

APRI

American
Prosecutors
Research
Institute

**SAFETY NET:
MULTIDISCIPLINARY
INVESTIGATION AND
PROSECUTION OF
COMPUTER-FACILITATED
CHILD SEXUAL
EXPLOITATION
JANUARY 23-27, 2006
AOL HEADQUARTERS
DULLES, VIRGINIA**

This intensive five-day course is intended for child sexual exploitation prosecutors, forensic computer analysts, and investigators. This course will give hands-on training in investigation and presenting electronic evidence of computer-facilitated crimes against children.



UPDATE is published by the American Prosecutors Research Institute's National Center for Prosecution of Child Abuse. Items may be reprinted if attributed to APRI's National Center for Prosecution of Child Abuse. Please provide copies to UPDATE. Contact us if you have inquiries or article suggestions at 703.549.4253.

Update

Investigations within Deaf Institutions: A Start-Up Guide for Law and Forensic Professionals

By Mary E. Wambach¹

Deaf Children and Youth: The Danger of the Institutional Setting

During the late 1980s and early 1990s, the deep, dark secret of the deaf community began finally to be uncovered. Allegations of sexual and physical abuse in institutions—at the hands of professional administrators, staff, aides, coaches and students—could no longer be swept under the rug.² This article will offer guidance to law enforcement officers and allied professionals to prepare them for some of the unique challenges of investigating abuse allegations involving deaf children in institutional settings.

Background

A German measles epidemic in 1964–65 resulted in the birth of approximately 12,000 deaf babies³ whose families were completely unprepared to communicate with them or understand their needs. Today, although German measles is no longer a threat, it is still true that less than 10% of deaf babies are born into families with deaf parents or siblings.⁴ This demonstrates two things: 1) that heredity is not the primary cause of deafness, and 2) that most deaf children born into hearing families grow up with little or no meaningful communication with family members. Because of this, many typical interactions between parent and child are delegated in the case of deafness to therapists, teachers, coaches, teacher aides and other professionals and para-professionals who become involved in the child's life. Presently, there are 50 institutions of special education for deaf children and youth.⁵ For many congenitally or pre-lingually deaf children, the institution/deaf school becomes the primary focal point of home, family, language and culture. Values, mores, communication styles and modes, idioms, social techniques, etc. are often associated with the school and those who are there. Although "mainstreaming" deaf children by educating them within their homes and in hearing environments has become more common in recent years⁶, many deaf children are still educated in residential institutional settings, away from their families.

This institutional setting, tragically for many deaf children and youth, has proved to be remarkably conducive to physical and sexual abuse. For any child, most particularly a child with a disability that involves communication, an institutional setting offers them almost no power or control over any aspect of their lives. Routine rites of passage such as toilet training, onset of menstruation or nocturnal emissions, dating, etc. often become the stuff of gossip and intimidation with professional staff, dorm workers, or peers. Deaf children and teens are often not believed by professionals (or even family members) when they report abuse or molestation. Sometimes they are simply not understood. In these situations, abusers often claim that a misunderstanding has occurred, or that the child simply fabricated the allegation to gain attention. With a limited ability to communicate and speak for themselves to a hearing world, deaf children and youth are not able to counter the arguments of those who both speak for them and abuse them.

Tips for Conducting Interviews and Investigations in Cases Involving Deaf Children in Deaf Schools or Institutions

1. For many deaf kids/youth, English is a second language, and one that is not a good choice for communication, whether written, spoken/speech-read or otherwise. Some victims (although relatively few) prefer English. Unless you are fully confident that the victim prefers English (receptively and expressively), and unless you are extremely fluent in several modes of sign language (ASL, PSE⁷, etc.), get an independent, professional ASL interpreter who is level III or higher. Beyond simply complying with laws or accommodating the victim's disability, proper interpretation is more likely to produce a report that is complete, accurate and detailed enough. The victim deserves every bit of your skill and professionalism, and this often cannot be provided without professional interpretation. Provided there is no potential for conflict of interest and if the victim appears comfortable

with this individual, make all possible attempts to utilize the same interpreter throughout the life of the case.

2. **Do not use the organization's staff to interpret or "assist" any interviews with children or youth.** This is not to imply that routine interviews of any involved or knowledgeable staff should not take place. Rather, investigators should avoid using any person whose obligation is to the employer to assist in any way with another party's statements or testimony.
3. Keep in mind that offenders are almost always close to their victims. Chances are that the abuser is a teacher, coach, family member, neighbor, aide, para-professional staff (lunchroom, groundskeeper, bus driver, etc.), peer of the victim, older child or youth. Absolutely do not allow any family members or "friends" to interpret in any way that will involve them or allow them to see/hear the victim's statements.
4. Be aware that all communications with an agency/organization/institution should focus on obtaining specific facts: who, what, when, where, how, etc. It is typical for public and private entities to be more invested in their funding, licensing and reputation than in finding and punishing offenders. Do not share concerns, and do not ask more questions than absolutely necessary.
5. As in the hearing world, not all abuse or molestation is perceived by the victim as painful or negative. Skillful abusers groom their victims and know each victim's needs. Gifts, special treats or trips, compliments, attention, and physical activity that appears to be "loving" or "sexy" may be received as positive and appropriate by the victim(s).
6. Most kids and youth attending or living in residences outside of their home have little or no power over any activities or events in their lives. Staff, religious authorities, older children, sports professionals and medical professionals know almost everything about them, and often they do not maintain confidentiality. As a result, *it can be very seductive and powerful for an abused child or youth to refuse to disclose the nature of their abuse, simply because they now have power.* It is important for investigators to acknowledge the power held by the child, and explain why disclosure is important for the child and potential future victims.

Conclusion

Keep in mind that when anyone is suspected of having been abused or molested, the issue at hand is the abuse and molestation. The danger in situations of abuse with deaf children is that the difficulty in communicating and working with the deaf child will instead become the central issue. Information gathering, rapport building and a thorough investigation and prosecution of the case must not be hampered because of a communication issue. Before cases appear, multi-disciplinary teams (MDTs) should know where and how to obtain ASL interpreters and other services or equipment, so that a lack of knowledge and an inability to communicate do not become the primary challenge to the detriment of the child victim.

- 1 Executive Director, Deaf Abused Women and Children Advocacy Services. For more information on DAWCAS, go to www.dawcas.org. TTY (518) 386-6172. The author can be reached at mwambach@dawcas.org.
- 2 Ruth Tiechroeb, *Abuse and Silence: Examining America's Schools For the Deaf*, Seattle Post-Intelligencer, November 27, 2001 accessed July 14, 2005 at http://seattlepi.nwsource.com/national/48233_deaf27.shtml.
- 3 Press Release, Centers for Disease Control, Rubella No Longer Major Public Health Threat in United States (March 21, 2005) accessed July 14, 2005 at <http://www.cdc.gov/od/oc/media/pressrel/r050321.htm>
- 4 *Id* at *supra* note 2.
- 5 *Id*.
- 6 "Mainstreaming" refers to the idea of educating deaf children through community-based services and in their own home and school environments rather than in residential settings. There are widely disparate opinions on the virtues and drawbacks of mainstreaming. Proponents believe that the quality of a mainstream education is better, and point out that children are less at risk for abuse and molestation in their homes as opposed to residential settings. Opponents believe, among other things, that Deaf Culture will suffer because of mainstreaming since elements of Deaf Culture, history and language have been most strongly promoted in the institutional setting. Most deaf people agree that the mainstreaming model is very new, and remains in need of tweaking, funding and public support. *It should be noted here that Deaf activists and leaders formally decided to adopt a capital D when referring to individuals whose deafness was from birth, prior to acquiring spoken language, and often in tandem with institutional education. In a broader sense, many people who identify as "deaf" do not utilize the capital D, and may not feel that their hearing loss is a "cultural characteristic."* To respect both groups, this article has utilized the capitalized "Deaf" term when referring to Deaf Culture, and will otherwise use the small case, which is intended to refer to all persons who identify as being deaf.
- 7 ASL, or American Sign Language, is a full visual language that has its own syntax, vocabulary, idioms and colloquial usage. It is not based on English, and actually has more in common with other languages that require identification of the subject before a description of it. ASL is modified by speed, placement, size, repetition, facial expressions, and body language. PSE, or Pidgin Sign English, is a signing mode that is somewhat between ASL and English. PSE utilizes many ASL signs in a syntax that is more similar to English, and also uses less visual modification techniques. Deaf people who do not have a formal language (signed, written or verbal) are said to use MLS, or minimal language skills communication, sometimes referred to as "gestural communication."

The National Center for Prosecution of Child Abuse is a program of the American Prosecutors Research Institute, the non-profit research, training and technical assistance affiliate of the National District Attorneys Association. This publication was prepared under Grant No. 2003-CI-FX-K008 from the Office of Juvenile Justice and Delinquency Prevention, US Department of Justice. This information is offered for educational purposes only and is not legal advice. Points of view in this publication are those of the authors and do not necessarily represent the official position of the US Department of Justice, NDA or APRIL.



American Prosecutors Research Institute
National Center for Prosecution of Child Abuse
99 Canal Center Plaza, Suite 510
Alexandria, Virginia 22314
www.ndaa-apri.org

Non Profit
Organization
U.S. Postage
PAID
Merrifield, VA
Permit No. 768