample was relied upon for information on decision points about which we did not collect data for the total sample, (e.g founding decisions by the police, trial and sentencing outcome).

Certain kinds of cases do tend to fare better than others Cases with male perpetrators, with perpetrators who were not child

care employees, and cases involving force, sexual intercourse or multiple victims were all more likely to go to trial and result in a guilty verdict or plea. Despite some public perceptions, there have been quite a few convictions in the highly publicized, multiple perpetrator/ multiple victim cases, including those with controversial allegations about ritualistic abuse.

Recommendations

These are the recommendations that grew out of the findings of this study. They do not cover all areas where recommendations might be needed (for example, concerning the handling of children's courtroom testimony). We are restricting ourselves here to recommendations that clearly follow from the important findings of the study. We have divided our major recommendations into the areas of prevention, detection, investigation and general recommendations.

Prevention

Preventive education that stresses anti-intimidation training

We recommend preventive education for preschool age children, particularly the kind that equips them to resist intimidation by potential abusers in day care. Much of the sexual abuse in our study occurred and continued because abusers convinced children that dire consequences would ensue if they told their parents. Parents need to contradict these warnings ahead of time. Thus, in addition to some explanation of improper touching, parents should be encouraged to emphasize to their children before sending them off to day care that 1) nothing that happens should be a secret, no matter what they are told; 2) if anyone at the day care does anything mean, they should tell parents immediately; and 3) once they are at home, they are safe: day care staff have no power to harm them or their families

Reducing risk in toileting

We recommend that day care facilities institute policies and architectural changes that are aimed at preventing abuse in and around bathrooms, an area we have found to be high risk. Facilities may want to remove or minimize partitions and stalls that create private areas where children can be isolated, and make use of transparent partitions to increase surveillance. Directors may need to establish better controls over who takes children into the toilet area for what purposes at what times.

Better screening and assessment of family members

We recommend increased attention by parents and licensing officials to the family members of day care staff and operators

including their adolescent children. Licensing needs to be aware of, talk to and screen all household members and extended family who will have access to and frequent interaction with children. Officials need to strengthen policies that allow for the denial or revocation of licenses due to the presence of family members of questionable reliability. Changes in the work and living arrangements of such individuals should be reported to licensing.

Discourage reliance on police records check

The evidence suggests that police records checks are expensive and inefficient prevention techniques because they identify only a small fraction of potential abusers at prohibitive cost. They may also foster complacency and overconfidence when staff have passed the screening. If screening can be made very cheap, it may be eventually worth while, in spite of its small payoff, but employers and licensing officials should be cautioned against using it as their sole or primary prevention device.

Discourage reliance on pedophile profile

We recommend that training for licensing officials, day care operators and law enforcement should stress that most day care abusers do not fit the profile of a pedophile (a person with a long history of primary sexual interest in children who seeks employment in day care to have access to children). Instead, day care staff should be screened on a broad range of background information including signs of emotional problems, substance abuse, criminal behavior, sexual difficulties, poor judgement, and insensitivity or punitiveness toward children.

Encourage free access of parents to day care facilities

We recommend that parents require access to the facility at any time. No area should be off limits to them. Parents should increase their involvement and presence at the day care facility.

Detection

Awareness about female abusers

We recommend that parents, licensing and law enforcement officials be educated to view females as potential sexual abusers. Although they abuse much less than males in general, in day care women make up one-third of the total abusers and one-half of the abusers among caregivers. Parents and investigators seem much more apt to dismiss suspicions about females because they believe abuse by females is so improbable.

Teach warning signs to parents

We recommend an intensive campaign to teach parents how to recognize warning signs of abuse in day care. Parents are the ones who detect the majority of abuse. Yet many parents fail to note signs and symptoms. Public awareness should stress particularly sign of genital irritation and discomfort, unusual sexual knowledge, and fearfulness related to day care. Public awareness should also alert parents to be suspicious of any facility which attempts to deny them access. It may be effective to require operators to distribute this information in the form of brochures to parents.

Increase detection and disclosure by staff

We recommend a major effort to remove the barriers that prevent day care staff from detecting and reporting suspicions of abuse. Staff need education about what signs and symptoms to watch for. Even more important, to undercut inertia, loyalties and fears of reprisals, they need encouragement and insistence from directors and licensing officials on their responsibility to report suspicions. Phone numbers for reporting may need to be displayed conspicuously within facilities. Since staff turnover rates are high, frequent reminders should be given.

Discourage informal solutions

We recommend education aimed at staff, parents and investigators that discourages them from relying on informal solutions when they suspect abuse. This information should stress their responsibility to other children, who may be victimized if the problem is not fully resolved. It should point out that, without formal attention, abusers may simply go on to abuse in other facilities. Parents should be informed about the official avenues for reporting suspicions of child abuse. Facilities should have an approved plan for responding to allegations.

Investigation and Intervention

Multi-disciplinary teams

We recommend that all communities prepare the groundwork for multi-disciplinary team investigations of day care and other institutional child abuse. Experience demonstrates this approach to be more successful. Team members should be designated in advance, have some familiarity with each other, have some protocol anticipating initial steps in the investigation and have clear authorization to make joint decisions binding on each agency.

Training for investigators

We recommend intensive efforts to make specialized training and experience available to the investigators who will take responsibility for day care (and other institutional) abuse cases. The training can take the form of manuals and workshops on these types of cases and how they differ from other cases of sexual abuse. An important general subject matter for the training should be child development and its implications for children's reactions and children's testimony. Another subject should be the management of media attention to the case. To assist investigators, states should identify resource persons at both the state and national level, who can consult and even participate in investigations.

Attention to parents of victims and suspected victims

We recommend that investigators make special conscientious efforts to attend to the needs of the parents of victims and suspected victims. Experience suggests that the relationship between parents and investigators is crucial to the effective pursuit of investigations. These efforts need to include: satisfying as much as is feasible parents' needs for information about the abuse and the investigation; giving the parents accurate expectations about what to anticipate; helping parents meet their own needs for emotional support and expression; assisting parents in talking with and helping their children and making other child care arrangements; and assisting parents in dealing with the media, the accused and with the facility under investigation.

We recommend that mental health services should be available to all families whose children have been abused in day care, regardless of their ability to pay. The professionals providing these services should be persons with experience working with sexually abused young children and their families. They should be familiar with specific therapeutic techniques appropriate for such children as well as the family issues provoked by such an experience. All communities should take steps to insure that they have access to such services.

Treat parents

We recommend that mental health interventions on behalf of children abused in day care settings include and in some cases rely on work with the parents. This study and others suggest that children's recovery is closely tied to the support they receive from their parents. Very young victims benefit greatly from parents who are coping with the abuse in a healthy way.

Fostering prosecutorial optimism and skill

We recommend an educational effort directed at prosecutors that would dispute the myths and promote a more accurate assessment of the problems and potentials surrounding cases of abuse involving very young children. A specific goal of this campaign should be to reduce the number of cases where arrests fail to proceed to prosecutions. Evidence suggests that some prosecutors have prejudices about such cases and are unnecessarily pessimistic about chances for success, so they get dropped. Prosecutors need to be informed about the many successful prosecutions and made aware of the strategies used in these cases. Workshops, manuals and articles in periodicals can be used to promote these approaches.

Awareness about ritualistic abuse

We recommend more research and professional awareness about ritualistic child abuse. We need to know more about the prevalence, dynamics and impact of this disturbing type of abuse. Moreover, we need better information on how to effectively investigate such allegations. Law enforcement, child welfare and licensing officials need to be educated about the existence of such abuse so that they can recognize it and include it in their investigations.

General Recommendations

Reassurance for parents

While giving parents information to help protect their children from and detect possible abuse, we must also reassure them about the relatively low risk of abuse in day care. With a few exceptions day care facilities are not inherently high risk locales for children despite frightening stories in the media. The risk of abuse is not sufficient reason to avoid day care in general or to justify parents withdrawal from the labor force or other important activities which require them to rely on day care. Rather, involvement with their child's day care, interest in its activities and sensitivity to their child's reactions are the healthy and apparently effective response to a concern about abuse.

Avoid a disproportionate focus on day care abuse

While taking the problem of abuse in day care very seriously policy makers should not give it attention and resources disproportionate to other kinds of abuse. The problem of abuse in day care needs more research, training, public and professional awareness. But this attention should not come at the expense of attention to other kinds of child maltreatment, which are also neglected and in need of additional attention. In the area of sexual abuse, the problem of intrafamily sexual abuse, particularly by

fathers, stepfathers and older brothers, is clearly the most pressing priority both because of its prevalence and its devastating impact. Among reported cases of abuse in 1985, nearly 100,000 children were victimized by family members compared to perhaps 1300 in day care. The problems of severe physical abuse and serious neglect are also vastly larger and more pressing than sexual abuse in day care. With an estimated 1500 deaths in 1986, the problem of fatal child abuse obviously outnumbers and outweighs sexual abuse in day care.

Day care abuse has frightened many parents, baffled investigators, led to a host of misconceptions on the part of the public and cast a long shadow over the lives of many children. It deserves a high priority on the public agenda. Yet, unfortunately, it is only one entry on a far too lengthy list of unpleasant realities that affect the world of our children today.