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# A Psychological and Behavioral Analysis of Child Sex Offenders: the Use of Expert Search Warrants in the Criminal Investigation of Acquaintance Molestation: the Use of Expert Search Warrants in the Criminal Investigation of Acquaintance Molestation

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A PSYCHOLOGICAL AND BEHAVIORAL ANALYSIS  
OF CHILD SEX OFFENDERS:  
THE USE OF EXPERT SEARCH WARRANTS IN THE CRIMINAL  
INVESTIGATION OF ACQUAINTANCE MOLESTATION

by

Joseph M. DeAngelo

A Research Project Presented in Partial Fulfillment  
of the Requirement for the Degree Master of Arts  
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Regis University

May, 2007

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## ABSTRACT

A Psychological and Behavioral Analysis of Child Sex Offenders:  
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of Acquaintance Molestation

Child sexual abuse is a critical social problem throughout the U.S. and the world. Often, a competent and thorough investigation can substantiate or discredit an allegation and notably support a subsequent prosecution of a substantiated case. A manual was created to assist law enforcement detectives who investigate allegations of child sex abuse. The investigative process includes: (a) forensic interviews of child victims, (b) collection of corroborative evidence, (c) analysis of offender characteristics and typologies, (d) offender interviews, and (e) search warrants to include expert search warrants.

## TABLE OF CONTENTS

Chapter	Page
1. INTRODUCTION . . . . .	1
Statement of the Problem . . . . .	3
Purpose of the Project . . . . .	3
Overview . . . . .	4
Chapter Summary . . . . .	6
2. REVIEW OF LITERATURE . . . . .	8
Definition of Terms . . . . .	8
History of Pedophilia . . . . .	9
Contemporary Western Attitudes . . . . .	11
Theories on Causation of Pedophilia . . . . .	13
Abused/Abuser . . . . .	14
Psychoanalytical . . . . .	14
Biological . . . . .	15
Developmental/Environmental . . . . .	15
Paraphilias, Overview . . . . .	16
Pedophile Typologies . . . . .	17
Situational Type . . . . .	18
Regressed . . . . .	18
Sexually Indiscriminate . . . . .	19
Morally Indiscriminate . . . . .	19
Naïve or Inadequate . . . . .	19
Preferential Type . . . . .	20
Sadistic . . . . .	20
Seductive . . . . .	21
Introverted . . . . .	22
Investigation - Expert Search Warrants . . . . .	22
Chapter Summary . . . . .	24
3. METHOD . . . . .	25
Targeted Audience . . . . .	25
Goals of the Applied Project . . . . .	26
Procedures . . . . .	26
Assessment . . . . .	26
Chapter Summary . . . . .	26

4. RESULTS . . . . .	27
Introduction . . . . .	27
Forensic Interviews of Children . . . . .	28
Goals . . . . .	28
Pre-Interview Preparation . . . . .	29
Location and Setting . . . . .	30
Introduction and Rapport . . . . .	32
Open Narrative . . . . .	34
Demonstrative Aids . . . . .	36
Anatomical Drawings . . . . .	36
Anatomical Dolls . . . . .	37
Closing the Interview . . . . .	39
Corroborative Evidence . . . . .	40
Victim Behavioral Symptoms . . . . .	41
Additional Witnesses . . . . .	29
Medical Evidence . . . . .	42
Physical Evidence . . . . .	43
Offender Typologies . . . . .	44
Pedophiles . . . . .	45
Child Molesters . . . . .	29
Situational Child Molesters . . . . .	46
Regressed . . . . .	46
Sexually Indiscriminate . . . . .	47
Morally Indiscriminate . . . . .	47
Naïve or Inadequate . . . . .	48
Preferential Child Molesters . . . . .	48
Sadistic . . . . .	51
Seductive . . . . .	52
Introverted . . . . .	53
Suspect Interrogation . . . . .	53
Knowledge of Case Facts and Suspect’s Background . . . . .	54
Setting and Location . . . . .	55
Investigator’s Attire and Demeanor . . . . .	55
Nine Step Interrogation . . . . .	56
Search Warrants . . . . .	58
Totality of Circumstances Affidavit . . . . .	61
Expert Affidavits . . . . .	61
Chapter Summary . . . . .	68
5. DISCUSSION . . . . .	69
Purpose of Project . . . . .	69
Limitations . . . . .	69
Recommendations for Future Study . . . . .	70
Project Summary . . . . .	70

REFERENCES ..... 72



## Chapter 1

### INTRODUCTION

According to Vandervort (2006), child sex abuse may be on the decline. Although research studies related to the incidents of child sex abuse vary primarily due to the methodological differences among the studies, research results taken as a whole indicate that millions of people in the United States have been directly affected by child sex abuse either as: (a) a victim, (b) a non-offending parent of a victim, (c) a perpetrator, or (d) a combination thereof (Pryor, 1996). Child sexual abuse remains a critical social problem in the U.S. and throughout most of the world (Vandervort).

Child molesters, who are acquainted with their victim(s), comprise the majority of all sex assaults on children (American Prosecutors Research Institute, 2004; Lanning, 2001). The majority of acquaintance child molesters are preferential type child molesters, who have an exclusive or preferred sexual preference for children (Lanning). Additionally, most preferential child molesters collect child pornography and often memorialize, in some manner, their sexual behavior in regard to children (Goldstein, 1999; Lanning). Levin, a court-recognized expert in child sex abuse investigations explained that, often, such collections of child pornography and similarly related materials are corroborative evidence of an allegation of child sex assault (L. A. Levin MSW, personal communication, February 2, 2007).

Although the majority of child sex assaults go unreported (van Dam, 2001), of the cases reported to law enforcement, most have limited evidence beyond the statement of the child victim (Mapes, 1995; McLlwaine, 1994; Vandervort, 2006). In many instances, criminal investigators who conduct child sex abuse investigations do not pursue search warrants of the suspected offender's properties for the purpose of seizing the alleged offender's collection of child pornography and similarly related materials, in the belief that probable cause for the search warrant does not exist (Lanning, 2001). However, criminal investigators, who have extensive training and experience in the investigation of child sex abuse, may be able to utilize their knowledge to obtain what is referred to as an expert search warrant. Along with extensive detail of the case facts and information that indicates the alleged perpetrator is a preferential child molester, the criminal investigators' written affidavits for such expert search warrants must detail the known psychological and behavioral characteristics of preferential child molesters, including the collection of child pornography and similarly related materials (Bilchik, 1997; Goldstein, 1999; Lanning). The psychological and behavioral analysis of a preferential child molester, in conjunction with the known case facts, may lead a judge to conclude that there is probable cause to believe the alleged offender is in possession of child pornography and, thus, grant the search warrant. Such collections of child pornography, if seized by law enforcement, would most likely strengthen a criminal prosecution of the offender (Bilchik; Goldstein; Lanning).

### Statement of the Problem

In the context of Western society, typically, child sexual abuse is considered a heinous offense. Frequently, child molesters are despised, even by other criminals (Wakefield, 2006). Goldstein (1999) explained, “It [child sex abuse] offends the very morals of society” (p. 9). Oats, O’Toole, Swanston, and Tebutt (1997, as cited in Duskin-Feldman, Papalia, & Wendkos-Olds, 2006) reported that longitudinal research studies indicate that children, who suffer from child sexual abuse, exhibit more disturbed behavior, have lower self esteem and higher rates of depression than non abused children. Additionally, Browne and Finkelhor (1986, as cited in Oats et al.) explained, “Adults who were sexually abused as children tend to be anxious, depressed, angry, or hostile; to mistrust people; to feel isolated and to be sexually maladjusted” (p. 258). Although no direct causation as been established, statistics indicate that a large percentage of pedophiles were themselves sexually abused as children (Shibley-Hyde, 1990). Child sex abuse is a serious social problem (Goldstein, 1999). As such, there is a tremendous need for criminal investigators to be competent and highly trained when they conduct investigations that involve allegations of child sex abuse.

### Purpose of the Project

The purpose of this project will be to develop a manual to aid criminal investigators in child sex abuse investigations in which the alleged perpetrator is a preferential child molester. Use of this manual will help investigators to understand the behavioral and psychological characteristics of preferential child molesters and how to apply that knowledge in order to obtain expert search warrants.

## Overview

Statistical data on child sex abuse within the U.S. vary according to the source and methodologies of studies (Douglas & Finkelhor, 2005); however, the staff of the Center for Disease Control (1997) explained that studies, which involve self-reported victimization, have shown a relative degree of consistency. “Research with sexual offenders and telephone surveys of the public demonstrate that statistics based on reported cases [to law enforcement] seriously underestimate the true number of sexual abuse crimes” (American Prosecutors Research Institute, 2004, pp. 8-9). A Gallup Survey (1995, as cited in Foundation for Addiction Research and Education, 2000), from a survey of 1,000 parents nationwide, estimated that 1.3 million children per year are sexually abused in the U.S. Preferential child molesters, individuals who are primarily male and exclusively desire children as sex partners or prefer children as sex partners over adults, commit a notable portion of the child sex abuse offenses (Lanning, 2001).

Not all children who are victims of sexual abuse experience psychological trauma (Mapes, 1995). However, Burgess and Grant (1998) explained that most children will have some type of adverse psychological response to sexual abuse. Often, children’s adverse responses to sexual abuse are a byproduct of the individual child, who employs psychological defenses to help to persevere, while the abuse occurs. Frequently, these psychological defenses become maladaptive in other areas of life. Levin explained that children, who experience a single episode of sexual abuse, may suffer short and long term psychological trauma depending on the circumstances of the offense and the psychological and social state of the child (L. A. Levin, MSW, personal communication, February 12, 2007).

Criminal investigators assigned to conduct child sex abuse investigations are faced with a daunting task. Successful investigators require both innate and complex learned skills, including the need to maintain absolute objectivity while they aggressively pursue offenders (Lanning, 2001). However, unfortunately, criminal investigators assigned to child sex abuse investigations are not always chosen for their innate attributes and abilities to learn complex skills. Instead, routinely, female investigators are placed in these positions based primarily on general societal beliefs that women are more intuitively suited for such investigations. However, often, unqualified investigators, albeit most well intentioned, exacerbate the distress of the victim and those close to the victim, by their conduct of inadequate investigations that are inconclusive and become inactive, or conversely, require an elongated court process (Carney, 2004; L. A. Levin, MSW, personal communication February 19, 2007).

Frequently, criminal investigators, who are assigned to investigate allegations of child sex abuse, are faced with limited physical evidence. In many cases, the only evidence against the accused is the statement provided by the child (Mapes, 1995; Vandervort, 2006). However, in cases of child sex abuse, which involve a preferential child molester, criminal investigators may overlook avenues of investigation that corroborate the victim's allegation, such as the possibility that the perpetrator may possess child pornography and/or some form of a written or electronic diary to memorialize the acts of sexual abuse (Bilchik, 1997; Lanning, 2001).

In most criminal investigations, which involve the allegation of child sex abuse, absent exigent circumstances or other legal exceptions, in order to search an alleged preferential child molester's personal property for child pornography and similarly

related materials, the criminal investigator must first obtain a search warrant supported by a written probable cause affidavit (Bilchik, 1997). Often, through the course of an investigation, the investigator will not develop specific information that indicates that such corroborating evidence items exist and/or that the alleged perpetrator has possession of such items; both of which are typically necessary to develop probable cause for a search warrant of such materials. However, in some cases, the investigator may employ the use of specific expert knowledge related to preferential child molesters' psychological and behavioral characteristics. Such expert knowledge, in combination with all of the available case facts, may be sufficient probable cause to obtain a search warrant of the alleged perpetrator's property for items of evidence typically possessed by preferential child molesters and corroborative of the offense of child sex assault (Bilchik; Goldstein, 1999; Lanning, 2001).

### Chapter Summary

The majority of child sex abuse offenses are committed by child molesters who are acquainted with the victim (American Prosecutors Research Institute, 2004; Goldstein, 1999). A notable portion of acquaintance child molesters have a sexual preference for children and are referred to as preferential or fixated child molesters (Lanning, 1996; Lanning, 2001). Preferential child molesters exhibit consistent and predictable patterns of sexual behavior (Lanning, 2001; Goldstein, 1999; McIlwaine, 1994). Criminal investigators, who are assigned to conduct child sex abuse investigations, can use these predictable patterns of sexual behavior to assist in their investigation to include obtaining an expert search warrant.

In Chapter 2, the Review of Literature, material will be presented, including a historical analysis, of the sexual disorder known as pedophilia. Further, information will be presented in regard to current psychological typologies and behavioral analyses of pedophiles and child molesters, and how that information can be used by criminal investigators to further their investigations.

In Chapter 3, the Method, the goals of the project are presented. A psychological and behavioral analysis manual of pedophiles and child molesters will be developed to assist criminal investigators in the investigation of acquaintance child sex assault cases. The ultimate goal of the project is the identification and apprehension of child molesters.

## Chapter 2

### REVIEW OF LITERATURE

The purpose of this project will be to develop a manual for criminal investigators assigned to investigate child sex abuse cases in which the alleged perpetrator is a preferential child molester. In this chapter, the author will provide definitions and detail the history, theoretical etiologies, and psychological typologies of perpetrators of child sex abuse as well as with an overview of the criminal investigative response to include the use of expert search warrants.

#### Definition of Terms

There are legal and medical definitions for the terms child, adult, and child sex abuse. Further, individual definitions, especially in regard to child sex abuse vary within the medical and legal communities (Murray, 2000). As such, criminal investigators must be familiar with the statutory definitions in their respective jurisdictions. However, for the purposes of this project, the following terms and definitions will be used throughout the project.

*Pedophile:* An individual, primarily an adult male, who has a sexual attraction to children which may involve sexual activity with children. The individual with Pedophilia must be age 16 years old or older and at least 5 years older than the child. Clinical judgment needs to be exercised in cases that do not specifically meet the above criteria (American Psychiatric Association, 2000).



*Child:* A prepubescent or recent pubescent individual.

*Child Sex Abuse:*

- 1) An adult who, with the intent to become sexually stimulated and/or gratified, touches and/or fondles, and/or intrudes and/or penetrates in any manner with any object a child's intimate body part(s) or forces the child to touch and/or fondle and/or intrude and/or penetrate in any manner with any object an adult's intimate body part(s). Such intrusion and/or penetration would include, but is not limited to, sexual intercourse, and/or cunnilingus, and/or fellatio, and/or anilingus, and/or anal intercourse. Intimate body parts would mean the external genitalia or the perineum or the anus or the buttocks or the pubes or the breasts of any person; or
- 2) An adult, with the intent to become sexually stimulated and/or gratified, forces and/or induces a child to expose their intimate body parts and/or an adult intentionally exposes his intimate body parts to a child; or
- 3) An adult, with the intent to become sexually stimulated and/or gratified provides patently pornographic material to a child (Colorado Revised Statute 18-3-401, 18-3-404, 18-3-405, 18-3-405.4 summarized, 2007b).

The above definition will be inclusive for the terms sex assault, sexual molestation, and sexual exploitation.

### History of Pedophilia

Child prostitution and man/boy sexual relations have been a part of the human experience for thousands of years; it existed in biblical history, the Greek and Roman empires, the temples of worship in several Asian countries (O'Grady, 2001), as well as

early societies in Australia and Africa (Stayton, 1994). In ancient Islamic literature and poetry, there are numerous depictions of pedophilic activity (Spencer, 2005). Stayton explained that, in most of these ancient societies, man/boy sexual relationships were not an impediment to heterosexual relationships, rather ambisexuality was normal.

In ancient pagan Greek society “sexual relationships between men and boys were a normal part of life (Szasz, 2002). Barringer (2005) explained that in Athens, Greece the gymnasiums served both as an athletic training ground and a location for pederastic activity as boys exercised in the nude to the admiring eyes of older men. In fact, man/boy sexual relationships were so engrained into Greek society that several male Greek mythological characters were depicted as having boy lovers; Zeus, the king of the gods, and his beautiful boy lover, Ganymede, were the most notable. Also, adult sexual relations with prepubescent girls have been part of the human condition. Throughout the history of patriarchal societies, girls were considered property and were subjected to arranged marriages with older men (Connerton, 1997). However, adult sexual activity with girls was not exclusive to the marital relationship. In the late 19th Century, adult female patients disclosed to Sigmund Freud that, in childhood, they engaged in sexual relations with their fathers (Swartz, 1994). In the U.S., as late as the 19th century, sexual relations with child slaves was a common practice (Lamb & Poole, 1998). The moral and legal prohibitions against child sex abuse began to evolve with the Jews after their return from their captivity in Babylon. In order to distance themselves from pagan sexual practices, the Jews developed a strict adherence to the Torah (Bell, 2003; Underwager & Wakefield, 1995), which included numerous prohibitions against sexual activity (Leviticus 18:6 -18:23 New International Version). Over the centuries, Jewish laws and

customs became the basis for Western moral and legal thought (Underwager & Wakefield). Nelson (1984, as cited in Underwager & Wakefield) explained that, in Western culture, the first laws that specifically protected children were adopted by the British in the mid 19th century.

Popular myth has it that the first child protection statutes in the U.S. were created in response to the abuse of a 10 year old New York City child, named Mary Ellen Wilson, in 1874. Because there were no child protection statutes, Mary's foster parents were prosecuted under animal cruelty statutes; the legal theory being that Mary Ellen was a human animal. In reality, the founder of the American Humane Society, Henry Bergh, took pity on Mary Ellen and brought public attention to her case. However, Mary Ellen's foster mother was not prosecuted for animal cruelty; instead, she was prosecuted and convicted of felony assault on a human. However, Mary Ellen's case brought greater awareness and resources to child abuse issues in the U.S. (American Humane, 2007).

#### Contemporary Western Attitudes

Today, what is considered child sexual exploitation, was not considered a major social problem until the late 1970s when it went from relative obscurity to a crime of major proportions (Roland, 1987). Levin, a court recognized expert in child abuse investigations explained, "as a result there has been a strong and successful push to enhance the criminal sanctions for crimes against children along with providing additional resources and training of police officers and social service workers investigating allegations of child sex abuse" (L. A. Levin, MSW, personal communication, February 12, 2007).

Although, probably, children are at no greater risk, currently, than at any time in modern history (Lamb & Poole, 1998), some experts estimate that as many as one of every four girls and one of every eight boys will be a victim of sexual abuse by the time they turn 18 (Morgan, 1995). Speigel (1990), cited Coleman, (1986), Gordon, (1985), Herzog, (1986), and Wakefield and Underwager, (1988) and explained that many other experts believe that these statistics are greatly inflated. Hindmarch (1991) attributed the suspected inflated statistics to biased feminist researchers, who attempted to advance their cause by an exaggeration of male perpetrated abuse and sex assaults. Partington (2002) explained,

In the United States 150,000 children were reported in 1963 to the authorities as victims of abuse and 1.7 million in 1985, but in the latter year 80 per cent of all cases were dropped for lack of evidence and never reached court. Many techniques, such as exposure of children to "anatomically correct" dolls and the "anal dilation" test, praised earlier by "experts" as incontrovertible evidence of child sexual abuse, proved to be misleading in case after case. (p. 2)

Regardless of the actual statistical prevalence of the problem, poor investigative techniques, false reporting, militant political agendas, exaggerated media coverage, and general public misconceptions in regard to child sex abuse have led to numerous unwarranted prosecutions and a subsequent backlash. As a result, society is now faced with two competing and vocal special interest groups: victim advocates and defendant rights organizations. However, the members of both groups agree; criminal investigators assigned to conduct investigations of child sex abuse must continue to advance and further professionalize their investigative skills (L. A. Levin, MSW, personal communication, February 12, 2007).

### Theories on the Causation of Pedophilia

In general, the study of deviant or criminal human behavior is complicated by the fact that what is considered deviant or criminal varies from culture to culture, and it changes over time (Butcher & Carson, 1992); as evidenced by the ancient Greeks' notion that man/boy sexual relationships were normal and healthily in comparison with contemporary Western attitudes which hold the opposite. Nonetheless, attempts to understand the criminal offender, at least in the Western world, began with the ancient Greeks and Roman who attributed criminal conduct to an abnormal mental process (Innes, 2003). Since the ancient Greeks, scores of theories have been proposed by a wealth of social and scientific researchers along with philosophers and academics in almost every field in an attempt to understand criminal behavior (Holmes & Holmes, 2002; Ramsland, 2002). Most theories of pedophilia are the same as those in which there is an attempt to explain all criminal or deviant behavior (Hall, 1996). Currently, most criminologists agree that, in general, crime causation is a complex combination of the various major theories, which are often unique to the individual offender and circumstance (Holmes & Holmes; Humphrey & Palmer 1990); however, the causation of pedophilia is unknown (Hall; Holmes & Holmes, 2002). Some of the more prevalent current theories, which are specifically related to pedophilia, include: (a) abused/abuser theory, (b) psychoanalytical, (c) biological, and (d) developmental/environmental (Kramer & White, 2007). Each has overlapping components (L. A. Levin, MSW, personal communication, February 12, 2007).

### *Abused/Abuser*

Marshal and Mazzucco (1995, as cited in Holmes & Holmes, 2002a) found that a notable percentage of child molesters were sexually abused as children. Similar studies have led a large percentage of professionals and the lay public to conclude that child molesters were themselves molested as children (Kramer & White, 2007). However, Garland and Dougher (1990, as cited in Kramer & White) concluded that the abused/abuser hypothesis is simplistic and misleading and that most children who experience sex with adults do not, as adults, have sex with children.

### *Psychoanalytical Perspective*

The psychiatric models of deviant behavior are drawn from the psychoanalytic perspective initially advanced by Freud (1856-1939) and his disciples Jung (1875-1961) and Adler (1870-1937) who were all psychiatric practitioners in Vienna (Holmes & Holmes, 2002b; Innes, 2003). Freud, in his introduction of the notion of the unconscious, theorized that conflicts between the individual's basic drives for sex and aggression, along with the demands of society, were suppressed in the unconscious, which caused mental illness and criminality (Holmes & Holmes; Humphrey & Palmer, 1990;).

Kramer and White (2007) cited Howells (1991) and Li (1990) who explained that psychoanalytic theories about pedophilia revolve around the ideas of: (a) child sexuality, (b) Oedipal conflicts, (c) fixation at an early development stage, (d) projection, (e) narcissism, and (f) castration anxiety. However, such theories are untestable and, therefore, lack scientific validation.

### *Biological Perspective*

Ramsland (2002) explained that, in the biological theories, there is a focus on the factors that develop from the individual's body as a cause of crime, such as chromosomal abnormalities and biochemical factors. Levin, a court recognized expert in child sex abuse investigations, explained that State Legislatures have recognized the affect that biology, specifically testosterone, has on the behavior of male sex offenders. In a few states, law makers have passed legislation that requires *chemical castration* of offenders prior to granting parole for child sex abuse. The offenders are administered Depo Provera, which acts on the brain to inhibit hormones that stimulate the testicles to produce testosterone; thus, their sex drive is decreased and, in theory, their desire to molest is reduced (L. A. Levin, MSW, personal communication, February 12, 2007). However, biological theories provide no explanations for age specific attractions along with the varying emotional and psychological attachments that pedophiles feel toward their victims (Feierman, 1990; Hall 1996; Langevin, 1983; Li, 1990; all cited in Kramer & White, 2007).

### *Developmental/Environmental Perspective*

Ramsland (2002) explained that, in sociological theories, the causes of crime are fixed on the social and/or cultural forces such as: (a) poverty, (b) discrimination, and (c) illiteracy. Specifically related to pedophilia, in the developmental theories, it is assumed that pedophiles suffer from socially adverse childhood experiences which could include such factors as early sexual experiences and negative socialization. However, most of the researchers who supported such conclusions did not specifically research pedophilia and

lacked scientific controls (Garland & Dougher, 1990; Hall, 1996; Howells, 1981; Langevin, 1983; Freund & Kuban, 1993; all cited in Kramer & White, 2007).

### Paraphilias

In the discussion of pedophilia, one must be careful to distinguish between causation and traits (Holmes & Holmes, 2002). Although causation for pedophilia is unknown, a great deal is known about the behavioral characteristics of pedophiles and child molesters (Lanning, 2001).

*According to the American Psychiatric Association Diagnostic and Statistical Manual of Mental Health Disorders (APA DSM-IV-TR, 2000), pedophilia is a paraphilia. Paraphilias are psychosexual disorders and almost exclusively diagnosed in males. Paraphilias are defined, in part, as follows:*

The essential features of a Paraphilia are recurrent, intense sexually arousing fantasies, sexual urges, or behaviors generally involving 1) nonhuman objects, 2) the suffering or humiliation of oneself or one's partner, or 3) children or other non-consenting persons that occur over a period of at least 6 months. (p. 566)

Lanning (2001) explained that individuals who have a paraphilia often have more than one paraphilia. Paraphiles may be able to satisfy their sexual urges through imagery, props, and masturbation, which in most instances is legal. Other paraphiles, in order to satisfy their sexual urges, need to act out their desires with a partner, which also may be legal if the partner is a consenting adult. In the *APA DSM-IV-TR* (2000), it was explained that, if the paraphile cannot obtain a consenting partner, they may employ the use of a prostitute to act out paraphilic behaviors, such as dressing and behaving like a child. The *APA DSM-IV-TR* (2000, as cited in Rosenberg, 2002) classified eight major paraphilias: (a) exhibitionism (i.e., exposure); (b) frotteurism (i.e., rubbing); (c) voyeurism (i.e.,



looking); (d) fetishism (i.e., objects), (e) sadism (i.e., partner pain), (f) masochism (i.e., self pain); (g) transvestic fetishism (i.e., male cross-dressing); and pedophilia (i.e., child). It is important that a child sex abuse investigator be familiar with the behavioral characteristic of individuals with the more prominent paraphilias due to the potential of the commingling of paraphilic behaviors (L. A. Levin, MSW, personal communication, February 12, 2007).

### Pedophile Typology

Lanning (2001) explained that not all child molesters are pedophiles, and not all pedophiles are child molesters. A child molester is an individual who sexually molests children; whereas a pedophile is an individual whose sexual preference is for children. For example, a pedophile may be able to completely satisfy his sexual urges through fantasy and masturbation, and therefore, is not a child molester. Whereas children may not necessarily be the sexual preference for a child molester, however, situational factors may be the cause for such an individual to molest a child.

O'Connor (2005) explained that the most common typology for child molesters is the Burgess, Groth, and Holmstrom model (1977) in which pedophiles are classified as either situational or preferential. Lanning (2001), a former FBI Agent with the Behavioral Science Unit (BSU) cited that Dr. Dietz (1983), a noted researcher in the field of pedophilia, who also used the same broad classification of situational and preferential. Lanning expanded on the Dietz classification specifically for law enforcement investigative purposes. However, Lanning placed the behavioral characteristics on a continuum that ranged from situational to preferential and included all sex offenses on the continuum. Also, Holmes and Holmes (2002a) used the Dietz typology for criminal

profiling of child sex offenders. A summary of situational and preferential child molester behavioral characteristics and their subclassifications are provided in the following sections.

### *Situational Child Molesters*

Situational child molesters do not, necessarily, have a true sexual preference for children; however, they molest children for various psychological reasons (Holmes & Holmes, 2002a; Jordan, 1996; Lanning, 2001). Also, the elderly, sick, and impaired may fall victim to this type of molester (Holmes & Holmes; Jordan; Lanning). “Members of lower socioeconomic groups tend to be over represented among situational child molesters” (Federal Judicial Center, 2003, p. 73).

### *Regressed Situational*

Often, regressed child molesters are married and have children (Holmes & Holmes, 2002; Jordan, 1996, Lanning, 2001). They experience some event in their life that caused a loss in self-esteem such as a break-up in marriage or loss of job. As a result, they may lose confidence with their adult relationships and become more comfortable with children where their status remains intact. In time, the regressed child molester will turn to children as sex partners over peer sex partners. Usually, they obtain victims through coercion and prefer female children. In addition, regressed Child molesters may collect child pornography or adult pornography (Holmes & Holmes; Jordan; Lanning).

### *Sexually Indiscriminate Situational*

Sexually indiscriminate child molesters engage in all manner of sexual behaviors from wife swapping to bondage (Lanning, 2001). Children are molested simply because

they may be readily available. Sexually indiscriminate molesters are likely to collect child pornography along with a broad collection of other types of pornography.

Typically, they are from a higher socioeconomic background and molest the largest number of victims within the situational subclassification (Holmes & Holmes, 2002; Jordan, 1996, Lanning,). Lanning classified these type child molesters in the preferential typology as *diverse preferential* child molesters, due to their obsessive paraphilic behaviors.

#### *Morally Indiscriminate (Psychopath) Situational*

Often, morally indiscriminate child molesters perpetrate the most violent child sexual assaults within the situational classification (Holmes & Holmes, 2002a). These individuals display psychopathic tendencies in all aspects of their life, including sex. They molest children because they can (Holmes & Holmes; Jordan, 1996; Lanning, 2001).

#### *Naïve or Inadequate Situational*

Naïve or inadequate child molesters have some type of mental disability that does not allow them to make distinctions from right and wrong (Jordan, 1996). They are perceived as social misfits; the weirdo in the neighborhood. Often, they use children for sexual experimentation; however, the experimentation is typically limited to kissing, licking, touching, and the like rather than intercourse or anal sex. Typically, naïve child molesters obtain victims through exploitation of their size advantage. They do not have a gender preference and are likely to collect child pornography (Holmes & Holmes, 2002a; Jordan; Lanning, 2001).

### *Preferential Child Molesters*

Preferential child molesters prefer children as sex partners over peer sex partners (Holmes & Holmes, 2002a; Jordan, 1996, Lanning, 2001). Preferential child molesters experience intense, uncontrollable sexual fantasies and sexual urges that involve children (APA DSM-IV-TR, 2000). Typically, preferential child molesters have a gender and age preference (Holmes & Holmes, 2002). “Preferential-type child molesters seem to prefer more boy than girl victims” (Lanning, p. 27). Statistically, there appear to be more situational child molesters; however, individually, preferential child molesters tend to molest a greater number of children and tend to be from higher socioeconomic groups (Federal Judicial Center, 2003).

### *Sadistic Preferential*

Sadistic preferential child molesters equate pain with eroticism, and they molest children for the sole purposes of harming the child (Lanning, 2001). Sadistic child molesters prefer male children; however, they will molest female children on occasion. Often, sadistic child molesters abduct children from playgrounds, schools, shopping centers or seduce child victims in person or through the Internet. Sadistic child molesters brutally assault their victims; often, they cut the penis off the male children and insert the same into the victim’s mouth or anus. Sadistic molesters are transient, especially after an attack, and are likely to collect child pornography (Holmes & Holmes, 2002a; Jordan, 1996, Lanning) and maintain a dairy, scrapbook, or other memorabilia of their sexual activities (Goldstein, 1999).

*Seductive or Fixated Preferential*

Seductive preferential molesters are not interested in harm to any child; they consider their feelings and behavior as a love for children (Goldstein, 1999). Seductive child molesters seduce or court their victims; often, they buy gifts, flowers, toys, or loan them money. As they become more intimate with the child, the seductive molester begins to introduce sexual innuendos and, eventually, sexual pornography and paraphernalia into the relationship. Seductive molesters are almost always homosexual and prefer boys. Usually, they are single, viewed as immature, and have difficulty in interaction with other adults. Seductive molesters operate on a referral network with other fixated child molesters and are likely to surf the Internet to look for stimulation and potential victims. Most seductive molesters have an assemblage of victims in various stages of seduction. Seductive molesters go wherever a good pool of potential victims can be found; often, they relocate when the local pool of potential victims becomes limited or as a result of legal or community pressure. Oral sex is the standard for seductive molesters; however, anal sex occurs in cases where a strong relationship has been developed. Seductive molesters are likely to collect child pornography (Holmes & Holmes, 2002; Jordan, 1996, Lanning, 2001), and maintain a diary, scrapbook or other memorabilia of their sexual activities (Goldstein).

*Introverted Preferential*

Introverted preferential child molesters are similar to naïve situational child molester with the exception that the introvert child molester has a more definitive sexual preference for children (Goldstein, 1999). Similar to the naïve situational child molester, the introverted preferential child molester does not have the communicative or

interpersonal skills with which to seduce a child. The introvert will loiter around play grounds, shopping malls, and the like, in an effort to engage children in brief sexual encounters, or they may expose themselves to children. Introverted child molesters are likely to collect child pornography (Lanning, 2001) and maintain a diary or scrapbook or other memorabilia of their sexual activities (Goldstein).

#### Investigation: Expert Search Warrants

Individuals are protected against unreasonable searches and seizures without a warrant under the fourth Amendment to the U.S. constitution (Goldstein, 1999). Such warrants must be based on written affidavits which contain probable cause and describe particular places and things to be searched and/or seized. A search warrant is an order in writing, signed by a judge or magistrate, which directs a police officer to search for whatever is described in the warrant and to bring the seized items to court. The probable cause in written affidavits must demonstrate that whatever is being sought will have evidentiary value (Goldstein).

Often, the investigation of child sex abuse, in which a preferential child molester is suspected as the perpetrator, may be advanced with the use of an expert search warrant (Bilchik, 1997; Goldstein, 1999; Lanning, 2001). These search warrants are controversial; due to the fact the investigator uses, at least in part, his or her expertise to develop probable cause based on psychological typologies, rather than sole reliance on the specific case facts. As such, an expert search warrant should be used only when the criminal investigator is well trained and experienced in the typologies of child molesters and only to supplement a thorough investigation (Lanning). That said, from the inception of the investigation, the investigator must continuously assess the known case facts to

determine if sufficient probable cause exists to believe that the alleged perpetrator: (a) committed a sexual offense against the child, and (b) whether the alleged perpetrator is a preferential child molester. If these facts are positive, and the investigator has sufficient knowledge and background in the behavioral characteristics of child molesters, the investigator should consider the use of an expert search warrant in order to search the alleged offender's properties for child pornography and related memorabilia associated with child sex abuse. The evidence sought in a child molestation investigation, such as a picture that depicts the offender and victim engaged in a sex act, will not always prove a particular crime; however, it may give credibility to the victim's statement (Goldstein; Lanning). Lanning stated, "there is little behavioral doubt that probable cause to believe that a given individual is a preferential sex offender is, by itself, probable cause to believe that the individual collects pornography or paraphernalia related to his preferences" (p. 84).

### Chapter Summary

It is important for criminal investigators, who are assigned to conduct child sex abuse investigations, to be familiar with the behavioral characteristic of individuals who suffer from paraphilias and, more specifically, pedophilia. Such knowledge, combined with a thorough investigation, may allow the investigator to obtain an expert search warrant for the search and seizure of paraphilic items that belong to the offender, which in turn, may corroborate the crime of child sex assault.

In Chapter 3, the Method, the goals of the project are presented. A manual to assist criminal investigators assigned to conducted child sex abuse investigations will be

developed, with an emphasis on expert search warrants. The ultimate goal of the project is the identification and apprehension of child molesters.



## Chapter 3

### METHOD

The purpose of this project will be to develop a manual to assist criminal investigators, who are assigned to conduct child sex abuse investigations. The manual can be used to specifically assist with allegations of acquaintance child sex assault perpetrated by preferential child molesters. The behavioral characteristics of the alleged offender obtained through the interview of the child victim, witnesses, and background investigation can be juxtaposed to the manual to identify the type of child molester involved in a specific case. This information may assist the investigator to obtain an expert search warrant for corroborative evidence of the alleged offense.

### Target Audience

Levin, a court recognized expert in child sex abuse investigations explained that competent criminal investigators, who investigate child sex abuse allegations, should have the following: (a) intelligence, (b) investigative experience, (c) intuition, (d) objectivity, (e) desire, and (f) knowledge of child sex abuse victim dynamics and offender typologies (L. A. Levin, MSW, personal communication, February 12, 2007). Not all criminal investigators have these qualities and as such, should not be involved in child sex abuse investigations. This manual can be used by criminal investigators, who have the necessary skills, yet lack experience with the behavioral typologies of child molesters.

## Goals of the Project

The goal of the project will be to assist criminal investigators to better investigate and further corroborate allegations of child sex abuse through the use of known behavioral characteristic of child molesters. This information can be used to obtain expert search warrants and guide search efforts when warrants are executed. In turn, more thorough and competent police investigations will assist prosecuting attorneys in their litigation of the case.

## Procedures

This author will conduct a detailed search of the available literature on child sex assault investigations, specifically: (a) forensic interviews of child victims, (b) collection of corroborative evidence, (c) analysis of offender characteristics and typologies, (d) offender interviews, and (e) search warrants to include expert search warrants. Information from these sources will be incorporated into a manual for criminal investigators who are assigned to conduct child sex abuse investigations.

## Assessment

This author will request that colleagues throughout the criminal prosecution community in Colorado to review the manual and provide informational feedback. Recommended changes will be made, based upon the feedback.

## Chapter Summary

Criminal investigators who investigate child sex abuse allegation were identified as the target audience. The goals and purpose of the project were described. Explanation was given for how this manual could be beneficial to law enforcement and prosecutors.

## Chapter 4

### RESULTS

This manual was developed as an investigative tool for law enforcement detectives who are assigned to conduct investigations that involve allegations of child sex abuse. Specifically, this manual is intended to assist investigators to identify, charge and ultimately convict pedophiles who sexually molest child acquaintances through completion of some or all of the listed investigative activities: (a) forensic interviews of child victims, (b) collection of corroborative evidence, (c) analysis of offender characteristics and typologies, (d) suspect interrogations, and (e) search warrants to include expert search warrants. The target audience will not necessarily be familiar with the content of Chapter 2 of this project; therefore, a limited portion of the information in regard to offender typologies and expert search warrants is duplicative.

#### Introduction

Goldstien (1999) explained that the manner in which allegations of child sex abuse are brought to the attention of law enforcement vary significantly. Two examples of such diverse sources that report to law enforcement include a complaint from a child's teacher who overheard an outcry statement from the child in regard to regard sexual abuse or, through an individual charged with child sex assault who implicated others in an effort to help reduce his criminal liability.

Although the general investigation of child sex abuse allegations must be organized and well thought out, investigators need to be flexible as information and evidence is obtained (Heck, 1999). As such, there is no set order in which an investigation must follow. However, Goldstein (1999) explained that regardless of the method or manner in which the allegation is made to law enforcement, “the first important step is to try to establish and verify as much information as the urgency of the situation and time permits. This will assist the investigator in making critical decisions as quickly as possible” (p. 366). The investigator must always be mindful that any unnecessary delay in an attempt to collect evidence may result in concealment or destruction of the evidence (American Prosecutors Research Institute, 2004). While the concepts set forth in this text can be used as a general guide, investigators must employ common sense and experience to every investigation.

### Forensic Interviews Children

Typically, after an allegation of child sex abuse has been made to law enforcement, one of the first steps in the investigative process is to conduct a forensic interview of the child (Spaulding, 1987). Mapes (1995) explained that in many investigations, the only evidence against the alleged perpetrator is the statement provided by the child victim. Therefore, the forensic interview of the child is of vital importance (Spaulding).

### *Goal of Forensic Interviews*

Weaver et al. (2004) advised, “The goal of the forensic interview is to obtain a statement from a child, in a developmentally-sensitive, unbiased and truth seeking

manner, that will support accurate and fair decision-making in the criminal justice and child welfare systems” (p. 1). In order to accomplish this goal Weaver et al. cited Ceci and Bruck (1995) who explained that forensic interviews must be hypothesis testing rather than hypothesis confirming and child centered. Hypothesis testing requires the interviewer to pose questions to the child which may offer alternative explanations to sexual abuse while a child-centered interview requires the interviewer to ask open-ended, free narrative questions throughout the interview to avoid leading the child’s answers.

#### *Pre-Interview Preparation*

Levin, a court recognized expert in child sex abuse investigations explained that preparation for a forensic interview with a child victim is, in many ways, similar to an interview for almost any other type of criminal investigation. To the extent possible, prior to the interview, the investigator should attempt to become familiar with:

1. the child’s biographical data; birth name, preferred name, age, and gender;
2. exactly what the child disclosed to whom, in what context, and specifically what questions the child has already been asked;
3. what might have triggered the child’s disclosure (i.e. television program, family problem, school difficulty);
4. prior reports or involvement with social services or the police;
5. what, if any, unusual or atypical behavior has the child exhibited prior to the disclosure and subsequent to the disclosure;
6. how the child feels about the alleged abuse/abuser and what does he or she want to have happen; and

7. the child's family history and dynamics (L. A. Levin MSW, personal communication, February 29, 2007).

Spaulding (1987) explained that information related to a child and the offense may come from many sources; however, a primary source may be from the individual who brought the information forward or the individual to whom the child made the disclosure. In instances where the child has not made a disclosure, the primary sources of information may be those who have had close contact with the child such as teachers, parents, school therapists, or social workers.

#### *Location and Setting*

Morgan (1995) explained that one of the most important decisions the investigator must make prior to a forensic interview is to determine the location of the interview. The environment in which an interview is conducted will influence whether a child talks openly with the investigator. Suitable locations for forensic interviews of children who may have been sexually abused at their own home may include the home of the individual who reported the abuse to the authorities or the child's school or day care setting. Weaver et al. (2004) explained, "Select the most neutral location possible. For example, a speech-and-language room in a school might be a better choice than the principal's office, because children often believe they are in trouble when they are called to the main office" (p. 5). Levin explained that the least desirable location to interview a child is where the alleged abuse took place. Also, an interview in the child's home is also counter indicated; due to the fact even cooperative parents have a tendency to intervene on behalf of the child. Further, the location and extent of the abuse may not be known at the time of the interview; therefore, if the alleged abuse did occur in the home, a child

may not feel safe, and his or her candid responses may be restricted (L. A. Levin MSW, personal communication, February 29, 2007).

In many metropolitan and suburban jurisdictions, law enforcement professionals, who work in conjunction with social service agencies, have established *assessment centers* specifically designed for the forensic interviews of children (Supreme Court of the State of Ohio, 2004). Daly (1991) explained that pre-designed interview rooms should be comfortable for the child, yet conducive for a proper interview. Toys and other such distractions should be kept to a minimum. The room should be bright, with uncomplicated geometric lines and forms with primary colors on the walls. Pictures, drawings and paintings or anything that might distract the child should be eliminated. In substance, Levin agreed with Daly; however, she added that during the rapport development stage of the interview (i.e., discussed below), some type of fun activity for the child should be available such as paper and markers or other age appropriate items (L. A. Levin MSW, personal communication, February 29, 2007).

Further, Daly (1991) stated that the interview room should be equipped with, at minimal, a system that records audio; however, it is preferable that the interview room be equipped with a system that records both audio and video. The cameras should be situated in a corner of a wall by the ceiling to eliminate distractions; similarly, microphones should be positioned in a non conspicuous location. Weaver et al. (2004) explained that the investigator should make clear to the child, in age appropriate terminology, that the video equipment is to record the interview and help prevent repeated questions and additional interviews.

*Introduction and Rapport*

Aldridge and Wood (1998) recommended that, prior to the child's entrance into the interview room, the investigator should preface the video and audiotape with a statement that details the: (a) investigator's name and title, (b) name of the child to be interviewed, and (c) date and time of the interview. Often, if the investigator attempts to detail the above information while a child is in the room, especially before the question and answer format has been established, the child may interrupt the statement.

Morgan (1995) explained that, when the investigator initially meets with a child, it is extremely important that a level of trust and communication be established. Children, who in the past may have been manipulated by older individuals, may limit their disclosures to the investigator if rapport has not been established. Morgan added that the first step to establish good rapport begins with some type of introductory statement between the investigator and the child in which the investigator explains what he or she does in simple terms such as, "I'm a police officer and I work for the Springfield Police Department. People call me Detective Jones. Part of my job is to help children who have questions or problems" (p. 29). Also, the interviewer should explain to the child that he or she is not in trouble and that it is part of the interviewer's job to talk to children. Although adolescences are assumed by the courts to know the difference between honesty and deception (Finnegan, n.d.), in the rapport development stage, younger children should be assessed for their ability to differentiate between the truth and a lie (L. A Levin MSW, personal communication, February 29, 2007). Although there are no uniform guidelines, many jurisdictions require that children demonstrate that they understand the difference between the truth and a lie and, further, have a basic



comprehension of the moral responsibility to tell the truth (Lamb & Poole, 1998). Lamb and Poole cited Sternberg (1995) and explained that a valid method to test if a child understands the difference between honesty and deception is to have the investigator engage the child with the following type of dialogue:

I meet with a lot of children and during our discussions they tell me the truth about things that have happened to them. I want to make sure that you understand the difference between the truth and a lie: If were to say, for example, that my shoes were purple (or red or green) is that the truth of a lie?

[Wait for the answer]

If, for example, I was to say that my hair is purple, would that be the truth or a lie?

[Wait for the answer]

I see that you understand the difference between telling the truth and telling a lie, and that's very important. During our discussion, I want you to tell me only the truth, only things that really happened to you. (p. 125)

Subsequent to the truth or lie evaluation, the investigator should continue the rapport development process through the use of questions that are of interest to the child. Rapport development questions may include: (a) what grade the child is in, (b) what their favorite television show is, and (c) what game or song does he or she like best (Morgan, 1995). After rapport has been established to the investigator's satisfaction, the interview should shift into what Lamb and Poole (1998) termed, a *practice interview*. The idea of a practice interview is to psychologically prepare the child to respond to broad open-ended questions in narrative form, which is necessary for the central issue portion of the interview. The practice interview should open with a question such as, "Two days ago was Christmas, tell me everything you did on Christmas?" (p. 132). Follow-up questions may include: (a) "Tell me everything you did that day?" (b) "Then what happened?" and (c) "Tell me everything that happened after that until you went to bed?" (pp. 132-133).

With rapport established, and the preparatory questions of the practice interview complete, the investigator has laid the groundwork with the child for the body of the interview referred to as the *open narrative* (L. A. Levin MSW, personal communication, February, 29, 2007).

### *Open Narrative*

Due to the fact children are susceptible to suggestion, disclosure of events generated freely by the child in response to open ended questions are more likely to be accurate than responses to closed questions such as, “Did he touch you in your privates?” (L. A. Levin MSW, personal communication, February 29, 2007). Therefore, interviews for the purpose of free recall encourage children to provide relevant information at their individual pace with the use of their own words in a narrative form (Aldridge & Wood, 1998).

After the practice interview, the investigator can transition into the substantive portion of the interview with general open questions such as, “Now that I know you a little better, it’s time to talk about something different. Tell me the reason you came to talk with me today?” (Lamb & Poole, 1998). Another possible question or follow-up to the first question may be, “Is there anything that you would like to tell me?” (Aldridge & Wood, 1998, p. 71). Burgess and Grant (1998) explained that as the interview progresses, “Questions should be kept open-ended; those with *yes* or *no* responses should be avoided” (p. 17). However, Faller (1996) cited Boychuk and Steller (1991) who explained that, after the initial open ended questions, the interviewer may direct the focus of the child’s responses to a particular area that needs to be addressed. An example

would be a child's relationship with an alleged abusive uncle. In such a case, a focused question may be, "Tell me what happens when your uncle baby-sits you?" (p. 38).

If, through responses to the open-ended focused questions, the investigator elicits a disclosure from a child such as, "He tickles my *private area* when we go to bed," the investigator must clarify what a child means by private area (L. A. Levin MSW, personal communication, February 29, 2007). Mapes (1995) provided an example where such a disclosure related to private area tickling was made by a child. As a follow-up question, the investigator asked the child to point to her private area. The child responded and pointed to her under arms. The investigator continued and asked the child to point out all of her private areas. The child then pointed to her navel, ears and mouth. Additionally, in an effort to better understand the child's disclosures, staff of the American Prosecutors Research Institute (2004), stated:

Every interview must include the opportunity to test the possibility that someone else has abused the child or that there is some other explanation for an intimate touch, e.g., a bath. The following questions may be appropriate depending on the specific circumstances of your case.

Has anyone else ever (child's word for abuse) you?

Has anyone else ever touched you in a way you did not like? Has anyone else ever made you feel uncomfortable? (p. 59)

The staff of the American Prosecutors Research Institute (2004) explained that the investigator should use the child's descriptive terms for body parts. Mapes (1995) provided an example, "Mary, earlier you said your daddy rubbed your *pussy*, tell me more about that?" (p. 93).

Aldridge and Wood (1998) explained that if further information is needed from the child, it may be necessary to ask closed questions. These are questions which give the

child a limited number of alternative responses such as, “Was the man’s hat you mentioned blue or green or another color or you can’t remember?” (p. 115). Wasley, an experienced child sex abuse prosecutor advised that closed questions in some circumstances may be admissible in court; however, if the response to such a question is related to a fact to be disputed, the question may be judged as leading or unduly suggestive and therefore inadmissible (R. Wasley JD, personal communication, April 3, 2007).

Regardless of what information the child offers, throughout the interview, the investigator must maintain a general attitude of interest in order to facilitate communication; however, responses from the investigator that indicate surprise, shock, alarm, pleasure or agreement with what is being said must be avoided (Berdie et al., 1992). Levin explained that an investigator’s behavior that depicts too much pleasure with a child’s response may encourage the child to offer similar type responses in an effort to receive additional positive reinforcement, even if the information is erroneous. (L. A. Levin MSW, personal communication, February 29, 2007).

#### *Demonstrative Aids: Anatomical Drawings and Dolls*

Groth (1990) explained that, in many cases, the child’s vocabulary for sexual parts of the human body may be so idiosyncratic or indistinct that the investigator may not understand the child. Additionally, many children are too shy to make verbal disclosures of sexual abuse. Mapes (1995) reported that, in certain situations, demonstrative aids may be required in order to elicit relevant information from a child. However, once aids are introduced, the interview technique may become more susceptible to credibility

attacks. If possible, in an effort to mitigate credibility attacks, the descriptive aids should be introduced after a child has made a disclosure of abuse (Lamb & Poole, 1998).

### *Anatomical Drawings*

Goth (1990) explained that, in general, anatomical drawings incorporate the front and back anatomical views of Anglo and African American males and females at five chronological stages of development: (a) pre-school, (b) preadolescence, (c) adolescence, (d) adulthood, and (e) elderly. The investigator can introduce the drawings through a statement such as, "I am going to show you some drawings of persons who are undressed. I would like you to look through them and pick out the one that most resembles (or looks like) you" (p. 1). Goth added that the investigator should then instruct the child to pick out a drawing that most resembles the suspect. The drawings are then used to clarify the child's terminology. For example, if the child previously stated that the suspect, "kissed my privates," the investigator should ask the child, "Could you please draw a circle around what you mean by your privates" (p. 1). Levin explained that anatomical drawings used in the manner described above are considered by the courts to be non leading and, generally have been accepted as evidence in criminal prosecutions throughout the Denver Metro area. As a result, staffs of the Denver Metro area social service agencies employ anatomical drawings more frequently than any other forensic interviewing aid (L. A Levin MSW, personal communication, April 4, 2007).

### *Anatomical Dolls*

Spaulding (1987) explained that anatomical dolls can be either male or female and are designed with all body parts to include genitals, oral, and anal openings. Such dolls

allow the child to offer a graphical depiction of abuse. Morgan (1995) added that the dolls are designed to be a basic representation of the human body. With the assistance of anatomical dolls, a child can demonstrate any form of sexual abuse to include anal sodomy. Weaver et al. (2004) cited Deloache (1995) Lamb et al. (1996) and Pipe, Salmon, and Priestly (2002) who reported that children between 2 and 4 years of age most likely will not have the cognitive skills to understand the representational purpose of the dolls. As a result, the quality of information from young children is not improved with the use of dolls.

The use of anatomical dolls has resulted in many court and scientific challenges; the main opposition argument is that the explicit sexual anatomies of the dolls are suggestive of sexual activity to a child (Morgan, 1995). However, most of the research on the reactions of non abused children to the anatomical dolls indicated that the dolls do not elicit sexual activity in the doll play of children with limited sexual knowledge (Faller, 1996). In an effort to help avoid the perception of contamination, it is recommended that dolls not be used in the rapport development stages of the interview (Morgan). Mapes (1995) explained that if he or she should elect to use anatomical dolls, the investigator must ensure that the dolls have anatomical parts that are proportional. Further, the dolls should be dressed when initially offered to the child.

Morgan (1995) explained that prior to presentation of the dolls to a child, the investigator should explain to the child that the dolls are different than other dolls because they have additional body parts just like real people. Levin added that the current practice is to present a child with a family of male and female dolls that are diverse in: (a) ages, (b) size, (c) ethnicity, and (d) sexual development. The diversity of

dolls helps to prevent the perception that the interviewer led the child, particularly, if later in the interview, the child selected a specific doll to depict sexual abuse (L. A. Levin MSW, personal communication, February 29, 2007).

After the child has been presented with the dolls, he or she should be allowed an opportunity to explore and ask questions about them (Morgan, 1995). The investigator should closely monitor what the child does and says. If the child depicts sexual activity while engaged in an examination of the dolls, such as penile insertion into a body cavity, this does not necessarily indicate he or she is a victim of sexual abuse (L. A. Levin, personal communication, March 3, 2007). However, explicit sexual behavior is more typical with children who are sexually abused than non abused children (August & Forman, 1989; Cohn, 1991; Jampole & Weber, 1987; White et al., 1992 cited in Shaw, 1997).

Levin explained that, when the investigator resumes the interview, he or she should abstain from statements to the child that involve words such as *play*, *pretend*, or *make believe*. Such language may encourage the child to consider the dolls as toys or objects for fantasy. The investigator should provide the child with a clear admonition that the dolls are used only to help talk about and show events that really happened (L. A. Levin MSW, personal communication, March 3, 2007).

Morgan (1995) explained that if or when the child identifies the possible offender, the investigator should instruct the child to, "Pick a doll to be Uncle Bob (or whoever the possible offender may be) and pick a doll to be you" (p. 44). The investigator then should instruct the child to, "Show me what happened" (p. 44). Any remaining follow-up questions should remain open-ended throughout the interview.

### *Closing the Interview*

Mapes (1995) explained that, regardless of what information the interview produced or failed to produce, there is a probability the investigator will need to re-interview the child at a later date. Therefore, the last 10 minutes of the interview should be devoted to a discussion of topics that interest the child. Specifically, the investigator may want to ask the child if he or she would return for a second interview that will include a discussion of a topic that is of interest to the child. Finally, the investigator should not make any promises to the child or offer any type of reward for his or her continued cooperation, for such an offer may cause the child to embellish future statements in order to obtain additional rewards.

### *Corroborative Evidence*

Evidence that corroborates or refutes an allegation of child sex abuse may come at any time through the investigative process and be in various forms (American Prosecutor Research Institute, 2004). An investigator should pursue areas that may offer evidence to support or refute a sex abuse allegation and include: (a) behavioral symptoms of the victim, (b) additional witnesses, (c) forensic medical evidence, and (d) physical evidence (Lanning, 2001).

### *Victim Behavioral Symptoms*

Burgess and Grant (1988) explained that most children will have some type of observable psychological response to sexual abuse due to the fact that, often, the child will employ psychological defenses that help him or her to persevere while being victimized. Frequently, these psychological defenses may become maladaptive in other



areas of life. Mapes (1995) disagreed with this assertion and explained that many children may not express negative feelings about the alleged perpetrator or their sexual abuse. Further, not all acts of abuse upset or are physically painful for the child. Many younger children are deficient in the understanding and moral structure necessary to appreciate the inappropriateness of a sexually abusive act. Members of the Institute for Psychological Therapies (2006) explained, "Using behavioral indicators to assess sexual abuse may result in a mistake in either direction" (p. 1). The consensus expert opinion is that no one behavior of a child is an indication that he or she is a victim of sex abuse (Besharov, 1990). However, Lanning (2001) explained that developmentally unusual sexual knowledge and behavior appears more consistently among sexually abused children than non abused children. The staff of the American Prosecutors Research Institute (2004) stated, "When young children verbalize or act out adult forms of sexuality, ask others to perform sexual acts, or use [adult] sexual talk, they are demonstrating developmentally unexpected sexual behavior and knowledge" (p. 66). The investigator's documentation of the child's developmentally inappropriate sexual behavior may further corroborate the alleged child sex abuse (Lanning).

#### *Additional Witnesses*

Potential powerful corroborative evidence includes statements provided by witnesses in whom the alleged victim made his or her initial disclosures of sexual abuse (Booker et al., 2005). These individuals are known as *outcry* witnesses (L. A. Levin MSW, personal communication, April 4, 2007). Under current legal precedence, outcry witnesses may be allowed to testify in regard to the child's statements made to the witness (R. Wasley JD, personal communication, April 4, 2007). Therefore, it is

imperative that all potential outcry witnesses be thoroughly interviewed, and those interviews must be adequately documented (Booker et al.; Lanning, 2001). Further, in an effort to determine if the child has had any behavioral changes subsequent to the disclosure of sexual abuse, investigators should conduct interviews with individuals close to the child such as teachers, day care providers, non offending parents, and others (American Prosecutors Research Institute, 2004).

Also, Haney and McDonald (1992) explained that individuals close to the alleged offender may provide information about his or her behavioral patterns that may corroborate the statement of the child. Additionally, individuals close to the alleged offender may also be able to provide related information such as his or her possession of child pornography or child erotica (e.g., discussed below in the offender typology section).

#### *Medical Evidence*

Staff of the American Prosecutors Research Institute (2004) explained that medical evidence can provide extremely powerful corroboration of an allegation of child sex abuse. Specific examples of corroborative medical evidence on the child include but are not limited to: (a) Sexually transmitted disease (STD), (b) forensic evidence of sperm or semen on the child which is connected to the offender, and (c) certain types of tissue damage. Even in cases that involve a notable time delay between the alleged abuse and the report of abuse, if the sexual assault involved penetration, scar tissue indicative of sexual penetration may be present.

Townsend (2006) explained that over the last 2 decades Sex Assault Nurse Examiner (SANE) programs have been implemented throughout the U.S. as part of the

effort to better address the needs of sex assault victims. Stevens (2004 as cited in Burke, 2006) explained that the duties of SANE staff include: (a) impartial documentation of the victim's health history, (b) documentation of the crime, (c) evaluation and assessment of the victim's injury, (d) tests for STDs, (e) collection and preservation of forensic evidence, and (f) aid to the victim.

Jordan (1996) explained that whenever there is a possibility of forensic medical evidence, law enforcement should have a SANE examination completed on the child. Further, if forensic evidence, such as semen is collected, tests for DNA comparison with the suspect will likely be appropriate.

Staff of the American Prosecutors Research Institute (2004) reported that most medical forensic examinations will be inconclusive; however, absence of forensic evidence does not necessarily mean sexual abuse did not occur. The most significant reason for lack of forensic evidence is due to the time delay between the sexual abuse and the medical examination. However, a trained SANE examiner can testify as to the reason for a lack of forensic medical evidence and that lack of evidence does not necessarily indicate that sexual abuse did not occur.

### *Physical Evidence*

Lanning (2001) explained that physical evidence that corroborates an allegation of child sex abuse may be present in many and various forms. Physical evidence can be any item that helps to substantiate what a child: (a) said, (b) saw, (c) heard, (d) did, (e) tasted, (f) smelled, (g) drew, or (h) had done to him or her. Physical evidence may prove the offender's identity along with type and location of the sexual abuse. Additionally, physical evidence may include such items such as: (a) sheets, (b) clothing, (c) sexual

devices, (d) fingerprints, (e) photographs, (f) diaries, (g) pornography, and (h) child erotica (e.g., discussed below in offender typologies).

Wasley explained that investigators should attempt to collect and preserve any and all physical evidence that corroborates the allegation of sex abuse. In many instances physical evidence may be located within the alleged perpetrator's residence or other area that he or she has a legal expectation of privacy. Therefore, the investigator may be required to obtain a search warrant in order to search and seize the evidence (e.g., see search warrant section). In these circumstances, the investigator must evaluate whether probable cause exists in which to obtain a search warrant. If probable cause does exist, the investigator should seriously consider the use of a search warrant (R. Wasely JD, personal communication, April 4, 2007).

### Offender Typologies

Lanning (2001) explained that almost all preferential child molesters collect child pornography. Therefore, possession of child pornography by an alleged perpetrator of child sex abuse, in and of itself, can be extremely powerful corroborative evidence of the offense. Often, their collections are located in areas in which the perpetrator has a legal expectation of privacy. Goldstein (1999) explained that, in most instances, in order to conduct a search of the alleged perpetrator's property for child pornography, the investigator must first obtain a search warrant which is supported by a written probable cause affidavit from the investigator. In order to develop probable cause, the investigator must be able to articulate in the affidavit that the offender is a preferential child molester and, therefore, is most likely in possession of child pornography. In order for the investigator to articulate the offender is a preferential child molester, he or she

must have *expert* knowledge of child molester's behavioral characteristics (Goldstein, 1999; Lanning).

### *Pedophiles*

Meyer (2006) explained that the literal definition of pedophilia means “love of children” (p. 133). A pedophiliac is one who consistently seeks out sexual experiences with children. The sexual urges of a pedophile are intense and constantly reoccur (APA DSM-IV-TR, 2000). Meyer added that predominantly pedophiles are middle age men who molest boys more often than girls. However, typically, a molestation pattern normally starts around 15 years of age and the victims are acquainted with the offender. Most pedophiles, over his lifetime, will engage in other sexually deviant acts such as: (a) exhibitionism, (b) voyeurism, and (c) rape.

### *Child Molesters*

Lanning (2001) explained that not all pedophiles molest children and not all child molesters are pedophiles. Some pedophiles are able to satisfy their sexual desires through fantasy, which typically includes child pornography, while engaged in masturbation. Whereas some child molester may not necessarily have a sexual preference for children, however, due to situational and psychological factors may engage in sexual activity with children (Holmes & Holmes, 2002; Jordan, 1996). Child molesters can be: (a) heterosexual, (b) homosexual, or (c) bisexual (Murray, 2000).

Haney and McDonald (1990) cited Dr. Dietz (1983), a noted researcher in the field of deviant sexual behavior, who classified child molesters into two groups: (a) situational, and (b) preferential. Lanning (2001), a former FBI agent with the Behavioral

Science Unit (BSU), expanded on the Dietz typology for the purpose of law enforcement investigations. Lanning maintained the same broad situational and preferential typology classifications; however, he placed the sexual behaviors on a continuum. Lanning explained,

This newer typology places all sex offenders, not just child molesters, along a motivational continuum (Situational to Preferential) instead of into one of two categories. It is a continuum, not one or the other. The patterns are not necessarily mutually exclusive. Because an offender is motivated predominately by deviant sexual needs, does not mean he cannot also be motivated by some nonsexual needs. Offenders can demonstrate both situational and preferential motives and behavior patterns, but with usually one more dominant. Offenders must be placed along the continuum based on the totality of known facts. (p. 22)

#### *Situational Child Molesters*

Situational child molesters do not necessarily have a true sexual preference for children; however, they molest children for various social and psychological reasons (Holmes & Holmes, 2002; Jordan, 1996; Lanning, 2001). Usually, the situational child molester perpetrates his or her first offense in adulthood (Hudson, Loudon, Marshal & Ward, 1995 as cited in Hudson, 1997) and, generally they have a limited number of victims (Lanning). The elderly and physically and mentally handicapped, along with others, who cannot protect themselves, may fall victim to this type of molester (Holmes & Holmes; Jordan; Lanning). Individuals of lower socioeconomic status make up a greater statistical percentage of situational molesters than all other socioeconomic groups (Federal Judicial Center, 2003). Situational offenders are more likely than preferential offenders to recognize their sexual thoughts as deviant (Hudson). There are four subcategories of situational child molesters: (a) regressed, (b) sexually indiscriminate, (c) morally indiscriminate, and (d) naïve.

*Regressed situational.* Often, regressed child molesters are married and have children (Holmes & Holmes, 2002; Jordan, 1996, Lanning, 2001). They experience some event in their life that has caused a loss in self-esteem, such as a break-up in marriage or loss of a job. As a result, they may lose confidence with their adult relationships and become more comfortable with children where their status remains intact. In time, the regressed child molester will turn to children as sex partners in preference to peer sex partners. Usually they obtain victims through coercion and most often prefer female children. Regressed child molesters may collect child pornography or adult pornography (Holmes & Holmes; Jordan; Lanning). Often, their collection of child pornography is limited to sexually explicit depictions of their victims (Goldstein, 1999).

*Sexually indiscriminate situational.* Sexually indiscriminate child molesters engage in all manner of sexual behaviors from wife swapping to bondage (Lanning, 2001). Sexually indiscriminate offenders do not necessarily prefer children as sexual partners over adults; however, they molest children because children are readily available and satisfy the offenders' need for excitement or sexual experimentation (Goldstein, 1999). Sexually indiscriminate molesters are likely to collect child pornography along with a broad collection of other types of pornography. Typically, they are from a higher socioeconomic background and molest the largest number of victims within the situational subclassification (Holmes & Holmes, 2002; Jordan, 1996; Lanning,). Lanning classified these types of child molesters in the preferential typology as *diverse preferential* child molesters, due to their obsessive paraphilic behaviors.

*Morally indiscriminate (psychopath) situational.* Often, morally indiscriminate child molesters perpetrate the most violent child sexual assaults within the situational classification (Holmes & Holmes, 2002). Goldstein (1999) explained that these individuals display psychopathological tendencies in all aspects of their life, including sex. “He is the type of individual who takes advantage of and abuses the people he is married to, those he works with and those whom he considers his ‘friends’” (p. 94). In essence, the morally indiscriminate offender molests children because he can (Holmes & Holmes; Jordan, 1996; Lanning, 2001). Often, this type of offender will collect adult pornography that depicts acts of sadomasochism and bondage along with detective magazines (Goldstein).

*Naïve or inadequate situational.* Naïve or inadequate child molesters have some type of mental disability such as psychosis, mental retardation, senility or other eccentric personality disorders that prohibits them from being able to distinguish between right and wrong (Goldstein, 1999; Jordan, 1996). Often, as adults they live with family and are viewed in the community as social misfits; the weirdo in the neighborhood (Goldstein). Typically, they use children for sexual experimentation; however, the experimentation is usually limited to kissing, licking, touching, and the like rather than vaginal or anal intercourse. Normally, naïve child molesters obtain victims through exploitation of their size advantage. They do not have a gender preference and are likely to collect child pornography (Holmes & Holmes, 2002; Jordan; Lanning, 2001).



*Preferential Child Molesters*

Goldstein (1999) explained that the clinical definition for preferential child molester is pedophile. Pedophiles prefer children as sex partners over peer sex partners (Holmes & Holmes, 2002; Jordan, 1996, Lanning, 2001). Pedophiles experience intense and uncontrollable sexual fantasies and sexual urges that involve children (APA DSM-IV-TR, 2000). Typically, pedophiles have a gender and age preference (Holmes & Holmes, 2002). The majority of pedophiles have a sexual preference for male children over female children (Meyer, 2006). Pedophiles who molest boys average 231 victims over the course of a lifetime in contrast to pedophiles who molest girls average 23 victims over a lifetime (McCay, 1997). Statistically, there appear to be more situational child molesters; however, individually, preferential child molesters tend to molest a larger number of children and tend to be from higher socioeconomic groups (Federal Judicial Center, 2003).

Almost all pedophiles, in order to enhance their sexual fantasies, maintain a collection of child pornography and related paraphernalia referred to as child erotica (Lanning, 2001). Related paraphernalia includes but is not limited to: (a) diaries that detail fantasies and/or sexual activity with children, (b) scrapbooks of activities with children, (c) mementos such as children's underwear, (d) children's clothing catalogues, and (e) numerous psychological texts on child development (Goldstein, 1999). Pedophiles who possess adult pornography most often present the images to their potential victims as part of the seduction process (Kreston, 1999). Unlike most situational child molesters, preferential child molesters do not believe their sexual thought patterns are deviant (Hudson, 1997).

Goldstein (1999) explained that those pedophiles who marry often seek out female partners that are either very dominant or passive and have little need or desire for sexual intimacy with their marriage partner. Other pedophiles who marry may have their spouses dress and act like young girls while engaged in sexual activity. Additionally, some pedophiles marry adult women with children in an effort to obtain access to the children; others marry in order to reproduce their own children, with whom, eventually, they intend to molest.

Most pedophiles have limited peer relationships (Lanning, 2001), yet are very adept at engaging children (van Dam, 2001). However, many pedophiles hone their social skills and develop relationships with peers in order to have access to their children (van Dam). Pedophiles come from all walks of life (McCay, 1997); however, often, they seek out occupations such as teacher, social worker, or coach in order to have access to children (L. A. Levin MSW, personal communication, April 7, 2007).

Goldstein (1999) explained that, for investigative purposes, a preferential child molester's behavioral patterns can be predicted with a high degree of accuracy due to their compulsive and uncontrollable sexual fantasies and sexual urges that involve children. For many, the compulsion is so great that they will offend even in situations where the risk of detection is high.

Lanning (2001) listed numerous behavioral characteristics that independently may not indicate an individual is a pedophile; however, in combination, they are important:

1. limited social contact as a teenager;
2. premature separation from military;
3. frequent and unexpected moves;

4. prior reports or arrests for sex crimes specifically involving children;
5. excessive interest in children;
6. associates and friends are young;
7. limited peer relationships;
8. never married, older than 25 and lives with parents;
9. limited dating relationships;
10. if married, non-sexual relationship with wife;
11. refers to children as *pure* or *clean*;
12. continual photographing of children;
13. shows sexually explicit pictures to children; and
14. youth oriented decorations in house or room.

Doren (2002) explained that the most notable behavioral factor that would indicate an individual suffers from pedophilic sexual arousal is if the individual has had previous sexual contact on two separate occasions with different male children or previous sexual contact on three separate occasions with three different children of any gender. Gardner (1993) added that, “A man who has a large collection of child pornographic materials may not satisfy many other criteria, but the evidence for pedophilia is still very compelling when this criterion is satisfied” (p. 2). There are three sub-categories of preferential child molesters: (a) sadistic, (b) seductive, and (c) introverted.

*Sadistic preferential.* Sadistic preferential child molesters equate pain with eroticism, and they molest children with the intent to cause pain and harm to the child (Lanning, 2001). A sadistic offender’s sexual arousal is heightened by the child’s

reaction to the pain and torture (Goldstein, 1999). Sadistic child molesters prefer male children; however, they will molest female children on occasion. Often, sadistic child molesters abduct children from playgrounds, schools, shopping centers or seduce child victims in person or through the Internet. Sadistic child molesters brutally assault their victims; often, they cut the penis off male children and insert the same into the victim's mouth or anus. Sadistic molesters are: (a) transient, especially after an attack, (b) likely to collect child pornography (Holmes & Holmes, 2002; Jordan, 1996; Lanning), and (c) maintain a dairy, scrapbook, or other memorabilia of their sexual activities (Goldstein). Of all the offenders, the sadistic offender is the most likely to kill their victims (Goldstein).

*Seductive (fixated) preferential.* Goldstein (1999) explained that seductive preferential molesters do not want to harm any child; they consider their emotions and behaviors as a love for children. The seductive child molester can interact with a group of children and identify his victim within a very short period of time.

Lanning (2001) explained that seductive child molesters seduce or court their victims; often, they buy gifts, flowers, toys, or loan them money. As they become more intimate with the child, the seductive molester commences with sexual innuendos and, eventually, sexual pornography and paraphernalia are interjected into the relationship. Seductive molesters are almost always homosexual and prefer boys. Usually, they are single, viewed as immature, and have difficulty in interaction with other adults. Seductive molesters operate on a referral network with other fixated child molesters and are likely to surf the Internet to look for stimulation and potential victims. Most seductive molesters have an assemblage of victims in various stages of seduction.

Seductive molesters go wherever a good pool of potential victims can be found; often, they relocate when the local pool of potential victims becomes limited or as a result of legal or community pressure. Oral sex is the standard for seductive molesters; however, anal sex occurs in cases where a strong relationship has been developed. Seductive molesters are likely to collect child pornography (Holmes & Holmes, 2002; Jordan, 1996, Lanning, 2001), and maintain a diary, scrapbook or other memorabilia of their sexual activities (Goldstein). One of the most consistent characteristic of a seductive preferential child molester is the inordinate amount of time they spend with children, to the exclusion of their own peer group (Goldstein).

*Introverted preferential.* Introverted preferential child molesters are similar to naïve situational child molester with the exception that the introverted child molester has a more definitive sexual preference for children (Goldstein, 1999). Similar to the naïve situational child molester, the introverted preferential child molester does not have the communicative or interpersonal skills with which to seduce a child. The introvert will loiter around play grounds, shopping malls, and the like in an effort to engage children in brief sexual encounters, or they may expose themselves to children. Introverted child molesters are likely to collect child pornography (Lanning, 2001) and maintain a diary or scrapbook or other memorabilia of their sexual activities (Goldstein).

### Suspect Interrogations

Buckley, Inbau, Jayne, and Reid (2001) explained that an interview is an attempt on the part of an investigator to gather information from a witness. Conversely, an interrogation is accusatory in nature and an attempt by the investigator to obtain

admissions of guilt from a suspect. Often, a successful interrogation is the difference between a successful and failed investigation (McLlwaine, 1994). Hess (1997) explained that terminology and fine nuances may vary between the various interrogation techniques; however, most are fundamentally similar.

Vessel (1998) reported that, in general, and if possible, an investigator should become knowledgeable about the case facts and the offender's background prior to the interrogation. Additionally, the setting and location of the interrogation are of great importance. Buckley et al. (2001) added that the investigator's attire and demeanor have a psychological impact on the suspect and, therefore, are of great importance. McLlwaine (1994) explained that the interrogation of a suspected child molester should follow the same general principles as all other interrogations; however, the investigator should make every attempt, prior to the interrogation, to identify the suspect as either a situational or preferential child molester and develop themes that would be applicable to the specific type of offender (i.e., see theme development section below).

#### *Knowledge of Case Facts and Suspect's Background*

Vessel (1998) explained that, often, if the investigator can detail the facts of the crime to the suspect, the suspect may be more open to confession. However, the investigator must be cautious when such a strategy is employed. If the investigator presents incorrect information, the suspect may be emboldened to deny the allegation, in the belief that the investigator cannot prove same. Further, when investigators are familiar with the suspect's life goals, needs and current conflicts, the investigator can use this information to persuade the suspect that a confession is in his or her best interest.

### *Setting and Location of Interrogation*

Vessel (1998) noted that interrogations should be conducted in rooms where the investigator has complete control of the environment and privacy is assured. Further, the room should be free from distractions such as: (a) telephones, (b) clocks, and (c) intercoms. According to Wicklander and Zulwalski (1993), the room should be arranged so that the investigator and suspect are seated approximately 5 feet apart in chairs that face each, other with no impediments between the chairs, such as a desk. The above arrangement requires the suspect to address the investigator's questions without distractions and, further, allows the investigator to concentrate on the suspect's verbal responses and nonverbal behaviors.

### *Investigator's Attire and Demeanor*

According to Hall and Knapp (2002), when judged by other people, individuals dressed in professional business attire typically appear more knowledgeable and confident in comparison to individuals dressed in informal attire. Therefore, Buckley et al. (2001) reported that, when in contact with the suspect, in an effort to present as knowledgeable and confident, an investigator should dress in business attire. Further, in an effort to help limit the suspect's thoughts of incarceration, and thus limit their potential admissions, the investigator should conceal his or her firearm, badge, handcuffs, and other paraphernalia typically associated with the police profession. McIlwaine (1994) added that investigators should refrain from remarks that demean the suspect or that are emotional and may conjure up images of incarceration. Examples would include words or phrases such "molested," "burglary," and "theft," which could be replaced with "touched," "entered without permission," and "took without permission." Moreover,

Buckley et al. explained that the investigator should remain pleasant yet professional with the suspect throughout the interrogation. The investigator/suspect relationship should be similar in nature to a formal doctor/patient relationship.

### *Nine Step Interrogation*

Typically, the actual interrogation involves a nine step process (Gordon, 2002). Buckley et al. (2001), Hess (1997), and Savino and Turvey (2005) identified the major steps of the actual interrogation.

1. Commence the interrogation with a firm statement as to the suspect's guilt such as, "Bob, our investigation has conclusively determined you touched Mary's vagina with your hands and inserted a vibrator in her vagina."
2. Do not present the suspect with the opportunity to deny the allegation. Always cut his or her denials short.
3. Develop themes for the suspect which offers psychological rationalizations as to why the crime occurred. Blame the victim or outside pressures if appropriate.
4. Minimize the severity of the crime. Let the suspect believe the crime is not of great importance.
5. Disarm the suspect's protests through agreement with the protest. For example, when a suspect states, "I would never hurt anyone, I am a Christian," the investigator may respond with, "I know you are a Christian, that is why we need to resolve this matter now."



6. Convince the suspect that confession is in his or her best interest through implication that a confession would indicate a desire on the suspect's part to resolve the matter.
7. Use compliments to build rapport with the suspect.
8. Watch for indications the suspect is ready to confess such as a slumped position in the chair with his or her head down.
9. Move in and obtain the confession through an offer of a good/bad option such as, "did you touch Mary on her vagina to make her feel good or to hurt her?"

In Summation, Hess (1997) explained that an interrogation begins with an accusation which is immediately followed by a sales pitch. The sales pitch should include: (a) development of themes, (b) placement of blame on someone or something else, and (c) minimization of the offense. Through the sales pitch process, the investigator must overcome the suspect's denials and protests and conclude with a confession option that is psychologically acceptable to the suspect.

Specifically, in regard to child sex abuse interrogations, Wasley explained that, if the investigator is unable to obtain a confession, every attempt should be made to elicit statements from the suspect that incriminate him or her. Even minor admissions such as: (a) an expressed "love" for children, (b) large collections of child photographs, (c) numerous child development texts, (d) excessive time spent at playgrounds, (e) limited peer relationships, and (f) etcetera. These minor admissions may help to corroborate a victim's statement and, further, may lead to search warrants of the suspect's properties

for additional corroborative evidence (R. Wasley, JD, personal communication, April 30, 2007).

### Search Warrants

Savino and Turvey (2005) explained that the U.S. Constitution, specifically the Fourth Amendment, was written, in part, to protect citizens from the government and its representatives against unreasonable searches and seizures by law enforcement officers. Therefore, in most circumstances, in order for law enforcement officers to enter in or onto a location in which the owner, resident, visitor, or other has a legal expectation of privacy, a search warrant must be obtained (R. Wasley JD, personal communication, April 6, 2007). A search warrant is a written order, supported by a written probable cause affidavit, which is reviewed and signed by an independent judge or magistrate. The order directs a police officer to search for whatever is described in the warrant and to bring the seized items to court (Goldstein, 1999). Savino and Turvey identified 5 exceptions to the search warrant requirement:

1. *Exigent circumstances* or emergency situation in which law enforcement must make entry to protect life or preserve property from destruction to include safeguarding evidence while a search warrant is secured.
2. *Consent* when a police official has a good faith belief that the individual who granted permission to search the property had the legal authority to authorize such a search.
3. The *plain view exception* which authorizes the seizure of evidence when such evidence is observed to be in plain view of the officer and the officer

has legal authority to be at the location from where he or she made the observation.

4. *Search incident to lawful arrest* to locate and seize weapons, protect the officers, inventory the arrestees' property, and prevent the destruction of evidence.
5. The *automobile exception* to seize and search an automobile when probable cause is present to believe evidence is within the vehicle, to include containers, due to the mobility of the vehicle.

In the state of Colorado, as dictated by Colorado State Statute 16-3-301 (2007a), in order to obtain a search warrant an investigator must be able to articulate in a written affidavit the probable cause in which to believe a particular item or items of evidence is one or a combination of the of the following: (a) is stolen or embezzled; (b) is designed or intended for use as a means of committing a criminal offense; (c) is or has been used as a means of committing a criminal offense; (d) is illegal to possess; (e) would be material evidence in a subsequent criminal prosecution; (f) is a person, property, or thing the seizure of which is expressly required, authorized, or permitted by statute of the State of Colorado; (g) is kept, stored, maintained, transported, sold, dispensed, or possessed in violation of a statute of the State of Colorado, under circumstances involving a serious threat to public or order, or public health; or (h) would be used to aid in the identification and location of a person(s) or corporation suspected of committing or having committed a criminal offense. Wasley explained that probable cause for a search warrant is generally defined as “what would lead a person of reasonable caution to believe that something

connected with a crime is on the premises of a person or on persons themselves” (R. Wasley JD, personal communication, April 6, 2007).

Staff of the American Prosecutor Research Institute (2004) reported that in many investigations, especially those that involve intrafamilial sex abuse that occur within the family residence, investigators fail to pursue evidence that may corroborate the allegation. The common misconception that investigators have is the belief that, since the alleged offender and victim reside in the same home, discovery of trace evidence such as pubic hairs that belong to the offender are to be expected. However, whenever there is a possibility to corroborate any portion of the victim’s statement, the residence should be processed in the same manner as any other crime scene. Although evidence obtained in a search of the residence may not provide hard evidence to a specific allegation, it may provide corroboration to a specific fact of the child’s allegation such as a unique type of undergarment the offender may have worn at the time of the offense. Additionally, Lanning (2001) explained that, often, when the alleged offender is identified as a pedophile, investigators may fail to pursue corroborative evidence such as offender’s possession of child pornography and related paraphernalia. Goldstein (1999) noted that, in most instances, both of the above examples would require a search warrant supported by a written affidavit. However, each case is unique. Typically, the former example would require a straight forward *totality of the circumstances* affidavit, and the latter example would require an *expert* affidavit in combinations with the totality of circumstances. Regardless of what type of search warrant is pursued, “because evidence can be moved, hidden, or destroyed so quickly, search warrants should be obtained as soon as legally possible” (Lanning, p. 119).

*Totality of Circumstances Affidavit*

Through the course of some investigations that involve an allegation of child sex abuse, an investigator will obtain probable cause to believe that an item connected to a particular crime is located within an area in which the offender has a legal expectation of privacy. An example of such a scenario would include a child's disclosure to an investigator that the offender, in the presence of the child, engaged in the act of masturbation. Further, the offender ejaculated on a towel and that the towel is located in the offender's basement. If the child's statement is: (a) credible, (b) supported by other evidence, and (c) provided to investigators within a reasonably short time of the offense, the investigator may have probable cause to believe the towel is still located within the basement. Therefore, an investigator may seek a search warrant in order to search the basement and seize the towel. The affidavit for the search warrant would include a straight forward account of all known facts (R. Wasley JD, personal communication, April 6, 2007).

*Expert Affidavits*

Often, investigations fail to develop probable cause to believe a specific piece of evidence related to the crime of child sex abuse exists in a particular location (Mapes, 1995). However, often, many of these same investigations reveal the possibility that items of evidence connected to a specific crime are located in a particular location, yet the evidence does not meet the probable cause threshold (Goldstein, 1999; Lanning, 2001). Such an example would include a preschool child who made a disclosure of sex abuse perpetrated by an adult neighbor inside the neighbor's residence, yet lacked specificity related to time and method of assault. In this immediate example, the child's

statement on its own would probably not provide probable cause to search the alleged offender's residence for evidence of the crime of child sex assault (R. Wasley JD, personal communication, April 7, 2007). However, in that same scenario, if the investigator developed probable cause to believe that the alleged offender is a pedophile, there is then probable cause to believe that he is in possession of child pornography and/or child erotica (Lanning). Lanning stated, "there is little behavioral doubt that probable cause to believe that a given individual is a preferential sex offender is, by itself, probable cause to believe that the individual collects pornography or paraphernalia related to his preferences" (p. 84). Although most often circumstantial in nature, an alleged offender's possession of child pornography and/or related paraphernalia is extremely powerful evidence in a prosecution of child sex abuse (R. Wasley JD, personal communication April 7, 2007). Therefore, in instances where a specific allegation(s) of child sex abuse have been made against an individual, and through the course of the investigation, probable cause is developed to believe the alleged offender is a pedophile, the investigator should consider the use of an expert search warrant to search the alleged offender's properties for child pornography and related paraphernalia (Goldstein, Lanning).

Lanning (2001) explained that these search warrants are controversial; due to the fact the investigator employs, at least in part, his or her expertise to develop probable cause based on psychological typologies, rather than sole reliance on the specific case facts. Therefore, the expert portions of the affidavit should be used only to: "(a) address legal staleness problems, (b) expand the nature and scope of the search for child pornography and related paraphernalia, and (c) add to the probable cause" (p. 84).

Goldstein (1999) explained that an investigator, who uses an expert affidavit, must begin the affidavit with a detailed account of all of his or her law enforcement experience, with a specific emphasis on child sex abuse investigations. Such experience should include: (a) total years of law enforcement service, (b) specific assignments, and (c) all related educational training. The investigator should then detail the known behavioral characteristics of pedophiles. However, due to the fact that *pedophile* is a clinical term, unless the investigator is a clinician, he or she should omit the term pedophile from the description. Goldstein provided an example paragraph in which to preface the behavioral characteristics portion of the affidavit.

As a result of your affiant's training and experience, I have learned that the following characteristics are, generally, found to exist in varying combinations and be true in case involving people who buy, produce, trade, or sell child pornography; who molest children and/or who are involved with child prostitutes. (p. 344)

However, Lanning (2001) and Spaulding (1987) explained that the term, preferential child molester, is an investigative typology and not a clinical definition. Therefore, investigators should consider use of the term *preferential child molester* in the written affidavit rather than generic terms such as *these people*. Regardless of what terminology is employed, Goldstein (1999), Lanning (2001), and Spaulding (1987) explained that the following behavioral and psychological characteristics of pedophiles should then be detailed in the affidavit, however, not necessarily in this order.

1. These individuals use children as sexual objects.
2. These individuals have obsessive sexual fantasies that involve children.
3. These individuals become sexually stimulated and receive sexual gratification from actual physical contact with children.

4. These individuals typically have a specific age and/or gender preference of children.
5. These individuals collect and maintain sexually explicit materials that depict children and store such materials in various media to include: (a) videos, (b) still photographs, (c) slides, (d) negatives, (e) DVDs, (f) CDs, (g) computer hard-drives, (h) laser disks, (i) zip drives, (j) floppy disks, (k) thumb drives, and (l) other media that can store magnetic coding or data. These individuals use such materials for the primary purpose of sexual arousal, enhancement and gratification.
6. These individuals collect and maintain sexually explicit materials that depict adults and store such materials in various media to include: (a) videos, (b) still photographs, (c) slides, (d) negatives, (e) DVDs, (f) CDs, (g) computer hard-drives, (h) laser disks, (i) zip drives, (j) thumb drives, (k) floppy disks, and (l) other media that can store magnetic coding or data. These individuals use the above sexually explicit materials to lower the inhibitions of children and/or as a demonstrative aid of sexual activity.
7. These individuals rarely destroy or dispose of their sexually explicit material and consider their materials as a prize possession.
8. These individuals correspond through various channels to include: (a) email, (b) mail, (c) real time computer video conferencing, (d) text and video messages, (e) telephone, and/or (f) meet with each other in person to share materials, information, victims and to obtain psychological support.



Also, these individuals maintain the names, numbers and related information of their adult associates.

9. These individuals gravitate toward professions and/or activities that involve children.
10. These individuals often photograph children they have contact with and maintain these photographs as prize possessions. The children may be in various states of dress and involved in various activities, not necessarily sexual activities. However, due to the fact a nude child is a tremendous sexual stimulant for these individuals, there is a high probability that, if they photographed a child in the nude, they also sexually molested the child in the immediate time proximity of the photograph. Often, these individuals use the explicit photographs as a means of blackmail over the children depicted in the photographs.
11. These individuals obtain and collect photographs of children from: (a) magazines, (b) clothing catalogues, (c) toy catalogues, and (d) etcetera and create scrapbook type collections with the pictures. Often, the pictures are of children in the age and gender preferences of these individuals.
12. These individuals often collect books, journals, articles and related material on the topic of human sexual activity to include child sexual activity. These materials are used as a sexual stimulant and/or as part of the seduction process with children and/or as a psychological rationalization for their own behavior.

13. These individuals collect and maintain sexual aids or sexual toys such as dildos and vibrators. Such items are used to arouse the curiosity of their selected child victims as well as to sexually stimulate the offender and child victim.
14. These individuals attempt to prevent detection; therefore, often, they own and operate their own photographic equipment rather than use an outside commercial source. Additionally, often, these individuals rent safe deposit boxes or storage facilities outside of their immediate residence in order to store their various child pornography and related child erotica. Further, the materials they store in electronic media computer files may be password protected and/or encrypted.
15. These individuals maintain detailed diaries of their sexual activities, fantasies, and related activities with children. Such diaries are handwritten and/or in various computer and electronic storage devices.
16. Often, these individuals maintain items that are typically of interest to children in their age and gender preference such as video games, toys, trains, children's videos, music videos and etcetera as an inducement to get children into their home.
17. Often, these individuals use drugs and/or alcohol as an inducement to get children into their home and as a means of seduction and to reduce sexual inhibitions.

18. Often, these individuals keep mementos of their specific relationships with children such as a child's undergarments or other items that are unique to the relationship

Wasley explained that the search warrant affidavit must specifically list each item or items that need to be searched for and seized if located. For example, if there is probable cause to believe that, inside the offender's residence, there is located a large blue towel which contains the ejaculate of the offender, and that towel is material evidence in the investigation, the investigator must detail the description of the towel in the affidavit (R. Wasley JD, personal communication, April 3, 2007). However, Davies, Hicks, and Klain (2001, as cited in Peters, n.d.) explained that, in general, the investigator should detail the following items for seizure in searches of child pornography.

1. Any correspondence that concerns either adult or child pornography including E-mails, internet chats, text messages and similar communications.
2. Telephone listings, address books, mailing lists, or other records of communications concerning adult or child pornography.
3. Books, magazines, photographs, slides, negatives, films, videotapes, and similar items of adult or child pornography.
4. Video and all other equipment used to view, duplicate, or produce obscene material or pornography.
5. Photographs, albums, or drawings of children whether clothed or unclothed.

6. Computer data including floppy diskettes, fixed hard drives, tapes, modems, laser disks, CDs, zip drives, thumb drives, and other media that can store magnetic coding or data including cell phones.
7. Computer hardware including computer components, computer peripherals, word-processing equipment, and other electronic devices.
8. Computer software including operating systems, application software, utility programs, and other programs used to communicate via telephone lines, radio, or other means of transmission
9. Instructional manuals including any written materials for operation of computer systems, computer software, or related devices.
10. Any keys or access mechanisms for safe-deposit boxes, storage units, or utility sheds.

### Chapter Summary

There are five investigative activities that a detective assigned to conduct child sex abuse allegations must consider and potentially employ in every investigation of child sex abuse. These investigative actions include: (a) forensic interviews of child victims, (b) collection of corroborative evidence, (c) analysis of offender characteristics and typologies, (d) suspect interrogations, and (e) search warrants to include expert search warrants.

In Chapter 5, the Discussion, an overall review of the project is presented. The review includes: (a) project limitations, (b) recommendations for future study, and (c) project summary.

## Chapter 5

### DISCUSSION

This manual was developed to aid police detectives who are assigned to conduct child sex abuse investigations. Specifically, this manual provides investigative direction for detectives in cases that involve pedophiles engaged in acquaintance molestation of children; with a strong investigative emphasis on the use of expert search warrants.

This project has benefited this author, who is the Chief Criminal Investigator with the District Attorney's Office of the 14th Judicial District, and his prosecutor colleagues who prosecute child sex abuse cases. This project has greatly improved this author's knowledge of the subject, which will be continually applied to future investigations. Upon final approval from the District Attorney, this manual will be disseminated to all detectives in all of the law enforcement agencies within the 14th Judicial District as a general guide for child sex abuse investigations.

#### Limitations of the Project

The collection of sources utilized for this project was extensive. However, substantive academic and investigative research related to child sex abuse investigations, specifically forensic interview techniques of children and offender typologies, have only been in existence since the 1970s. A notable portion of the research to date, especially in regard to offender typologies, is qualitative in nature. Much of the offender typology information is derived from: (a) psychosexual evaluations, (b) post conviction

interviews, and (c) case studies. Therefore, the validity of the information, in part, relies on the offender's veracity.

### Recommendations for Future Study

The author and detectives who employ the use this manual should consider a longitudinal study in which to statistically quantify the effectiveness of expert search warrants for corroborative evidence of child pornography and/or child erotica in cases that involve allegations of child sex abuse. The statistical information can be used as a basis for future revisions and augmentation of this text.

### Project Summary

Adult sexual activity with children has been part of the human experience since recorded history. There are no known studies that have been directly focused on the number of men who are preferentially attracted to boys. However, in imprecise studies that are generally related to the topic, there is an estimate, that between 500,000 and 10 million U.S. men, are sexually attracted to underage boys (Kramer, 2003). Based on the known pathological characteristics of pedophiles, specifically their intense and uncontrollable urges to have sexual relations with children (Goldstein, 1999), there is a strong probability that the practice of adult/child sexual relations will continue on a wide spread basis for the foreseeable future. Throughout the world, especially in modern Western society, adult sexual activity with children is not only morally prohibited but, also, it is a criminal violation. This manual provides detectives assigned to conduct investigations that involve allegations of child sex abuse with a general investigative guide. It is the author's hope that this project will stimulate detectives in the 14th

Judicial District to conduct thorough and comprehensive investigations and always consider the use of expert search warrants when applicable.

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