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Differences in child sexual abuse cases involving child versus adolescent complainants

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ABSTRACT

While adolescents report the highest rates of sexual abuse victimization, few studies have investigated how child sexual abuse (CSA) cases involving adolescent complainants may differ from cases involving child complainants. The current study draws on 3,430 allegations of CSA in Canada to compare abuse characteristics and judicial outcomes in cases involving adolescent complainants to cases involving child complainants. Adolescent complainants were more likely than child complainants to be abused by a stranger or a person with a community connection to the complainant, while children were more likely than adolescents to be abused by a parent or other relative. Furthermore, compared to child complainants, adolescent complainants were more frequently involved in the most intrusive offenses and their cases were more likely to involve violence. Both groups were most likely to disclose the abuse to a parent, though a greater proportion of children disclosed the abuse to a parent. There were no differences in the delay to disclosure. Accused were equally likely to plead “guilty” and to be convicted in cases involving child and adolescent complainants. However, offenders convicted of the most intrusive offenses received longer probation sentences when the complainant was a child than when the complainant was an adolescent. These findings have implications for ensuring appropriate support and services to adolescent victims of CSA.

1. Introduction

Adolescents report the highest rates of sexual abuse victimization than any other age group (Cotter & Beaupré, 2014; U.S. Department of Health and Human Services, 2013). According to research that examined changes in child sexual abuse (CSA) incidents from 1986 to 2012, the average age at which abuse began for victims has slowly been increasing across time (Connolly, Coburn, & Chong, 2017). While it is possible that this pattern is the result of decreased offending against younger victims, perhaps this pattern suggests increased targeting of adolescent victims. Further evidence of increased rates of adolescent victimization comes from Finkelhor, Shattuck, Turner, and Hamby’s (2014) national telephone survey of 2293 respondents. Finkelhor et al. (2014) found that females in particular are at an increased risk of being sexually abused in late adolescence, with lifetime prevalence rates increasing from 16.8% for 15-year-olds to 26.6% for 17-year-olds. Taken together, this research suggests that adolescents may be especially vulnerable to sexual abuse.

While adolescents appear to be particularly vulnerable to CSA victimization, relatively little research has studied how CSA cases involving adolescents (12–17 years of age) might differ from those involving younger children (under 12 years of age). In order to provide appropriate prevention and treatment services to victims of CSA, providers should understand the typical characteristics of

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these cases. However, the characteristics may differ among child and adolescent victims. In fact, of the little research that has investigated differences in real CSA cases involving child and adolescent victims, a few inherent differences have been discovered. For example, according to a Statistics Canada report, children were most likely to be victimized by a family member and adolescents were most likely to be victimized by an acquaintance or stranger (Cotter & Beaupré, 2014). Furthermore, although there is little data on disclosure patterns from adolescents, London, Bruck, Ceci, and Shuman (2005) have suggested that disclosure patterns may follow an inverted u-shape. That is, as children reach adolescence, they tend to disclose the abuse to parents and authorities less frequently. Some data also suggest that adolescent victims are more likely to disclose the abuse to a friend (Lamb & Edgar-Smith, 1994; Tang, 2002). Despite these apparent differences among child and adolescent victims of CSA, there is a dearth of adolescent-focused prevention and treatment services (Walsh, Zwi, Woolfenden, & Sholonsky, 2015).

Beyond differences in victim-perpetrator relationship and disclosure tendencies, there are several other abuse characteristics that may affect how a victim of CSA copes after the abuse and subsequently, the services they require. For example, research on CSA often considers several other relevant characteristics of abuse including the intrusiveness of the offense (Ullman, 2007), the duration of abuse (Lange et al., 1999), the frequency of abuse (Conte & Schuerman, 1987), and the presence of violence above and beyond that inherently associated with CSA (Burton, Miller, & Shill, 2002). These factors appear to contribute to a victim's perception of the abuse, as well as their experiences after the abuse. Therefore, it is essential to understand whether adolescents experience abuse that is systematically different from the experience of children.

Another factor that may affect how CSA victims cope with the abuse is the legal ramifications for the perpetrator (Garland & Dougher, 1990). Thus, another important issue to consider is how complainant age may affect judicial outcomes for alleged CSA perpetrators. A number of studies have demonstrated that as complainant age increases, sentence length for the perpetrator decreases (Faller, Birdsall, Vandervort, & Henry, 2006; Lewis, Klettke, & Day, 2014). For instance, Coburn, Chong, and Connolly (2017) investigated how different characteristics of an offense such as an accused's plea, offense intrusiveness, offense frequency, and age of the complainant affected the length of incarceration CSA perpetrators received in Canada. The results showed that for the most intrusive offenses (i.e., those that involved penile penetration), individuals who committed offenses against victims who were 12 and older when the abuse began received significantly shorter sentences than those who committed offenses against victims who were under the age of 12 when the abuse began.

These findings are not surprising within some U.S. jurisdictions, where the age of the victim in fact dictates the charges filed against a perpetrator, as well as the sentences they receive (see e.g., Cal. Penal Code § 264(c)(1), 2017; Md. Crim Law Code § 3-305(c), 2016). However, in Canada, sexual offenses against children are defined as those that “include any sexual offence where the victim is between 0 and 17 years of age” (Cotter & Beaupré, 2014). Despite the fact that perpetrating a crime against a person under 18 is considered an aggravating factor for sentencing in Canada (Section 718.2 (a)(ii.1) of the Canadian *Criminal Code*), there are no further distinctions that dictate the type of charges that may be filed, nor the sentencing guidelines, for a CSA perpetrator who victimized a child versus an adolescent. Thus, in Canada, one would not expect differences in sentencing outcomes for these two groups of complainants. Yet, differences in sentencing outcomes for CSA cases do appear to exist.

One potential explanation for this apparent sentencing disparity is that there are critical differences in the way children and adolescents are perceived as complainants. Some research suggests that adolescents may be perceived as “quasi-adults” (Back & Lips, 1998). Thus, despite the fact that adolescent complainants are meant to be treated in a similar manner as child complainants, people tend to perceive adolescents as being better able to understand sexual encounters (Maynard & Wiederman, 1997), able to consent to sexual activity (Finkelhor, 1984), and more able to defend themselves (Maynard & Wiederman, 1997). Furthermore, as with adult victims of sexual abuse, adolescents are often assigned greater responsibility or blame for abuse than children (Rogers & Davies, 2007; Waterman & Foss-Goodman, 1984). Yet, there are important developmental differences that distinguish adolescents from adults. Thus, adolescents may require many of the accommodations (e.g., testimonial supports) provided to children (Chong & Connolly, 2015).

Individuals may also interpret CSA cases involving adolescent victims as less abusive than cases involving child victims (Rogers, Josey, & Davies, 2007; Waterman & Foss-Goodman, 1984), and subsequently, may perceive an accused to be less responsible for abuse when it involves an adolescent (Maynard & Wiederman, 1997). If people assign less blame to an adult who engaged in sexual activity with an adolescent than they do to an adult who engaged in sexual activity with a child, legal outcomes (e.g., sentencing recommendations and verdict) for the perpetrator may be less serious in the former case. Indeed, research has demonstrated that perpetrators receive longer sentences for cases involving child complainants compared to those involving adolescent complainants (Faller et al., 2006; Lewis et al., 2014). Furthermore, although there are mixed findings, other studies have shown that mock jurors are more likely to convict alleged CSA offenders if the victim of the abuse is a child rather than an adolescent (Back & Lips, 1998; Isquith, Levine, & Scheiner, 1993). Overall, what little research there is on adolescent CSA victims suggests that adolescents may be particularly vulnerable as CSA victims given that they are more likely to be victimized than younger children, yet viewed as more capable of fending off potential predators and as being more responsible for the abuse.

2. The current study

While some research (i.e., Coburn et al., 2017) shows differences in sentencing outcomes based on victim age, relatively little research has investigated other differences that might exist in actual CSA cases involving child versus adolescent complainants. For instance, research often fails to examine how other variables related to the criminal proceedings (e.g., plea, verdict, length of probation) may differ for CSA cases involving adolescent and child victims, particularly in jurisdictions that do not differentiate child from adolescent victims of CSA. Even more remarkably, there is relatively little research examining how variables related to the

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