

PAEDOPHILIA: POLICY AND PREVENTION

Detection and Reporting of Paedophilia: A Law Enforcement Perspective

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INTRODUCTION

This morning I would like to examine issues relating to the detection and reporting of child sexual abuse/paedophilia from a law enforcement perspective. In doing so, I will first briefly touch on the National Crime Authority and the reasons for our current assessment of this area. More importantly, however, I want to discuss in greater detail the NCA's interpretation of the terms *paedophile* and *paedophilia*, and the NCA's understanding of the extent, reporting and detection of child sexual abuse and paedophilia.

What is the NCA?

The NCA is a national law enforcement agency established under Commonwealth, State and Territory legislation. Its mission is *"to counteract organised crime and reduce its impact on the Australian community by working in co-operation and partnership with other agencies"*. The NCA is a relatively young organisation, having been formed in 1984, and it combines a multi-disciplinary team approach (that is, combining the expertise of police investigators, financial investigators, intelligence analysts, lawyers, etc) and its special powers (to summons documents and witnesses), to investigate organised criminal activity of national importance.

Why is the NCA interested in assessing paedophile issues?

You may be asking yourself why is the NCA interested in the area of paedophilia? In 1994, following a review of Commonwealth law enforcement arrangements, the NCA was tasked by the Federal, State and Territory Governments to complete strategic intelligence assessments on a range of organised crime groups. These groups were identified by the 1994 review as either currently or potentially active in organised crime in Australia. One of the areas the review identified as requiring a national assessment was paedophile networks and organised paedophile activity and this is the assessment on which I have been working.

The law enforcement version of this assessment has been drafted and comments from law enforcement agencies are currently being incorporated. The possible production of an unclassified version for public distribution will be determined by stakeholders. It is important to note that while all Australian law enforcement agencies provided information for the assessment, the NCA's role was not to conduct active investigations in this area, but simply to assess the current situation. While the assessment focuses on determining whether or not 'organised paedophilia' exists, in this morning's discussion I will be referring primarily to the individual paedophile.

DEFINITION OF PAEDOPHILE/PAEDOPHILIA.

Any conclusions reached in the discussion of paedophilia rely heavily on the way certain terms are defined. To begin with, the term paedophile is rarely used with any consistency, meaning different things to people from different disciplines. For instance, the clinical definition of the term is very different from its application in law enforcement, which is different again to how the general public interprets it.

The definition of paedophile adopted for the NCA's strategic assessment was created following a review of relevant literature, and after extensive consultation with all Australian law enforcement agencies. It is not a law enforcement definition *per se*, as the term paedophile has no basis in legislation, but is a working definition for the purpose of the assessment.

Therefore, for definitional purposes, the NCA has chosen to refer to paedophiles as *adults who act on their sexual preference for children*. In other words, paedophiles are those who prefer and seek sexual activity with children rather than adults. In this context, the term "child" refers to anyone below the statutory age of consent in each Australian State and Territory.

The NCA acknowledges that clinically a paedophile is defined as someone with a sexual preference for biologically *prepubescent* children. The NCA definition, however, uses a sociolegal interpretation of child - making no distinction between sexual activity with pre-pubescent or post-pubescent children. The majority of law enforcement agencies and some researchers of paedophilia have accepted this sociolegal definition of *child*, treating all child sex offenders who sexually prefer children under the age of consent, as paedophiles. The most important point to remember is that not all child sex offenders are paedophiles. Offenders who prefer adult sexual partners but who, at times of stress or convenience, may engage in sexual activity with children are referred to as situational child sex offenders (eg, many incest offenders).

From a law enforcement perspective, while paedophiles are remarkably heterogeneous and cannot be typified by age, class, profession, race, religion or family status, a paedophile can often be recognised as such from an examination of their sexual behaviour. An understanding of the preferences and methods of operation of paedophiles may assist in their detection and in the detection of further victims. The most common characteristics of paedophiles are that they:

- are overwhelmingly males;
- have multiple victims;
- are usually, but not exclusively, extra-familial offenders;
- have a long-term and persistent pattern of behaviour;
- often prefer boys - male victims outnumber female victims by two to one. It is important to note, however, that while girls are more likely to be victims in reported child sexual abuse cases, boys are more likely to be the victims of paedophiles.
- generally report an attraction to children of a particular age range (and once a child has reached the upper age limit they are often discarded);

- have sophisticated methods and well planned techniques to access, groom and abuse victims. (Paedophiles actively seek access to children and frequently place themselves in positions where they can obtain legitimate, unrestricted, unsupervised access to children. Whether this be via their occupation, a volunteer position, children's leisure activities, the neighbourhood or by infiltrating a family, whether as a family friend or as the partner to a single mother.)
- have a tendency to collect extensive quantities of paedophile-related material, including child pornography and child erotica.

NATURE AND EXTENT OF CHILD SEXUAL ABUSE AND PAEDOPHILIA.

In recent years there has been a significant increase in the attention being focussed on paedophilia and over the last decade law enforcement knowledge regarding child sexual abuse and paedophiles has also increased dramatically. Nevertheless, only a fraction of child sex offenders come to the notice of law enforcement, and an even smaller proportion are convicted for their crimes. A commonly held view is that paedophiles can do anything they like as long as the child is young enough and they don't get caught in the act.

From a law enforcement perspective, if resources are to be effectively and efficiently deployed to counter paedophile activity, it is imperative that law enforcement agencies have an accurate understanding of both the nature of paedophile activity (particularly the potential for repeat offending and multiple victims), and the extent of paedophile activity (within and across jurisdictions).

Recidivism

While paedophiles are probably fewer in number than situational child sex offenders, as individuals, paedophiles offend against many more victims. By their very nature, paedophiles are usually long-term, repeat offenders. They tend to engage in predictable sexual activity, and their past history is likely to be a good indicator of future behaviour.

Studies of offenders (to whom confidentiality has been assured), have shown that a small number of men are responsible for a large number of offences and victims and that the recidivism rate for paedophiles who prefer boys is much higher than for those who prefer girls.¹ In 1987 Abel (and others) conducted a study of 232 unincarcerated so-called "child molesters". This study revealed that, on average, each offender had victimised 76 children over his lifetime which equated to an average of 150 victims for offenders who preferred boys, and 20 victims for offenders who preferred girls.²

Furthermore, some Australian offenders have admitted to individually abusing thousands of children. For example:

¹ American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition, Washington, 1994, p. 527.

² G.G. Abel, J.V. Becker, M. Mittelman, M.S. Cunningham-Rathner, J.L. Rouleau, and W.D. Murphy, 'Self-Reported Sex Crimes of Non-Incarcerated Paraphiliacs', *Journal of Interpersonal Violence*, vol. 2, no. 1, 1987, pp. 3-25.

- Clarence Osborne, a Queensland paedophile, claimed to have abused (and kept records of), in excess of 2,000 boys over a period of 20 years. Not one of these alleged victims reported the abuse;³ and
- William Allen, a teacher and a former member of the Australian Paedophile Support Group, also boasted in the early 1980s that he had participated in sexual activity with approximately 2,000 boys.⁴

Clearly, during child sexual abuse investigations, it is important for law enforcement agencies to understand that there is a distinct possibility an alleged offender may be involved in a range of previously unreported offences. Knowing that there is a high recidivism rate amongst paedophiles provides opportunities for law enforcement agencies to identify and assist previously unknown victims. In fact, the prospect of multiple victims should always be considered in every child sexual abuse investigation.

Extent of Paedophile Activity

It is extremely difficult to gain a national perspective on the extent of child sexual abuse and paedophile activity in Australia, because it is a relatively hidden phenomenon. As you have heard from previous speakers, there are two sources which can be used to provide an indication of the extent of child sexual abuse in Australia. These are:

- the *reported incidence* of child sexual abuse in combination with an estimation of the proportion of child sexual abuse which is reported; and/or
- the *prevalence* of child sexual abuse in the population.

Additionally, the proportion of child sex offenders who are paedophiles is difficult (if not impossible) to determine, primarily because of the secrecy surrounding such offences and the difficulty in distinguishing paedophiles from other child sex offenders.

Reported Incidence of Child Sexual Abuse

On a national level, the data on the *reported* incidence of child sexual abuse is fragmented and cannot be compared across jurisdictions. This is because data collection is based upon different definitions, different ages of victims, differing interpretation of legislation, and differing methodologies of reporting and collection. As a result, it is not possible to determine with any accuracy the total number of child sexual offences reported to authorities (that is police and welfare agencies in combination).

It has therefore been acknowledged by law enforcement agencies that statistics of reported incidence should be viewed with caution, and as a significant *underestimation* of not only the incidence of child sexual abuse, but also of the number of child sexual abuse cases that are actually reported to authorities. This caution is particularly warranted when considering independent research indicating that only one to ten percent incidents of child sexual abuse are ever reported.⁵

³ P. Wilson, *The Man they Called Monster: Sexual Experiences Between Men and Boys*, Cassell Australia, Sydney, 1981.

⁴ Inspector Neil Comrie, VICPOL, Australian Crime Prevention Council, *Child Abuse and the Criminal Justice System Conference*, July 1985, p. 126.

⁵ See for example, B. Naylor, 'Prosecution of Cases of Child Sexual Assault', *Legal Service Bulletin*, vol. 9, 1984, pp. 296-298; D.E.H. Russell, 'The Incidence and Prevalence of

Reasons For Under-Reporting

The reasons for this significant level of under-reporting are varied, and may include: ⁶

- The non-violent 'grooming' and seduction techniques that paedophiles use to engage in sexual activity with children. Contrary to public opinion, child victims are not usually raped or physically forced into sexual activity ⁷ and, in fact, Australian law enforcement agencies have reported very few known instances of violence associated with paedophile activity. Rather, the child is typically coerced over a long period of time into participating. This grooming process not only wears down the inhibitions of the victim, but also reduces the likelihood that the child will report the sexual activity. It is important for those who are involved in the detection, investigation or prosecution of child sexual abuse cases to recognise that a bond can develop between the victim and the paedophile. Some victims find themselves in a situation where they may trade sexual services for attention and affection. They are unlikely, therefore, to report the offence, to be interviewed, or to testify against the offender.
- The child may not actually see themselves as a victim, either because some victims are so young or innocent that they do not realise their treatment is abnormal, or because teenagers can be sexually experimental and therefore some adolescents would not at the time have been ashamed of what had happened to them.
- Besides the fact that most sexual activity is of a very personal and private nature, the victim can feel partly responsible for, guilty, embarrassed and ashamed of the sexual activity. For example, David Techter, the organiser of the US-based pro-paedophile organisation, the Lewis Carroll Collectors Guild, used his experiences to describe one of the reasons behind the low reporting of child sexual abuse. He explained on US TV that "The one [child] that I first had an affair with for about six months would masturbate me while I was fondling her. If you fondle a child just that one time, he or she may run and tell. But if it is repeated then they accept part of the responsibility because they allowed it to happen again. They take part of the responsibility themselves so they're guilty too."⁸ Some paedophiles may supply victims - particularly adolescent boys - with drugs, cigarettes, alcohol or pornography, thereby involving them in other 'taboo' activities and they may be very reluctant to 'dob' themselves in by telling of the sexual abuse. Additionally, a boy may be doubly ashamed by fearing that he is a homosexual, or that he will be seen as such.

Intrafamilial Sexual Abuse of Female Children', *Journal of Child Abuse and Neglect*, no. 7, 1983, pp. 133-146; A.K. Fuller, 'Child Molestation and Pedophilia: An Overview for the Physician', *Journal of the American Medical Association*, vol. 261, no.4, 1989, pp. 602-606.

⁶ New South Wales Independent Commission Against Corruption, *Interim Report on Investigations into Alleged Police Protection of Paedophiles*, Sydney, 1994; B. Watkins, and A. Bentovim, 'The Sexual Abuse of Male Children and Adolescents: A Review of Current Research', *Journal of Child Psychology and Psychiatry*, vol. 33, no. 1, 1992, pp. 197-248. D.S. Campagna and D.L. Poffenberger, *The Sexual Trafficking in Children*, Auburn House Publishing Company, Massachusetts, 1988, p. 34. K. Lanning and A. Burgess, "Child pornography and sex rings", *FBI Law Enforcement Bulletin*, January 1984, p. 14. Li, *et al.*, *op. cit.*

⁷ According to the NSW Department of Community Services, the predominant mode of sexual abuse is fondling. Paedophiles are often reluctant to physically hurt the child, since any injury to the child would risk the termination of their relationship.

⁸ *The Silent Shame*, NBC Television, New York, 1984, cited in Tate, T. *Child Pornography - An Investigation*, 1990, p. 152.

- A victim may not report the abuse because they are afraid of the offender. While physical violence is uncommon, a paedophile will often stress to victims, sometimes using threats of violence, that they are not to talk to anybody, particularly their parents or the police, about the relationship they are having with the paedophile.
- The child victim may also consider that if they do report the abuse, the adult offender is more likely to be believed than the child. In many instances, the paedophile is in a position of trust or has an occupation involving children and is rarely suspected of abusing these relationships.
- There may be a reluctance by parents to report an offence, in order to avoid subjecting the child to additional trauma through the criminal justice process.
- Some organisations may be reluctant to inquire into child sexual abuse allegations or report it for fear of the consequences. For example, the NSW Royal Commission has identified instances in the NSW Education Department and the Catholic Church where the welfare of the child has been neglected to protect the organisation. This tendency towards bureaucratic self-preservation has allowed paedophiles to infiltrate organisations with access to children, and remain in protected positions for years where they can continue to abuse children.

These cautions aside, however, studies in Australia (and internationally) have shown that:

- children are the victims in over half of the sexual offences reported to police;
- a greater proportion of *reported* child sexual abuse is intra-familial rather than extra-familial; and
- in three-quarters of *reported* child sexual abuse cases the victim is a female.⁹

Over the last few years, there has been a perception in Australia, as well as internationally, that child sexual abuse is increasing. While, for example, in the United States it seems more likely that this perceived increase can be attributed to an increase in the reporting rate of child sexual abuse, in Australia it is not currently possible to determine whether child sexual abuse or even reporting of such has increased over time. Nevertheless, it is *likely* that *reporting* of child sexual is increasing, and will continue to increase. This growth, however, is more likely to be due to an increase in community awareness of the problem, increased support for victims and mandatory reporting for some professional groups, rather than an actual increase in the incidence of child sexual abuse.

Prevalence of Child Sexual Abuse

As it appears that only a small proportion of child sexual offences are reported to authorities, a more realistic measure of the extent of child sexual abuse is provided by population *prevalence* research. While numerous studies have been conducted overseas, the first Australian study to measure the extent of child sexual abuse in the population was conducted in 1988 by Goldman and Goldman. This study found that, as children, 28% of

⁹ The Australian Institute of Health and Welfare reported that in 1994-95 76% of reporting victims were females. (Angus, G., and Hall, G., *Child Abuse and Neglect Australia 1994-95*, Australian Institute of Health and Welfare, Canberra, 1996, p. 12.)

women and 9% of men had experienced sexual activity ¹⁰ with a male at least five years older than them. The children were on average approximately 10 years old when this activity occurred.¹¹ These figures are comparable to a number of other prevalence studies conducted across a range of countries.¹²

Prevalence statistics indicate that the number of child sexual abuse cases reported to authorities is only a small fraction of the number disclosed in adulthood surveys of childhood experiences, and that in terms of extent and potential harm, child sexual abuse of both boys and girls constitutes a serious problem in Australia. The ability of researchers to provide current and reliable prevalence figures can assist law enforcement agencies to make a better claim on scarce resources, and can assist in identifying the demographics of those children particularly at risk, so that those scarce resources can be most effectively targeted.

DETECTION

Child sexual abuse, by its nature, is carefully concealed and is therefore among the most difficult of offences to detect. The two major difficulties facing law enforcement in the detection of child sexual abuse are the significant level of under-reporting by victims, and the secrecy surrounding the commission of the offence. The possible repercussions of being labelled a paedophile makes offenders incredibly cautious. As a result, paedophiles will often have no criminal history, even though they may have been sexually abusing children for years.

Child sexual abuse by paedophiles is also difficult to detect because paedophiles have a tendency to obtain employment or voluntary positions in which they have easy access to children. These include positions such as teachers, scout masters, sports coaches, child care etc, in which they are less likely to arouse suspicion as a result of their interaction with children. Detection is hampered further by the tendency of some paedophiles to move residence on a regular basis, to change their name or use an alias.

As paedophiles are usually long-term repeat offenders, the distinction between situational child sex offenders and preferential child sex offenders (ie, paedophiles) is an important one for law enforcement in terms of detecting further victims of abuse, and in assessing the offender's potential for future offending.

Current Methods of Detection

Apart from the victim reporting sexual abuse (even years later), the following are examples of some of the ways in which child sexual abuse, particularly that perpetrated by paedophiles, can be detected:

¹⁰ Where 'sexual activity' ranged from an invitation to do something sexual to exhibitionism and fondling, through to actual or attempted sexual intercourse.

¹¹ R. Goldman, and J. Goldman, 'The Prevalence and Nature of Child Sexual Abuse in Australia', *Australian Journal of Sex, Marriage and Family*, vol. 9, no. 2, pp. 94-106.

¹² Leventhal examined a number of population-based prevalence studies conducted in a variety of countries (limited to those that defined child sexual abuse as contact cases in children less than 16) and arrived at a very crude mean child sexual victimisation prevalence rate of 21% for women and 6% for men. (J.M. Levanthal, 'Epidemiology of Child Sexual Abuse', in: Oates, R.K. (ed.), *Understanding and Managing Child Sexual Abuse*, Harcourt Brace Jovanovich, Sydney, 1990.)

- Children who have been abused may demonstrate inappropriate or anti-social behaviour in situations, such as at school, where it can be reported by other adults.
- Initial reports of child sexual exploitation can, upon further investigation, enable the detection of other victims or even other offenders.
- Information can be received from anonymous informants - via means such as Crimestoppers or the annual Operation Paradox telephone hotline into child abuse.
- Paedophiles commonly keep a collection of child pornography and child erotica and further investigation into someone who possesses or imports child pornography may reveal whether the offender is also involved in actual child sexual abuse.
- Victims and/or offenders may be identified from home-made child pornography. Many paedophiles take photographs or videos of their victims. In some cases, they will take photos or video of themselves or other adults with the children, sometimes engaged in sexual activity. For example, a South Australian child sex offender was detected, and has since been convicted, when his mother found a video tape of him sexually abusing a five year old girl, and reported him to authorities.¹³ In addition, the press has reported that the NSWPOL Child Protection Enforcement Agency (CPEA) has recently identified, from an examination of home-made child pornography, a number of paedophile's victims who were sexually abused and photographed over twenty years ago.¹⁴

Other more proactive methods of detection are also used by law enforcement agencies , but I am unable to discuss these in this open forum.

Given the seriousness of child sexual offences, and the growing public concern about this area of crime, law enforcement agencies need a committed and coordinated approach to detecting and countering paedophilia. Experience has demonstrated that establishing proactive, intelligence-driven investigative units is the most effective law enforcement response paedophilia, and this approach is being increasingly implemented by many Australian police services. Using specialist units in this way, offenders are likely to be identified and apprehended far earlier, with less resources, than with the traditional complaints-based approach (which tends to identify one offender per investigation).

CONCLUSION

In summary, as you have heard it is extremely difficult to gain a national perspective on the extent of child sexual abuse and paedophile activity in Australia and to determine the proportion of child sexual abuse which is committed by paedophiles. What can be ascertained is that the number of child sexual abuse cases reported to police or welfare agencies is only the 'tip of the iceberg'.

Without a reliable estimate of the nature and extent of child sexual abuse incidents, offenders, or victims in Australia, (or even a reliable system to calculate the number of *reported* cases of child sexual abuse), it is not possible to compare figures between jurisdictions or over time. As a result, it is difficult to determine whether strategies initiated by the criminal justice system or community service or health agencies are

¹³ "Outcry over sex offender's term", *The Adelaide Advertiser*, 20 July 1996, p. 8.

¹⁴ "Police bid to close net on pedophiles", *Sunday Telegraph*, 1 September 1996, p. 34.

proving to be effective. While it cannot currently be reliably determined whether child sexual abuse *reporting* is on the increase, this is probably the case.

Because of numerous difficulties in the reporting, detection, investigation and prosecution for child sex offences, a child sex offender runs very little risk of being *convicted* for his or her crimes. This low level of intervention by the criminal justice system may in turn discourage the reporting of child sexual abuse, and is unlikely to provide much of a deterrence to child sex offenders, particularly paedophiles.

In conclusion, given the very low rehabilitation rate for paedophiles, their tendency towards lifelong offending, and the high number of potential victims, it is clear that the resources expended on the *detection* of child sexual abuse, need to be balanced against resources devoted to the *prevention* of child sexual abuse. Although law enforcement plays an important role in detecting and countering child sexual abuse, the criminal justice system cannot deal with this problem alone: it needs to be tackled holistically. Police, lawyers, the courts, community services, teachers, doctors, parents and the media all have a role to play in countering child sexual abuse, and a cooperative and coordinated effort is vital to successfully reduce paedophile activity.