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CHILD SEXUAL ABUSE AND
EXPLOITATION PROSECUTION
SEMINAR

Thursday, June 10, 1993

SPEAKER: Janet Reno, U.S. Attorney General

Stouffer Hotel, Crystal City
2399 Jefferson Davis Highway
Arlington, Virginia 22202

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1 MS. MEISTER: It's wonderful to see you all
2 again. I just saw you two days ago and I understand
3 you've had a wonderful program for the last two days.

4 It's my honor, and I'm very, very pleased to be
5 able to introduce to you, our very special guest, who I
6 know you've all been anxiously awaiting.

7 Janet Reno needs no long introduction. I think
8 we're all very familiar with her in her very short tenure
9 of three months with the Department of Justice. However,
10 I would just like to tell you briefly a couple of things
11 that I know about her and that I've come to know about
12 her. And, mainly, that is her commitment to child victims
13 and child witnesses. And this is not new.

14 Her commitment goes way back, in her days, the
15 beginning of when she was prosecutor in Dade County. Her
16 commitment, in fact, in 1981 she implemented an innovative
17 victim-witness assistance program to provide services to
18 crime victims, including child victims.

19 And, at that time, the national movement was
20 just recognizing victims, and certainly children, as an
21 essential part of the criminal justice arena. She
22 spearheaded the establishment of the Children's Assessment
23 Center in 1985, assisting in the intake and forensic
24 assessment of child victims of sexual and physical abuse.

25 The Center was developed to reduce the

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1 duplication of interviews of child victims and to
2 facilitate interdisciplinary review of these cases, both
3 on a dependency and criminal prosecution level.

4 In 1984, Janet Reno's office prosecuted a case,
5 a sexual abuse case, involving over 30 children. The
6 prosecution involved in this case represented the first
7 time that a mass sexual abuse case involving pre-school
8 age children successfully took place in the United States.

9 The case has since become a model for many of
10 you, and for this nation's prosecutors, in the development
11 of evidence, use of experts and decisions in the trying of
12 mass sexual abuse cases.

13 These are just a few of the multitude of things
14 she has done to show her commitment for child victims and
15 child witnesses. We, at the Department of Justice, and I
16 know all of you, are very, very proud and honored to have
17 someone of her stature, her integrity, to provide the
18 leadership and the commitment to us and to have her at the
19 helm of the Justice Department as our chief law
20 enforcement officer.

21 Ladies and gentlemen, let's welcome Ms. Janet
22 Reno, Attorney General of the United States.

23 MS. RENO: Thank you very much. I'm delighted
24 to be here with you today. And it's been a while since
25 I -- it's a very strange feeling to be transported into

1 larger denominations from 900 to 95,000 and from just
2 prosecution to police prosecution, immigration and
3 prisons. And so it's nice to be back to specific issues
4 that I've dealt with for a long time.

5 I often tell grade schools, when I speak to
6 them, that I like to go to schools to talk with children
7 because I find that children ask me better questions than
8 anybody, including newspaper reporters.

9 (Laughter.)

10 As you listen to children, as you hear their
11 questions, what happens if you have twins and one commits
12 the crime and you arrest the other twin? What happens if
13 you find a man coming through your window and somebody
14 shoots?

15 They are incredible in terms of their
16 understanding of the issues, of their understanding of
17 values and the problems that people face. And I think
18 that is what everybody has got to understand as we address
19 the issues of children as victims, particularly in child
20 sex abuse cases.

21 I just say, flat out and unequivocally, children
22 can be witnesses. Some children don't tell the truth.
23 Some adults don't tell the truth. Some children are lousy
24 witnesses. A lot of adults are lousy witnesses. And I
25 think that, from my experience in Dade County, I came away

1 with a profound belief in children's ability to testify,
2 if you give them the environment, if you provide the
3 procedures and the process where they can feel at home and
4 unthreatened.

5 In many instances children, in the proper
6 context, can be better witnesses than anybody else.

7 The Country Walk case was the case where I
8 really began to focus on it and to understand it and to
9 understand just what we could do. I think the lessons
10 that I learned is that it is important for there to be as
11 thorough an investigation as possible, as soon as
12 possible, with investigators who understand child
13 development.

14 We're learning an awful lot more about child
15 development. The first three years are the most formative
16 time in a person's life. That's the time you learn the
17 concept of reward and punishment, the time you develop a
18 conscience.

19 Fifty percent of all learned human response is
20 learned in the first year of life. That is an incredible
21 fact. So if you realize that, if you get to the point of
22 a four-year old or five-year old, you have a person that
23 is on his or her way to understanding the problems that so
24 many of us face. But I think that it is important.

25 And I don't profess to be the expert, but I

1 became very impressed with people over the years who have
2 been able to tell me, when a child does a certain thing,
3 what it means, and what stage they're involved in in their
4 development, and that their response is consistent with
5 child development at that particular stage in life. And I
6 found that extraordinarily helpful.

7 The second, and this seems to me to be a truism,
8 is to have the capacity to have an appropriate examination
9 conducted. I think I may be spoiled, because we had a
10 wonderful rape treatment center in Dade County that
11 provided tremendous assistance in so many different
12 investigations that we conducted over the years.

13 But even then, it becomes important that people
14 at the rape treatment center be oriented towards children,
15 understanding children's problems and children's concerns.
16 And if any of the other jurisdictions of this nation are
17 like Miami's, I think most people will understand the need
18 for it, because we determined -- I served on the rape
19 treatment center advisory committee -- over 50 percent of
20 the patients seen at the rape treatment center in Dade
21 County, over the two or three-year period before I left,
22 were young people or children.

23 The next step is to realize something that I
24 think is important for us as we just deal with general
25 issues in America today. The best caregiver, the best

1 deliverer of social services, the best structure around
2 the child is, inevitably, the family.

3 And the more we can do to educate the family as
4 to how to handle the crisis following alleged sex abuse,
5 the better we are. The parent who knows what to do at
6 1:00 o'clock in the morning if the child wakes up in tears
7 or screaming from a nightmare, who can respond and who
8 doesn't get rattled themselves and who knows how to handle
9 it and how to address it and how to approach the child, is
10 going to be helpful to the prosecution in the case.

11 But more importantly, I think they're going to
12 help to let the child deal with the long-range problems
13 that the child faces. Our system for providing that
14 throughout this nation is probably imperfect.

15 Again, it used to break my heart when I saw the
16 number of cases coming into the rape treatment center and
17 knew that, in some instances, we would not be able to
18 respond as thoroughly, as completely and as supportively
19 as we might.

20 But an informed parent, a parent who understands
21 what to expect, a parent who is counseled along with the
22 child as to what to anticipate, can be extremely helpful
23 in terms of the ultimate prosecution of the case.

24 What we found in Dade County as we developed our
25 Children's Assessment Center with closed circuit T.V. and

1 one-way mirrors and a center decorated for children, was
2 that that made a tremendous difference.

3 We put it together first for the Country Walk
4 case, out of a shoestring, if you will. We found one
5 room. We converted it. It was too crowded, but it made
6 such a difference to the children in terms of feeling at
7 home, being able to testify. And I urge you to consider
8 that.

9 For those of you who prosecute other than child
10 sex abuse cases, I urge you to consider that for all child
11 victims. Because we discovered after we had success in
12 the Country Walk case, that when we involved the
13 Children's Assessment Center with other child victims, or
14 other child witnesses, the Center could be extremely
15 helpful in preparing that child to face the trauma of
16 testifying.

17 To give you an example: We had one case in
18 which two children, age three and four, had been witnesses
19 to a homicide. The prosecutor had pretty much discounted
20 their availability as witnesses, did not think that they
21 would really be competent.

22 I said, "Why don't you take them over to the
23 Children's Center and see what they think?"

24 The children relaxed, became at ease, started
25 talking. Their testimony was so consistent with so much

1 of what we were able to corroborate that we were able to
2 go forward with a much stronger case that resulted in a
3 plea.

4 The children didn't have to testify. And it
5 made a tremendous difference in the case. So, again, if
6 you approach it from the point of view that a child can
7 testify, if you create the environment in which they feel
8 at ease, you can make a significant difference.

9 As we expanded on the Center, we had people work
10 with us in terms of trying to design it. We at first
11 started, on a shoestring, with interviewers who had been
12 victims' advocates in the office. We tried to expand
13 their education.

14 One of them, as I was leaving, was more involved
15 in terms of higher education and some educational
16 opportunities. But it was, again, interesting to me to
17 see what could be done in terms of letting people
18 understand the different roles that we have in the system.
19 And I think that is so important.

20 You have a young police officer and a young
21 prosecutor. And those two can sometimes butt heads. The
22 prosecutor knows what they need from law school to put the
23 case together.

24 The police officer hasn't really yet testified
25 in court because often times there's been a plea. And he

1 just knows this person is guilty. And he just knows he
2 has enough evidence.

3 But you haven't gotten them to talk together.
4 You haven't trained them together. They haven't developed
5 the rapport so that they can teach each other. I think
6 that's true of everybody in the whole area of child sex
7 abuse.

8 The social worker, who is investigating it from
9 the point of view of a prospective dependency case,
10 doesn't know what the prosecutor needs. The burden of
11 proof is different.

12 They don't know what chain of custody is all
13 about or some of the legal issues involved in an
14 investigator's role. And I think it's imperative, as you
15 approach this whole effort, that you do everything
16 possible to make sure that the people who will be involved
17 in the investigation of child sex abuse cases know the
18 roles that each play, know the legal issues that are
19 involved.

20 I have seen some prosecutors, I fear, patronize
21 a social worker, saying, "Oh, that's a lawyer and they
22 don't know what it's all about." You can sit down with a
23 good social worker and spend time with them and talk to
24 them about burden of proof, talk to them about testimony,
25 talk to them about leading questions and do so much up

1 front to prepare the playing field for a proper
2 investigation.

3 At the same time, I realize that in many
4 jurisdictions, the players will change. People will be
5 rotated in and out of the child sex abuse unit, out of the
6 investigatory role, out of the prosecution role.

7 And I would just urge you, if you have any say
8 in it, to somehow or another, keep a stable base to the
9 unit, so that there can be a common denominator and a
10 common understanding that runs through the unit.

11 Every time we discover that prosecutors,
12 investigators or social workers were being changed or
13 rotated at the same time, that always meant trouble. What
14 has been most helpful to us is our weekly staffings that
15 we held at the Child Assessment Center.

16 We used it, not just for cases of child sex
17 abuse, but cases of any instance in which children had
18 been abused. And there we tried to balance all the
19 competing interests.

20 We saw so many instances of incest in which we
21 had to balance the interest of the family as a whole, the
22 wishes of the family, the wishes of the children involved.
23 And, so, what we tried to do was make an early
24 determination as to whether the evidence was sufficient
25 for a criminal prosecution.

1 If it was an intrafamilial situation, where
2 dependency was also at issue, we determined whether the
3 evidence was sufficient for a dependency effort. Our
4 decision to prosecute was made in consultation with the
5 police officers, with the social workers, with the
6 guardian ad litem, with trained personnel.

7 And where we had particularly difficult cases,
8 we tried to bring in outside experts who worked with us,
9 having come from either the rape treatment center or
10 Jackson Memorial Hospital and the University of Miami
11 Medical School.

12 Those staffings were invaluable to us in terms
13 of trying to gain a better understanding. And, again, if
14 all the players understood the roles that were to be
15 played and the legal burdens that were faced by each of
16 the components of these meetings, the better off it was.

17 We would look at it, if the evidence was just
18 barely sufficient, and the child was undergoing tremendous
19 strain and was under stress, and the experts told us that
20 they were really concerned about that child testifying, we
21 would try to work out a plea, but only after thorough
22 discussion.

23 If we had a strong case and the child was
24 obviously a strong witness who had strong support and
25 understood the dimensions of it, we might do something

1 else. If the child and her mother were devoted to the
2 father who had a drinking problem, and clearly was guilty
3 of incest, we'd try to work out an appropriate plea.

4 But the issue that I ran into most often as I
5 tried to deal with this problem was people saying, "I
6 don't want to prosecute because I don't want him to go to
7 jail."

8 I think it is imperative that we send out a
9 message to all concerned that we will work with everybody
10 to try to fashion the disposition in the case that fits
11 the crime, serves the best interest of the child and
12 serves the best interest of the community.

13 How we weigh that requires discussion, careful
14 thought and certainly an involvement of the victim and the
15 victim's parents.

16 What we found over the course of time, as we
17 investigated the cases as we worked through the Children's
18 Center, was that if a child got support early on, if
19 questions were answered early on, if there was intensive
20 short-term counseling, that we could do so much to avoid
21 the necessity for long-term counseling.

22 But long-term counseling sometimes was a
23 necessity, just because the whole circumstances of the
24 child's life had broken down around the child before it
25 ever happened.

1 You've had many experts with you in this
2 conference. Many of you know far more about the details
3 of prosecuting child sex abuse cases than I do. But the
4 thing that concerns me is the dramatic increase in child
5 sex abuse, the dramatic increase in child abuse, the
6 correlation between children who have been abused and who
7 become abusers themselves, the correlation that we're
8 seeing at the Department of Justice and statistics that
9 I've just reviewed between the child who was abused and
10 the child who becomes violent as a thirteen and a
11 fourteen-year old lashing out.

12 I would hope that we would join together. The
13 problem exists throughout America. It exists in upper
14 middle-class areas. And emergency rooms just kind of hush
15 it over, I fear, at times. It exists in areas where there
16 are large numbers of families at risk. It exists on
17 Indian reservations. It exists throughout this nation.

18 And all of us have got to join together to
19 develop a comprehensive effort that can protect our
20 children, that can reform our families around our
21 children, that can strengthen our families, that can give
22 people the wherewithal to do the job.

23 I see so many instances where we wait until a
24 crisis occurs. We have a mother struggling to make ends
25 meet. She's got a job. She's got three youngsters. One

1 of them has a temperature and is running a fever. She's
2 taken time off from work. She's losing it. She goes back
3 to work. She asks somebody to take care of the children
4 that she doesn't usually know. Something happens. The
5 child is abused. The child is sexually abused.

6 If we had provided some kind of intensive family
7 preservation program, if we had provided some full service
8 schools where families, single parents, can go when they
9 desperately need help, we can make such a significant
10 difference.

11 In the Department of Justice, as in the role I
12 played as State Attorney in Dade County, I think all of us
13 who prosecute these cases, all of us who investigate these
14 cases, are in a better position to see what led up to the
15 abuse, what led up to the neglect, then almost anybody
16 else.

17 And I think we have an opportunity and an
18 obligation to speak out in our community to help develop
19 programs, to work with the private sector, to work with
20 churches, to do everything we can to see that our children
21 are properly supervised during the times that they are
22 away from school, that our children are properly cared
23 for, that they have an opportunity to grow as strong,
24 constructive human beings.

25 I think it is one of the greatest challenges

1 that we face, but I think crime, drugs, youth violence, as
2 we see it, are all examples of a greater problem in
3 society, and that is that for too often in these past 30
4 years, America has forgotten and neglected its children.

5 And we are seeing the results as prosecutors.
6 We've got to speak out and make recommendations as to what
7 can be done in each one of our communities to prevent that
8 in the first place.

9 Thank you.

10 MS. MEISTER: Excuse me. The Attorney General
11 has said that she would be honored to take questions from
12 any of you, if you have any.

13 MS. RENO: Either about this or anything to do
14 with the Department of Justice that I can properly comment
15 on. I do suspect that your faculty knows a lot more about
16 the specifics of child abuse than I do, though, in terms
17 of prosecution.

18 AUDIENCE: I prosecute sexual abuse cases on a
19 reservation. And one of the frustrations I had in
20 charging sexual abuse is the limited flexibility we have
21 in pleading these cases out. And I'm wondering if there's
22 any possibility of there being a little bit more
23 flexibility.

24 MS. RENO: Wonderful question. You couldn't
25 hear the question? She prosecutes cases on the Indian

1 reservations. She wishes there was a little bit more
2 flexibility and discretion on her part to plead some of
3 these cases out. That's one of the things that we're
4 addressing.

5 If you have any questions about it, my number is
6 (202)514-2001. But I will get on that right away because
7 I think it is imperative. Again, as long as it's a
8 thoughtful and negotiated case, there are going to be so
9 many variables, including the strength of the evidence,
10 the desires, the circumstances, everything involved.

11 So I would like to move on that right away.
12 What we're trying to do, and I'm trying to convey this to
13 all the offices throughout the country, is we're trying to
14 choose U.S. attorneys.

15 And I am so impressed with the staff of the
16 Department of Justice. The lawyers in the Department of
17 Justice are incredible lawyers. I think the people of the
18 United States should be very proud. The way I try to run
19 my office at home is by developing guidelines so people
20 knew what my general policy was.

21 But to anticipate that, when we gave people the
22 power to send somebody away, we were giving them, and
23 investing in them, tremendous discretion. And that
24 discretion should go both ways. So this is something we
25 should address right away. And I will follow up on it.

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1 Thank you very much.

2 (Whereupon, at 2:30 p.m., the speech was
3 concluded.]

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